

## IMPORTANT

Official notice of proposed By-Law amendments appears on page 189. Due to paper shortage we will not this year separately mimeograph these proposals for mail distribution. **THIS IS OFFICIAL NOTICE.**

## CONVENTION PLANS

The Twentieth Annual NAB Convention is now only five weeks away. Plans for general sessions, group meetings, exhibits and promotional display are rapidly coming to a climax.

John Patt, WGAR, Chairman of the Housing Committee, reports that reservations for hotel accommodations are rolling in at a rapid pace. In fact all of the parlor and bedroom suites at the Statler Hotel have been absorbed and there are demands for yet more. He asks that broadcasters be advised that other hotels such as the Carter, Cleveland, and Hollenden, located conveniently to the Statler, have comparable suites to those at the Statler. In sending in requests for reservations, applicants are urged to indicate a second and third choice hotel if they desire suite accommodations. There are of course many comfortable bedroom accommodations yet available at the Statler.

M. F. "Chick" Allison, WLW, Chairman of the Promotional Display Committee has prepared a complete outline of the promotional display plans. There will be a total of 9 trophies awarded. A complete announcement of the plan will be mailed to all broadcasters early next week.

To facilitate registration a pre-registration blank will go out to all radio stations within the next few days. This will make possible the completion of registration merely by paying the registration fee upon arrival in Cleveland.

Every indication points to the fact that this Twentieth Annual Convention is going to be a highly interesting session. The main theme will be radio and the war with business and luncheon programs featuring men who have messages of deep interest to broadcasters. These program plans are progressing rapidly and an announcement of the tentative schedule will be made at an early date.

While the war theme will dominate, problems of direct importance to the various phases of broadcasting will not be forgotten. The Sales Managers Executive Committee is preparing a most interesting series of group meetings and their portion of the general session will be outstanding. Many other industry matters will be scheduled for discussion at breakfast roundtables and group meetings, to be held at other times. There will be features of direct interest to news men, program directors, and foreign language broadcasters, directors of women's activities as well as sales managers and engineers. Broadcasters interested in keeping abreast of developments can't afford to miss this 1942, Twentieth Annual Convention.

Perhaps a word of warning regarding hotel reservations is advisable. The Housing Committee gives priority to applications

from NAB members up to April 11 only. After that reservations are handled in the order of their receipt. To assure yourself accommodations of the type desired, get your reservations in early. Address communications directly to the hotel in which you want a reservation or better still to the NAB Housing Committee, 1604 Terminal Tower, Cleveland, Ohio.

## EXECUTIVE COMMITTEE

The NAB Executive Committee will meet Tuesday, April 7, at the Roosevelt Hotel, New York, to consider the Sanders bill and NAB convention plans. Hearings on the Sanders bill start April 14 before the House Interstate Commerce Committee.

## DISTRICT 2

Broadcasters of District 2 (New York and New Jersey) will meet at the Roosevelt Hotel, New York City, Friday, April 10, at 10 a. m. to elect a director and to consider matters of importance to the district and the industry. Clarence Wheeler, WHEC, is district director.

## DCB COMMITTEE IV

The Domestic Broadcasting Committee (Committee IV) of the Defense Communications Board will meet April 8 in Washington. Neville Miller is chairman.

## OFF MEETING

The OFF Station Advisory Committee and the Network-Advertising Council Radio Idea Committee will meet in Washington on April 9 to consider ways further to improve radio's cooperation with the war effort.

## PEABODY DINNER

A large turn-out of broadcasters and their friends is expected for the George Foster Peabody Radio Awards Dinner on the Starlight Roof of the Waldorf-Astoria, New York City, Friday evening, April 10. Tickets are available at the NAB at \$5 a plate. The dinner is sponsored by the New York Alumni Society of the University of Georgia.

## Sales

### To Get Fur Storage Business

How radio stations can develop more fur storage business this summer is suggested by Ken Marsh, commercial manager of WJHL, Johnson City, Tenn. He reports:

"We have sold a local department store a campaign on fur storage, whereby the department store solicits storage of furs and  
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NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NATIONAL 2080

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

Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Frank E. Pellegrin, *Director of Broadcast Advertising*; Paul F. Peter, *Director of Research*; Russel P. Place, *Counsel*; Lynne C. Smeby, *Director of Engineering*

## SALES

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in turn places the furs with some large storage company for handling.

"The Citizens Fur Service, Inc., of Buffalo, N. Y., will participate to the extent of 50 per cent of the radio advertising costs with any department store whose business they handle. I felt that this might be an item that would open up some business for other radio stations, particularly when the department store can get half of the cost back."

### Peanut Council Wants to Be Shown

Broadcasters who hold that "they won't buy it if you give it away" scored a point last week when it developed that the National Peanut Council, of Atlanta, Ga., reported here March 20 as seeking free time for peanut copy, has indicated that it will try to do its job on the basis of free radio publicity if possible, and if unsuccessful, will then consider an advertising appropriation.

As customary, the NAB Department of Broadcasting wrote the Council, outlining the industry attitude on such matters. John Outler, WSB, member of the NAB Sales Managers Executive Committee, followed up personally in Atlanta, and reports:

"The National Peanut Council, with headquarters here, is seeking ways and means to obtain publicity for their work—without the benefit of any advertising appropriation. They think they are doing a great work and, in the light of the present emergencies, they consider it a sacred trust to apprise the great American public of the calorific and dietetic advantages in eating peanuts.

"They had made contact with this station along these lines prior to the receipt of your letter and I had explained to Mr. Jester the circumstances and the probable attitude of the better stations throughout the country. On the strength of your letter, however, I made further contact with him and believe I got home the point that the results obtained from his method of circularizing the radio industry would not justify the postage, printing and handling of the copy. His present attitude, however, is that this is a point to be proved. So the inclusion of the information in NAB REPORTS is quite in order.

"The appropriation of any money for radio or other media will have to be made by the Council, and on the basis of information. Therefore, this looks like a continuing job and something may come of it. Certainly, we have an open-minded gentleman in Mr. Jester on whom to work."

These peanut scripts have been sent to program directors and conductors of women's programs. If radio stations will second the NAB's invitation to the Peanut Council to use radio advertising on the basis of established rates, an appropriation may be forthcoming.

## Radio Training Courses

During the week a considerable number of students enrolled in the radio technician training program have enlisted in the Army Enlisted Reserve Corps.

Under this enlistment procedure these men continue working at their present occupations until they have completed Part I and II of the 32-week radio course.

Most of those who have enlisted so far are 1-A selective service men; but others can be expected to see the advantages of serving in the fighting forces in such an important capacity as communications.

When all of the present classes have been canvassed for enlistment in the Reserve Corps, the Signal Corps will be ready for a campaign over broadcast stations to increase the numbers under training.

No assistance from the industry is required at this writing.

On April 2, Arthur Stringer, secretary, WAR Committee, was asked by the Chief Signal Officer to extend to each of the broadcasters concerned, his appreciation and thanks for their valued cooperation. He expressed his desire, also, that the coordinated efforts of all concerned may continue in the future. This letter will be sent all stations later in compliance with his request.

If knowledge of the Enlisted Reserve Corps has not yet sifted down to enlistment personnel in your area, advise 1-A students of these courses to enlist in Washington by writing immediately and directly to:

Chief Signal Officer  
Military Personnel Division  
U. S. Army Signal Corps  
Washington, D. C.

### Three Richmond Classes

Three radio technician training courses with a total attendance of 78 students are meeting regularly in Richmond, Va., according to C. T. Lucy, industry representative for the state and General Manager of WRVA. The education institution involved in these courses is the University of Richmond, of which George M. Modlin is ESMDT Director.

Two University of Richmond professors, Dr. C. L. Albright and Professor R. E. Alley, and W. R. Selden, Radio Station WRNL, Richmond, comprise the faculty.

### Rockford Has 3 Classes

Three radio technician training courses are in operation in Rockford, Ill., under the direction of H. C. Roundtree, Supervisor of Engineering Extension, University of Illinois.

Each class has 28 students. Two WROK engineers, Chief Thomas C. Cameron and Maurice Nelson, are teaching two of the classes.

### 531 Sou. Cal. Students

Professor R. W. Sorensen, California Institute of Technology, Pasadena, and Southern California Coordinator, ESMDT-NAB radio courses, reports that 531 students are already enrolled. Seven sections are held in Los Angeles, including one at CBS headquarters. Others are held in Glendale, Pasadena, San Bernardino and Whittier.

### Arkansas Courses Started

Radio technician training courses in Arkansas are in session in:

Conway	Fayetteville
Pine Bluff	Helena
Little Rock	El Dorado
Siloam Springs	

Additional courses are expected to begin within a few weeks in Jonesboro, Fort Smith, Little Rock and Siloam Springs. This latter course will be Part II of the technician training course of 32 weeks.

Among the instructors are the following radio engineers:

John L. Thompson, radio station KOTN; Harrison C. Mondy, radio station KLRA; Hugh Lineback, radio station KUOA; Jewell Warren, radio station KFFA; and Ewing Canaday, radio station KELD.

Other instructors are Dr. E. E. Cordrey, State Teachers College, Conway, and P. K. Hudson, University of Arkansas, Fayetteville.

## West Virginia Going Strong

State Coordinator R. P. Davis, Dean of Engineering, West Virginia University, Morgantown, reports that radio technician training courses are in progress in:

Beckley	Logan
Bluefield	Morgantown
Charleston	Parkersburg
Clarksburg	Welch
Fairmont	Wheeling
Huntington	Montgomery

Total enrollment for these classes is 408.

A future course under the direction of West Virginia University is planned for Marietta, Ohio.

The following radio engineers are among the instructors:

A. J. Ginkel, radio station WJLS; P. T. Flanagan, radio station WHIS; Odes Walker, radio station WCHS; Conrad S. Clemans, radio station WBLK; John L. Yarnes, radio station WL0L; W. A. Sodaro, radio station WPAR; Louis Tulchin, radio station WBRW; and Glenn G. Boundy, radio station WWVA.

G. C. Blackwell is ESMDT Director for West Virginia University.

## Labor

### A. F. of M. Trouble

Station WSIX, Nashville, was cut off the Mutual network Wednesday, April 1, when the American Federation of Musicians threatened to strike all MBS sustaining programs. The station and the Nashville local of the A. F. of M. have been unable to come to terms on the local's demand for increased employment at the station.

### A. F. of L. Turns to Radio

The American Federation of Labor announces it has given up trying to get a fair deal from the daily press and, in the future, will utilize radio, the labor press and pamphlets to tell labor's story.

### Labor Board Case

Hearst Radio, Inc., has entered into a stipulation with the National Labor Relations Board to settle a complaint of Wagner Act violation at Station WBAL. The charges had been brought by the American Communications Association (C. I. O.).

### Women Operators

The International Brotherhood of Electrical Workers, the A. F. of L. technicians' union, is trying to work out some sort of a system to permit employment of women as control operators for the duration of the war. An early announcement can be expected. The number of women to be employed, their initiation fees and dues and their pay scale are problems involved.

### TIRE RATIONING

The new Tire Rationing Regulations of February 19 make no provision for allocation of inner tubes to Class B users (which includes radio). Steps have already been taken to secure a quota of tubes from WPB for List B users, and the regulations themselves will have to be amended accordingly. It is anticipated that by the middle of April Local Rationing Boards will have been notified of the amendment and the quotas made available. Meanwhile, used inner tubes are the only answer.

## War Programs

### Spring Cleaning Offensive

The War Production Board has a suggestion for housewives at spring housecleaning time. The idea is to increase the supply of

scrap materials vital to success in this war. WPB hopes that stations will make use of these announcements as time permits.

(1)

Clean out your attic to clean up the axis! Spring cleaning this year is important, vital, and patriotic. . . . Clean out those hidden weapons in your home. . . . Just old paper, old rubber, old metal when you sell 'em to the junk man, but after a little while: paper cartons to carry cartridges to lick the Germans! Rubber de-icers for high-flying planes! Scrap metal in the steel of a great gun barrel! . . . Make your Spring cleaning a Spring offensive! . . . This is an official announcement from the War Production Board.

(2)

Recipe for a Blitzkreig: Take one broom, one dust cloth, one determined soul, a sturdy back and good disposition. . . . Ascend to the attic, or go down to the cellar—Clean them out! . . . Stack old paper carefully and tie it, fill a carton with old rubber, salvage old metal. Call your junkman and start this waste—that isn't waste at all—on its way to reclamation for war! . . . One ton of old paper will make 36,000 practice targets . . . 29 pounds of old rubber will make a life raft for a navy plane . . . 12 pounds of scrap metal is half the steel needed for a machine gun! . . . Sweep out the Germans, dust off the Japs! Clean house this Spring for Victory! This is an official announcement from the War Production Board.

(3)

Ladies, make your spring cleaning a spring offensive! Go after those old papers, broken tools, discarded rubber tires and tubes in the attic, the cellar, the garage. Sell them to a junkman as scrap to be reclaimed for war. . . . The waste paper you keep from being wasted can make the blueprint for a ship to sail the Pacific against the Rising Sun! The old metal you salvage will run an open hearth furnace the few "more minutes" necessary to make steel for that last important bolt in a tank. The torn hot water bottle and worn rubber heels you unearth may go into the self-sealing lining of a gas tank in a plane over Tokyo! . . . Come on, ladies, Spring cleaning with a new incentive—Kill Two Japs with One Broom! . . . This is an official announcement from the War Production Board.

## INVASION DATES

Here is a list of the principal invasion dates which can be used in program building. Native music and a promise that the Yanks are coming might be used to advantage. The list furnished by OFF:

Norway	April 9, 1940
France	May 17, 1940
Holland	May 10, 1940
Belgium	May 10, 1940
Poland	Sept. 1, 1939
Czechoslovakia	Oct. 1, 1938
Yugoslavia	April 6, 1941
Greece	Oct. 28, 1940
Luxemburg	May 10, 1940
Manchukuo	Sept. 18, 1931
Albania	April 7, 1939

## CARE OF HOME RECEIVERS

With the supply of new receiving sets gradually disappearing, here's some material from the Consumer Division of OPA which might be made into a worth-while program or series of announcements:

Make sure that the radio is not placed with its back flat against the wall. Tubes, transformers, and resistors heat up, and free circulation of air is required to prevent overheating. Leave an inch or so between the cabinet and wall.

Check the set's electric cord and plug. The plug should fit firmly into the wall socket and the wires leading to it should be intact.

Check connections also on nearby electrical appliances and lamps. Loose connections on nearby gadgets cause static. Sometimes moving a nearby appliance or lamp farther away will help reception.

If the radio crackles, check the aerial and ground wires to determine whether they are broken in any place or are rubbing against other wires or trees or metals.

If you have not set up a ground connection and your radio is raucous, fix one up by connecting a wire from your radio's ground post to a water or steam pipe. Do not use your gas pipe as a ground.

If you have an outside aerial, make sure that it is equipped with a lightning arrester. Even small "static discharges"—not lightning—may ruin a set unless they are by-passed by the arrester.

Check the set's tubes, to see that they fit firmly in their sockets. Occasionally what may seem to be a bad tube is merely a good tube that is fitted loosely into its socket.

Clean the dust out of your set often. A hand vacuum cleaner will help.

If your radio's performance is unsatisfactory and none of these home adjustments help, it's time to call in the repairman.

These points should be observed:

Call in a repairman from a reputable firm—one with which you are acquainted, if possible.

Insist that he fix the set at your home. Most service firms have portable testing and repair equipment for home calls.

If he insists on carrying the set to the shop, persuade him to give you an inventory of the adjustments he thinks will be necessary, and request the return of old parts which he finds necessary to replace.

## NAVY RELIEF CHAIRMEN

The National Citizens Committee of the Navy Relief Society is rapidly completing state organization work. Appearing below is the list of State Chairmen so far appointed.

Navy Relief for the first time in its 40-year history is appealing to the public for funds in the amount of \$5,000,000. Some few states are already engaged in solicitations.

It is suggested that broadcasters contact State Chairmen on receipt rather than wait for these volunteers to get in touch with them. Advantages are two-fold: (1) It will spur State Chairmen to put extra effort behind their objective; and (2) It will get this campaign to its successful conclusion in a shorter period of time.

It is recommended that any local radio campaign to help be not started until working committees are set. The objective of this campaign is to get \$5,000,000. Do not waste ammunition until the committee is able to take full advantage of your help. Here are State Chairmen so far announced:

Guy P. Gannett, President  
Gannett Publishing Company, Inc.  
177 Federal Street  
Portland, Me.

Frederic C. Church, Jr.  
Boit, Dalton & Church  
89 Broad street  
Boston, Mass.

Hon. Francis P. Murphy  
88 Concord Street  
Nashua, N. H.

William S. Innis, Vice-President  
Rhode Island Hospital National Bank  
15 Westminster Street  
Providence, R. I.

Eugene W. Magnus  
9 Randall Street  
Waterbury, Vt.

Walter E. Batterson  
240 Kenyon Street  
Hartford, Conn.

Hon. Samuel L. Slover  
Chairman of Board  
Norfolk Newspapers  
119 Plume Street  
Norfolk, Va.

Arch Louis Metzner, Treasurer  
Hazel-Atlas Company  
Wheeling, W. Va.

Mills B. Lane, Jr.  
Executive Vice-President  
Citizens & Southern National Bank  
Atlanta, Ga.

Dr. Frederick M. Hanes  
Campus Road  
Durham, N. C.

Robert M. Green, Vice-Pres.  
Prudential Life Insurance Co. of America  
Prudential Life Building  
Newark, N. J.

Jerome D. Barnum, Publisher  
Herald Building  
Syracuse, N. Y.

Frank E. Gannett, President  
Gannett Publications  
Times Union Building  
Rochester, N. Y.

F. M. Donahue, Vice-President  
Wilmington Trust Co.  
10th & Market Streets  
Wilmington, Del.

George H. Pabst, Jr., Vice-President  
Pennsylvania Railroad Company  
Broad Street Station  
Philadelphia, Penn.

Alester G. Furman, Jr.  
Alester G. Furman Company  
Woodside Building  
Greenville, S. C.

Christie Benet  
Columbia, S. C.

James R. Stockton, Pres.  
Telfair, Stockton & Company  
Graham Building  
Jacksonville, Fla.

Edward A. Roberts, Pres.  
Waterman Steamship Corporation  
Merchants National Bank Building  
Mobile, Ala.

Edward Wright  
Busby, Harrison & Wright, esqs.  
Little Rock, Ark.

Garner H. Tullis  
Tullis, Craig Company  
204 Marine Building  
New Orleans, La.

Rex I. Brown, President  
Mississippi Power & Light Co.  
Jackson, Miss.

Neal Barrett, Chairman  
Navy Relief Society  
Oklahoma Citizens Committee  
919 Braniff Building  
Oklahoma City, Okla.

Gardner Cowles, Jr., Editor  
Register & Tribune Co.  
715 Locust Street  
Des Moines, Ia.

George H. Hamilton, Vice-President  
Fourth National Bank  
Wichita, Kansas

Millard Cox  
1022 Kentucky Home Life Building  
Louisville, Ky.

Wendell W. Anderson  
4072 Penobscot Building  
Detroit, Mich.

J. Cameron Thomson, President  
Northwest Bank Corporation  
Northwestern Bank Building  
Minneapolis, Minn.

Chapin S. Newhard  
Newhard, Cook & Co.  
400 Olive Street  
St. Louis, Mo.

Judge W. C. Brader  
Insurance Building  
Omaha, Neb.

Fred A. Irish, President  
First National Bank  
Fargo, N. D.

Harvery Chase Jewett, Jr., President  
Jewett Drug Co.  
Aberdeen, S. D.

Hon. Gerald Mann  
Attorney General of State  
Austin, Texas

W. Ledyard Mitchell, Vice-President  
Chrysler Corporation  
Detroit, Mich.

Walter R. Bimson, President  
Valley National Bank  
Phoenix, Ariz.

Preston Hotchkis  
Executive Vice-President  
Pacific Indemnity Co.  
Pacific Finance Building  
Los Angeles, Cal.

Frank Rand, Jr.  
Santa Fe, N. M.

Richard M. Tobin, President (also City Chairman)  
Hibernia Savings & Loan Society  
Market, McAllister & Jones Sts.  
San Francisco, Cal.

Frank A. Kemp, President  
Great Western Sugar Company  
Denver, Colo.

Walter J. Walsh, President  
Navy League of the U. S.  
828 Monadnock Building  
San Francisco, Cal.

W. W. Hopper, President  
First National Bank of Nevada  
Reno, Nevada

John M. Wallace, Vice-President  
Walker Bank & Trust Co.  
173 South Main Street  
Salt Lake City, Utah

Carl Brown  
McCall, Idaho

George J. Greenwood  
Bank of California  
Portland, Oregon

Howard Paulsen  
Paulsen Building  
Spokane, Wash.

Charles F. Frankland, Vice-President  
Pacific National Bank  
Seattle, Wash.

### Sec. Knox's Statement

At the Navy Relief Dinner in New York, February 24, Secretary Knox said:

"I believe that there are countless numbers of us in this country who will be glad to share, through the Navy Relief Society, in watching over the welfare of those you (Navy personnel) have had to leave behind you. It will be an honor for us to stand as their security while you are far away, fighting our common battle."

### USO CAMPAIGN COMMITTEE

Neville Miller has asked the following broadcasters to serve with him on the National Radio Committee for the USO War Fund Campaign:

Burridge Butler, WLS, Chicago, Ill.  
Martin Campbell, WFAA, Dallas, Tex.  
Leo Fitzpatrick, WJR, Detroit, Mich.  
Clarence T. Hagman, WTCN, Minneapolis, Minn.  
Roy Harlow, Yankee Network, Boston, Mass.  
Howard Lane, McClatchy Group, Sacramento, Calif.

Joseph O. Maland, WHO, Des Moines, Iowa.  
Clair McCollough, WGAL, Lancaster, Pa.  
A. J. McCosker, President, Mutual Broadcasting System.  
William S. Paley, President, Columbia Broadcasting System.  
Eugene Pulliam, WIRE, Indianapolis, Ind.  
Harry Spence, KXRO, Aberdeen, Wash.  
George Storer, WSPD, Toledo, Ohio.  
Niles Trammell, President, National Broadcasting Company.  
Leo Wailes, KYW, Philadelphia, Pa.  
Lewis Allen Weiss, Don Lee Network, Los Angeles, Calif.  
Mark Woods, President, Blue Network Company, Inc.

### PROPOSED AMENDMENTS TO BY-LAWS

Thirteen proposals to amend the By-Laws of the NAB are hereby officially submitted. Article XIII of the NAB By-Laws require that proposed changes "shall be submitted by mail to the last recorded address of each member at least thirty days before the time of the meeting which is to consider the change."

The meeting to consider these proposed changes is the Twentieth Annual Convention to be held at Cleveland, May 11 to 14, inclusive. This is, therefore, your official notice of the following proposed amendments.

#### BY THE BOARD OF DIRECTORS:

Amend Article III, Section 2, to read as follows:

"Section 2. ACTIVE MEMBERS. Any individual, firm or corporation engaged in the operation of a radio broadcasting station or a national network within the United States or its dependencies shall be eligible to Active Membership in the Association to the extent of one membership for each radio broadcasting station and each national network which it operates. The term 'radio broadcasting' as used herein is defined as the free dissemination to the general public, by means of electro-magnetic waves, of intelligence and entertainment appealing either to the aural or visual senses or both."

Amend Article VII, Section 2, to read as follows:

"Section 2. CLASSIFICATION OF DIRECTORS. There shall be one Director from each District, referred to hereinafter for purposes of convenience as District Directors. There shall be six additional Directors, referred to hereinafter for purposes of convenience as Directors-at-Large, two of whom shall be representative of large stations, two of whom shall be representative of medium stations, and two of whom shall be representative of small stations, operating power to govern these classifications. In addition to the above Directors, there shall be Directors, referred to hereinafter for purposes of convenience as Network Directors. Each national network holding active membership in the Association shall be entitled to be represented by one Network Director."

Amend Article X by striking out Section 1 thereof and renumbering the remaining sections consecutively from 1 to 5.

Amend Article III, Section 5, to read as follows:

"Section 5. VOTING. Each individual, firm or corporation admitted to Active Membership in the Association and whose dues are not more than one month in arrears shall appoint and certify to the Secretary-Treasurer of the Association the owner, a partner, an officer, or an agent, who shall be actively engaged in the business of such member to be its representative in the Association and who shall represent, vote and act for the member in all the affairs of the Association, including the holding of office therein. There shall be one vote for each active membership."

Amend Article IV, Section 1, by striking out the last line thereof and adding the following:

Class	Range of Income	Monthly Dues
Q	2,000,001- 4,000,000	\$ 500
R	4,000,001- 6,000,000	750
S	6,000,001- 8,000,000	1,000
T	8,000,001-10,000,000	1,250
U	10,000,001-12,000,000	1,500
V	12,000,001-16,000,000	2,000
W	16,000,001-20,000,000	2,500
X	Over 20,000,000	3,000

Amend Article IV by inserting after Section 1 the following new Section 1A:

"Section 1A. Effective January 1, 1942, active members whose stations are located in the territories or insular possessions of the United States shall for the duration of the war pay dues upon the basis of fifty per cent of the dues provided in Section 1 of this Article."

BY JOHN SHEPARD, 3RD, THE YANKEE NETWORK, INC.

Article V, Section 1 (A) shall be amended by deleting the words "Network Directors" so that said paragraph as amended shall read as follows:

"(A) A stated or annual meeting of the members shall be held in each year at such place as is determined by the members at their previous annual meeting and at such time as is determined by the Board of Directors. At such meeting Directors-at-Large shall be nominated and shall be elected by the members by vote in an open session thereof to succeed such directors whose terms then expire. At such meeting there shall likewise be transacted any other business that may be then properly and legally presented."

Article VII, Section 1, shall be amended by striking out the words "twenty-six" and inserting in lieu thereof the words "twenty-three" and by striking out the period at the end of the first sentence and inserting in lieu thereof a semi-colon and by adding the following language to said section: "Provided, however, that no officer or employee of a national network company shall be eligible to become a director-at-large on the Board of Directors of the Association" so that the section as amended shall read as follows:

"Section 1. NUMBER. The business and affairs of the Association shall be managed by and under the direction of a Board of Directors of twenty-three members, to be selected as hereinafter provided, each of whom shall be an Active Member of the Association or a representative actually engaged in the business of an Active Member; provided, however, that no officer or employee of a national network company shall be eligible to become a director-at-large on the Board of Directors of the Association."

Article VII, Section 2, shall be amended by striking therefrom the following language: "There shall be three additional Directors, referred to hereinafter for purposes of convenience as Network Directors, one of whom shall be representative of Columbia Broadcasting System, Inc., one of whom shall be representative of Mutual Broadcasting System, Inc., and one of whom shall be representative of National Broadcasting Company, Inc.," so that the section as amended will read as follows:

"Section 2. CLASSIFICATION OF DIRECTORS. There shall be one Director from each District, referred to hereinafter for purposes of convenience as District Directors. There shall be six additional Directors, referred to hereinafter for purposes of convenience as Directors-at-Large, two of whom shall be representative of large stations, two of whom shall be representative of medium stations, and two of whom shall be representative of small stations, operating power to govern these classifications."

Article VII, Section 4, shall be amended by striking from the title "and Network Directors" and by striking therefrom the following language: "During the morning session of the second day of the annual meeting, each of the said respective networks shall certify to the President its nominee or nominees for Network Director, as defined in Section 2 above, whereupon such nominees shall be deemed to have been placed in nomination, and shall be so reported to the members during that session" so that the section as amended shall read as follows:

"Section 4. NOMINATION OF DIRECTORS-AT-LARGE. Nominations for each of the six Directors-at-Large, as defined in Section 2 above, shall be made from the floor at a business session of the annual meeting. Nomination speeches for any nominee shall not succeed in the aggregate one minute's duration. Nominations of any classification shall be closed when nominees of that classification total thirty. All names shall be posted as nominated."

Article VII, Section 5, shall be amended by striking the words "and Network Directors" from the title, by striking the words "and Network Directors" from the first sentence of said section and by

striking all of paragraph (E) of said section and inserting in lieu thereof the following:

"(E) The Elections Committee shall prepare ballots in blank and in coupon booklet form with not less than three ballots in each coupon book. Ballot number one shall be used to vote for not more than four nominees in each classification for Directors-at-Large. Ballot number two may be used by writing thereon the names of the first, second and third preference of cities for the next annual meeting; provided, however, that the use of Ballot number two may be waived at the discretion of the Chairman of the Elections Committee and a voice or standing vote substituted. Ballot number three shall be used to vote for two nominees for Director-at-Large in each classification as outlined in Section 2 above; provided, however, that no ballot shall be cast for more than one nominee of the two nominees in each classification receiving the highest number of votes on Ballot number one; and provided, further, that no ballot shall be cast for more than one nominee of the two nominees in each classification receiving the lowest number of votes on Ballot number one."

Article VII, Section 6, shall be amended by striking out the words "and Network Directors" from the first sentence of such section so that the section as amended shall read as follows:

"Section 6. TENURE. All Directors-at-Large shall be elected to hold office until the conclusion of the membership meeting to be held next after their election. District Directors shall assume office at the first meeting of the Board of Directors following the meeting of the membership held after their election and shall hold office until the close of the second annual meeting after assuming office; provided: that District Directors elected at the 1938 annual membership meeting by District 1, District 3, District 5, District 7, District 9, District 11, District 13, District 15 and District 17, shall serve until the close of the 1939 membership meeting, and that District Directors elected at the 1938 annual membership meeting by District 2, District 4, District 6, District 8, District 10, District 12, District 14, and District 16, shall serve until the close of the 1940 membership meeting."

BY HUGH A. L. HALFF, WOAI, SOUTHLAND INDUSTRIES, INC.

Amend Article IV, Section 1, by striking out the second sentence thereof and inserting in lieu thereof the following new sentence:

"Net receipts from the sale of time are defined as billings based on gross rate for broadcasting service less time and advertising agency discounts, if any, and sales commission up to 15% if actually paid, and including billings to networks," so that Section 1 of Article IV, as amended, shall read as follows:

"Section 1. Effective January 1, 1943, each active member shall pay dues on net receipts from the sale of time received during the previous calendar year. Net receipts from the sale of time are defined as billings based on gross rate for broadcasting service less time and advertising agency discounts, if any, and sales commission up to 15% if actually paid, and including billings to networks. No member shall be required to state its actual volume but to name annually to the Secretary-Treasurer on his call the class into which its volume falls. It is understood that each Active Member is in honor bound not to name a smaller classification than that into which its volume actually falls. The annual dues, payable monthly in advance, shall be as follows:

Class	Range of Income	Monthly Dues
A	0- 15,000	\$ 5.00
B	15,001- 36,000	10.00
C	36,001- 60,000	15.00
D	60,001- 80,000	20.00
E	80,001- 120,000	30.00
F	120,001- 160,000	40.00
G	160,001- 200,000	50.00
H	200,001- 300,000	75.00
I	300,001- 400,000	100.00
J	400,001- 500,000	125.00
K	500,001- 600,000	150.00
L	600,001- 700,000	175.00
M	700,001- 800,000	200.00
N	800,001- 900,000	225.00
O	900,001-1,000,000	250.00
P	1,000,001-2,000,000	400.00
Q	Over 2,000,000	500.00

# RADIO HOMES IN 30 STATES AND DISTRICT OF COLUMBIA ESTIMATED FROM PRELIMINARY 1940 CENSUS OF HOUSING DATA

Number of Occupied Dwelling Units, Percent Radio Equipped and Number of Dwellings Having Radios—Urban, Rural-Nonfarm and Rural-farm: 1940\*

	ALL UNITS			URBAN UNITS			RURAL-NONFARM UNITS			RURAL-FARM UNITS		
	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units
<b>NEW ENGLAND</b>												
Maine.....	218,968	86.5	189,321	88,406	93.2	82,387	90,186	84.0	75,772	40,376	77.2	31,162
New Hampshire.....	132,936	90.0	119,664	75,355	93.3	70,288	41,550	86.9	36,087	16,031	82.9	13,289
Vermont.....	92,435	88.6	81,905	32,465	95.5	31,022	35,164	87.6	30,806	24,806	80.9	20,077
Rhode Island.....	187,706	95.7	179,652	171,236	96.1	164,515	13,860	92.6	12,836	2,610	88.2	2,301
Connecticut.....	448,682	95.7	429,236	304,364	96.4	293,304	120,205	95.3	114,596	24,113	88.5	21,336
<b>WEST NORTH CENTRAL</b>												
Iowa.....	701,824	90.2	633,180	312,393	93.7	292,735	161,077	87.6	141,059	228,354	87.3	199,386
North Dakota.....	152,043	88.4	134,422	34,069	94.6	32,244	47,024	85.7	40,290	70,950	87.2	61,888
South Dakota.....	165,428	84.6	139,883	43,558	92.5	40,298	49,548	81.8	40,508	72,322	81.7	59,077
Nebraska.....	360,744	84.7	305,660	146,259	92.7	135,613	89,390	82.9	74,069	125,095	76.7	95,978
Kansas.....	511,109	83.0	424,396	224,314	90.4	202,759	128,059	82.4	105,543	158,736	73.2	116,094
<b>SOUTH ATLANTIC</b>												
Delaware.....	70,541	87.0	61,380	37,070	92.3	34,218	21,830	86.5	18,887	11,641	71.1	8,275
District of Columbia.....	173,445	93.7	162,446	173,445	93.7	162,446	.....	.....	.....	.....	.....	.....
Virginia.....	627,532	67.1	421,148	244,105	84.0	205,164	174,219	67.6	117,805	209,208	46.9	98,179
West Virginia.....	444,815	75.1	334,267	140,556	89.7	126,104	192,771	75.4	145,275	111,488	56.4	62,888
North Carolina.....	789,659	61.8	487,581	239,917	77.7	186,432	217,703	67.6	147,163	332,039	46.4	153,986
South Carolina.....	434,968	49.6	215,740	123,503	67.1	82,820	126,119	60.0	75,624	185,346	30.9	57,296
Florida.....	519,887	64.8	336,791	294,410	76.1	224,032	152,395	55.1	83,967	73,082	39.4	28,792
<b>EAST SOUTH CENTRAL</b>												
Alabama.....	673,815	49.4	333,229	227,309	69.7	158,425	157,226	54.5	85,709	289,280	30.8	89,095
Mississippi.....	534,956	39.9	213,353	120,360	61.5	73,985	95,920	50.9	48,820	318,676	28.4	90,548
<b>WEST SOUTH CENTRAL</b>												
Arkansas.....	495,825	50.9	252,266	123,528	72.4	89,463	111,636	53.7	59,909	260,661	39.5	102,894
Louisiana.....	592,528	53.3	315,292	262,927	72.6	190,830	136,615	52.5	71,688	192,986	27.3	52,774
Oklahoma.....	610,481	68.8	420,253	254,779	83.5	212,620	139,605	64.6	90,143	216,097	54.4	117,490
<b>MOUNTAIN</b>												
Montana.....	159,936	86.2	137,899	64,148	91.3	58,545	49,737	84.4	41,985	46,078	81.1	37,369
Idaho.....	141,727	86.4	122,474	50,774	91.3	46,358	41,235	84.1	34,686	49,718	83.3	41,430
Wyoming.....	69,374	84.4	58,531	27,332	91.5	25,003	22,842	83.2	19,011	19,200	75.7	14,517
Colorado.....	316,000	84.5	267,280	174,759	91.5	159,904	77,956	78.1	60,873	63,285	73.5	46,503
New Mexico.....	129,475	53.2	68,950	46,713	72.5	33,878	43,097	47.6	20,508	39,665	36.7	14,564
Arizona.....	131,133	69.0	90,408	48,924	82.4	40,323	55,813	69.3	38,652	26,396	43.3	11,433
Utah.....	139,487	92.4	128,944	81,758	95.0	77,678	37,115	90.2	33,468	20,614	86.3	17,798
Nevada.....	33,291	81.4	27,119	13,284	89.2	11,859	15,795	77.4	12,227	4,212	72.0	3,033
<b>PACIFIC</b>												
Oregon.....	337,492	88.7	299,255	172,560	93.1	160,604	92,667	86.1	79,824	72,265	81.4	58,827

\* Source: Figures of the number of Occupied Dwelling Units and Percent Radio Equipped, published by the U. S. Bureau of the Census in a special release of preliminary figures April 2, 1942. Figures of the number of Radio Equipped Occupied Dwelling Units calculated by the NAB Research Department to project total figures. Census figures do not include 297,369 families in the above states which did not answer the radio question. These figures represent preliminary estimates and will be corrected as final census figures are released.

## "THIS IS WAR" PROMOTION

James M. LeGate, General Manager, WHIO, Dayton, puts extra promotion behind This Is War. Each week the program is promoted with special announcements over WHIO and in two-column adds in the Dayton Daily News.

Simon Goldman, Manager, WJTN, Jamestown, has received complete cooperation of the Jamestown public school system in the promotion of radio programs relating to the war effort. Every grade school, junior and senior high school in the city displays the This Is War placard furnished by OFF.

Clinton V. Bush, superintendent of public schools, has also made it possible to distribute a list and time schedule of the war effort programs and the suggestion is made that the students urge their parents to listen along with them.

### FEDERAL COMMUNICATIONS COMMISSION

#### FLY SPEAKS IN BOSTON

Chairman James Lawrence Fly of the FCC made the following remarks at the inauguration of Westinghouse FM Station W67B in Boston on March 29:

It gives me real satisfaction to add a word of greeting at this time to the many others which you are undoubtedly receiving today, as you introduce your new Frequency Modulation station, W67B, to the public of Boston. Operation of W67B represents an additional service which is now available to the people of the Boston area.

Frequency Modulation is an engineering development which represents an important advance in the science of broadcasting. As this new broadcasting technique develops, listeners all over the country will become more fully aware of the refinements which it offers them. Its full tonal range makes possible lifelike rendition of sound, and its freedom from static and common sources of interference adds to the pleasure the listener experiences in receiving frequency modulation broadcasts in his home.

Today, FM, as this type of broadcasting is commonly known, has an unusually timely mission in that each new station presenting a new program service to the people of this country, enlarges the reservoir on which our nation at war may draw for information and entertainment.

Radio broadcasting is threading its way through its first war. No signposts, no precedents, nor helpful experiences from other wars are standing as guides to the future—hence—radio's area of service in this World War is unexplored. Its course is fraught with many difficulties, trials and dangers and, therefore, the steadiest hand and the coolest eye must be at the helm as the course is charted and pursued.

The importance of broadcasting in this war is tremendous. Broadcasters are custodians of what is potentially the most powerful weapon in the world. From every side comes definite proof that radio is accepting the challenge presented by the present situation in a most satisfactory manner. As we traverse this period of our greatest national peril, it is paramount that radio broadcasters act with speed and courage to win its objective, which is to operate in the public interest, convenience and necessity. Only by clearly defining its responsibilities and then bending every effort to live up to them, can radio help the nation achieve the final certain victory.

I congratulate the owners of this new Westinghouse FM station, W67B, and I express the confident belief that it will faithfully fulfill its great opportunity for service during these war days and progressively during the years after the final victory has been won.

#### FCC SURVEY

The FCC, in cooperation with the OCD, is making a comprehensive protection survey of selected non-government commercial communication facilities essential to National Defense from damage by sabotage or as a result of subversive activities. This is one

phase of the general study being conducted by the Office of Civilian Defense in regard to the protection of all strategic places vitally essential to National Defense. As one step in this program, the Commission has effected plans to proceed with an immediate protection survey of certain broadcast stations with the object of obtaining facts as to the protection now afforded.

E. M. Webster, Assistant Chief Engineer of the Commission, has been directed to assume charge of this work on behalf of the Commission. He will consult with the appropriate representatives of your company, from time to time when necessary, for the purpose of making detailed arrangements in regard to the survey.

Commission Radio Inspectors, acting under appropriate instructions from the Commission have been designated to proceed with the inspection of certain broadcast station facilities. The cooperation of your company is solicited in conducting this survey. It is requested that you designate a person in your organization to assist the Commission's representative in collecting the information desired.

### FEDERAL COMMUNICATIONS COMMISSION DOCKET

#### HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, April 6. They are subject to change.

##### Monday, April 6

NEW—S. Brad Hunt, Alton, Ill.—C. P., 1030 kc., 1 KW, daytime.

##### Further Hearing

WAPI—Voice of Alabama, Inc., Birmingham, Ala.—C. P., 1070 kc., 50 KW, unlimited, DA-night.

##### Tuesday, April 7

##### Further Hearing

NEW—Newark Broadcasting Corporation, Newark, N. J.—C. P., 620 kc., 5 KW, unlimited, DA-night and day.

##### Wednesday, April 8

##### Further Consolidated Hearing

NEW—Hennessy Broadcasting Company, Butte, Mont.—C. P., 1490 kc., 250 watts, unlimited.

NEW—Barclay Craighead, Butte, Mont.—C. P., 1490 kc., 250 watts, unlimited.

##### Thursday, April 9

##### Further Consolidated Hearing

NEW—Utica Observer-Dispatch, Inc., Utica, N. Y.—C. P., 1450 kc., 250 watts, unlimited.

NEW—Utica Broadcasting Company, Inc., Utica, N. Y.—C. P., 1450 kc., 250 watts, unlimited.

NEW—Midstate Radio Corporation, Utica, N. Y.—C. P., 1470 kc., 1 KW, DA-day and night, unlimited.

##### Friday, April 10

KWFT—Wichita Broadcasting Co., Wichita Falls, Texas.—Modification of license, 620 kc., 5 KW, unlimited, DA-night and day.

##### Further Consolidated Hearing

NEW—Air-Waves, Inc., Baton Rouge, La.—C. P., 1400 kc., 250 watts, unlimited.

NEW—Louisiana Communications, Inc., Baton Rouge, La.—C. P., 1400 kc., 250 watts, unlimited.

# FEDERAL COMMUNICATIONS COMMISSION ACTION

## DESIGNATED FOR HEARING

### APPLICATIONS GRANTED

- Associated Broadcasters, Inc., Indianapolis, Ind.—Granted construction permit (B4-PH-122) for new station to operate on **47300 kc.**, with a service area of 8,400 square miles, subject to Civil Aeronautics Authority approval of antenna site.
- K31LA—Columbia Broadcasting System, Inc., Hollywood, Calif.—Granted modification (B5-MPH-70) of construction permit for approval of directional antenna system for a coverage of 34,000 square miles and for approval of transmitter.
- K37LA—Earle C. Anthony, Inc., Los Angeles, Calif.—Granted modification (B5-MPH-66) of construction permit for approval of directional antenna system for a coverage of 34,000 square miles and for approval of transmitter.
- W57A—General Electric Co., Schenectady, N. Y.—Granted modification (B1-MPH-25) of construction permit to change frequency from **45700** to **48500 kc.**, coverage 6,600 square miles, and make changes in antenna system; effective radiated power 5 KW without prejudice to the filing of an application for increased power on an experimental basis for further study in regard to service rendered in the area.
- WGTM—WGTM, Inc. (Assignor), Penn T. Watson (Assignee), Wilson, N. C.—Granted consent to assignment of construction permit (to move studio and transmitter), and license for station WGTM from WGTM, Inc., to Penn Thomas Watson for a total consideration of \$32,500 (B3-APL-12).
- WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Granted modification (B2-MP-1498) of construction permit (B2-D-3207), to make changes in proposed directional antenna system and for approval of transmitter and studio location; conditions.
- WRGB—General Electric Co., Schenectady, N. Y.—Granted authority to make aural call letter and location announcements only for WRGB during periods when programs originating with station WNBT, New York City, are being rebroadcast by WRGB for a period of three months, subject to the condition that during this period necessary arrangements will be made for full compliance with Section 4.262(a) of the Rules and Regulations.
- General Electric Co. (area of Schenectady, N. Y.), Portable mobile.—Granted construction permit (B1-PVB-91) for new experimental television relay station to operate on frequency **312000-324000 kc.**, 25 watts (peak) power, to communicate with television broadcast station WRGB.
- W47NY—Muzak Corporation, New York, N. Y.—Reconsidered and granted petition for consent to assign construction permit from Muzak Corp., wholly owned by Associated Music Publishers, Inc., to Muzak Radio Broadcasting Station, Inc., jointly owned by Muzak Corp. and Charles E. Merrill, of Palm Beach, Fla. (Docket 6277).

### LICENSE RENEWALS

Granted extension upon a temporary basis only, pending determination upon application for renewal of license, in no event later than May 1, 1942, of the following station licenses:

KGHL, Billings, Mont.; KMTR, Los Angeles; WFDF and auxiliary, Flint, Mich.; WGR, Buffalo, N. Y.; WMCA and auxiliary, New York City.

The following stations were granted further extensions upon a temporary basis only, pending receipt and determination upon applications for renewal, for the period ending May 1, 1942:

KGGF, Coffeyville, Kans.; KGU, Honolulu, T. H.; WFPG, Atlantic City, N. J.; WGCM, Gulfport, Miss.; WGRM, Greenwood, Miss.; WKBV, Richmond, Ind.; WKBW and auxiliary, Buffalo, N. Y.; WMIS, Natchez, Miss.; WORK, York, Pa.; WOWO, Fort Wayne, Ind.; WRJN, Racine, Wis.

WHCU—Cornell University, Ithaca, N. Y.—Granted renewal of license for the period ending not later than February 1, 1944.

WMEX—The Northern Corp., Boston, Mass.—Granted renewal of license for the period ending not later than April 1, 1944.

- WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—Designated for hearing application for construction permit (B2-P-3124) to make changes in equipment and increase power from 100 watts to 250 watts.
- WMAN—Richland, Inc., Mansfield, Ohio.—Application for renewal of license designated for hearing; temporary license extended pending determination on renewal.
- WBOC—The Peninsula Broadcasting Co., Salisbury, Md.—Designated for hearing application for construction permit (B1-P-3352) to change frequency from **1230** to **960 kc.**, increase power from 250 watts to 1 KW, and install directional antenna for night use.
- WLEU—WLEU Broadcasting Corp., Erie, Pa.—Designated for hearing application for construction permit (B2-P-3403) to change frequency from **1450** to **1260 kc.**, increase power from 250 watts to 1 KW night, 5 KW local sunset, install new transmitter and directional antenna system for night use and move transmitter locally.
- WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Designated for hearing application for construction permit (B2-P-3254) to increase power from 250 watts to 1 KW, change frequency from **1450** to **630 kc.**, install a new transmitter, and install a new directional antenna for day and night use. (Commissioners Payne and Craven dissented.)

### MISCELLANEOUS

- KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Granted modification of construction permit for increase in night power and to install directional antenna for day and night use, for extension of completion date from March 16 to May 16, 1942 (B5-MP-1514).
- KFGQ—Boone Biblical College, Boone, Iowa.—Granted license to cover construction permit for change in frequency, increase in power, change in transmitter, install new antenna and change in hours of operation (B4-L-1578), granted authority to determine operating power by direct measurement of antenna power (B4-Z-1317).
- WFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted license to cover construction permit for new transmitter, new antenna, change in frequency, increase in power, and change in hours of operation (B5-L-1603), granted authority to determine operating power by direct measurement of antenna input (B5-Z-1336).
- WRRF—Tar Heel Broadcasting System, Inc., Washington, N. C.—Granted license to cover construction permit as modified, for new station (B3-L-1633), granted authority to determine operating power by direct measurement of antenna input (B3-Z-1364).
- WHIP—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Granted modification of construction permit which authorized change in hours of operation and changes in directional antenna for day and night use, for extension of completion date from March 29, 1942, to May 30, 1942 (B4-MP-1535).
- Butler Broadcasting Corp., Hamilton, Ohio.—Scheduled for oral argument in the matter of application for new station (Docket No. 5985), on April 22, 1942.
- WSAY—Edward J. Doyle; Brown Radio Service and Laboratory, Rochester, N. Y.—Adopted final order (B-145) denying without prejudice the application of Edward J. Doyle for a new station, and granting the application of WSAY for a construction permit to change operating assignment (Dockets 5023 and 5921).
- WLAV—Leonard A. Versluis, Grand Rapids, Mich.—Granted motion to dismiss without prejudice application for construction permit (B2-P-3325).
- KADA—C. C. Morris, Ada, Okla.—Granted authority to install automatic frequency control equipment (B3-F-245).
- KGKO—KGKO Broadcasting Co., Fort Worth, Tex.—Granted license to cover construction permit as modified, for changes in directional antenna system and increase in power (B3-L-1622), granted authority to determine operating power by direct measurement of antenna input (B3-Z-1354).
- WIS—The Liberty Life Insurance Co., Columbia, S. C.—Granted modification of license to change name from The Liberty Life Insurance Co. to Surety Life Insurance Co. (B3-ML-1114).
- WEDP—The Yankee Network, Inc., area of Boston, Mass.—Cancelled relay broadcast station construction permit au-

- thorization in accordance with the written requests of the permittee.
- Paul F. Godley, Newark, N. J.—Granted motion for dismissal without prejudice of application for construction permit for new station (B1-P-3258).
- James F. Hopkins, Inc., Ann Arbor, Mich.—Granted motion to dismiss without prejudice application for new broadcast station (B2-P-3291).
- Fred C. Morgan, Harrison Eiteljorg, Roger A. Beane d/b as Hoosier Broadcasting Co., Indianapolis, Ind.—Granted motion for leave to amend application for new station so as to specify 1 KW power, denied request for removal from hearing docket.
- The Constitution Broadcasting Co., Atlanta, Ga.—Passed over to March 31 motion for indefinite postponement of hearing now set for April 13, on application of applicant and Bob Jones College, Inc., for new stations in Atlanta, Ga., and Cleveland, Tenn., respectively, and on its own motion the Commission continued the hearing to May 7.
- WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—Passed over to March 31 motion for indefinite postponement of hearing now set for May 14 on application of WWSW and WICA to use frequency **970 kc.**
- WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Denied motion for indefinite postponement of hearing now set for March 31 on applications of WTCN, WHB and Park Cities Broadcasting Corp., Dallas, Texas, involving use of frequency **710 kc.**, exceptions noted by counsel for petitioner.
- Scripps-Howard Radio, Inc., Houston, Texas.—Passed over to March 31 motion for indefinite postponement of hearing now set for May 6 on applications of applicant, Texas Star Broadcasting Co., and Greater Houston Broadcasting Co., Inc., applicants for a new station in Houston.
- WAAF—Drovers Journal Publishing Co., Chicago, Ill.—Denied petition for review of action of the Presiding Commissioner of the Motions Docket on March 20, 1942, in denying its petition for leave to retire its construction permit application for unlimited time operation on **950 kc.**, with 1 KW power (Docket 6129), now set for hearing on April 23, 1942, to the Commission's files with privilege to revive the same; affirmed action of Presiding Commissioner.
- WDNC—Durham Radio Corp., Durham, N. C.—Denied petition for review of action of the Presiding Commissioner of the Motions Docket on March 20, 1942, in denying its petition for leave to remove from the hearing docket and place in the files construction permit application to operate on **1490 kc.**, with 5 KW day and 1 KW night (Docket 6209), now set for hearing on April 29, 1942; affirmed action of Presiding Commissioner.
- WBYN—WBYN, Brooklyn, Inc., Brooklyn, N. Y.—Denied request for special temporary authority for period not to exceed 30 days, to operate with main studio at 132 West 42nd Street, New York City, in lieu of site specified in existing license (1 Nevins Street, Brooklyn, N. Y.).
- Greater New York Broadcasting Corp., New York, N. Y.—Denied petition for reconsideration and grant without hearing of construction permit application for new station to operate on frequency **48700 kc.** to serve an area of 8,500 square miles.
- The Constitution Broadcasting Co., Atlanta, Ga.—Denied motion for indefinite postponement of hearing in re application of The Constitution Broadcasting Co., Atlanta, Ga., and Bob Jones College, Inc., Cleveland, Tenn., applicants for new stations to operate on **550 kc.**, 1 KW night, 5 KW day, directional antenna night, unlimited time; exceptions noted by counsel for petitioner. (Dockets 6075 and 6221.)
- WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—Denied motion for indefinite postponement of hearing in re applications of WWSW and WICA, Inc. (Station WICA), Ashtabula, Ohio, applicants for construction permits. (File numbers B2-P-3081; B2-P-3055; Dockets 6120, 6121, respectively.) Exceptions noted by counsel for petitioner.
- Scripps-Howard Radio, Inc., Houston, Texas.—Denied motion for indefinite postponement of hearing in re applications of Scripps-Howard Radio, Inc., Texas Star Broadcasting Co., and Greater Houston Broadcasting Co., Inc., applicants for new stations at Houston, Tex.; exceptions noted by counsel for petitioner. (Dockets 6088, 6089 and 6096, respectively.)
- KUTA—Utah Broadcasting Co., Salt Lake City, Utah.—Granted modification of construction permit as modified, for new transmitter, install directional antenna for day and night use, change in frequency, increase in power, and move of transmitter, for extension of completion date from March 26 to May 25, 1942 (B5-MP-1534).
- KXEL—Josh Higgins Broadcasting Co., Waterloo, Iowa.—Granted modification (B4-MP-1525) of construction permit for new station, for approval of transmitter site, studio location, and directional antenna for night use.

## APPLICATIONS FILED AT FCC

### 560 Kilocycles

- WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Construction permit to install new transmitter, directional antenna for day and night, and increase power from 1 to 5 KW. Amended: re directional antenna system.
- WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Authority to determine operating power by direct method.

### 600 Kilocycles

- KRMC—Jamestown Broadcasting Co., Inc., Jamestown, N. D.—Construction permit to install new transmitter, new antenna, change frequency from **1400 to 1540 kc.**, increase power from 250 watts to 5 KW night, 10 KW day, move studio and transmitter. Amended: to change from construction permit to modification of license by omitting request for increase in power, new equipment, move of studio and transmitter and requesting change in frequency only from **1400 to 600 kc.** (Changes File No. from B4-P-3262).

### 630 Kilocycles

- KVOD—Colorado Radio Corp., Denver, Colorado.—Modification of construction permit (B5-P-2663) as modified, for increase in power, changes in directional antenna system, installation of new transmitter, for authority to install new type transmitter and extend Commencement and completion dates from 9-29-41 and 3-29-42 to 1 day after grant and 30 days thereafter.

### 670 Kilocycles

- WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Authority to determine operating power by direct method.

### 900 Kilocycles

- KLCN—Fred O. Grimwood, Blytheville, Ark.—License to cover construction permit (B3-P-3037) as modified, to move transmitter, install new transmitter, make changes in antenna, increase power and change frequency.
- KLCN—Fred O. Grimwood, Blytheville, Ark.—Authority to determine operating power by direct method.

### 920 Kilocycles

- WJAR—The Outlet Co., Providence, R. I.—License to cover construction permit (B1-P-3439) for changes and move of old transmitter for auxiliary transmitter.

### 970 Kilocycles

- WAAT—Bremer Broadcasting Corp., Newark, N. J.—Modification of license to move studio from Jersey City to Newark, N. J.
- WAAT—Bremer Broadcasting Corp., Newark, N. J.—License to cover construction permit (B1-P-3376) to move old transmitter to site of new transmitter for auxiliary transmitter.

### 980 Kilocycles

- KMBC—Midland Broadcasting Co., Kansas City, Mo.—Authority to determine operating power by direct method for main transmitter.
- KMBC—Midland Broadcasting Co., Kansas City, Mo.—Authority to determine operating power by direct method for auxiliary transmitter.

### 1090 Kilocycles

- WBAL—WBAL Broadcasting Co., Baltimore, Md.—License to cover construction permit (B1-P-3319) to move old main transmitter to site of new main transmitter, for emergency use only as auxiliary transmitter.
- WBAL—WBAL Broadcasting Co., Baltimore, Md.—Authority to determine operating power by direct measurement.

### 1150 Kilocycles

- WAPO—W. A. Patterson, Chattanooga, Tenn.—License to cover construction permit (B3-P-3412) which authorized move of old transmitter to site of new main transmitter, and use as an auxiliary transmitter for emergency use only, with power of 250 watts.
- WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Construction permit for changes in equipment and directional antenna and increase power from 500 watts to 1 KW.

### 1230 Kilocycles

- WOLS—Florence Broadcasting Co., Inc., Florence, S. C.—License to cover construction permit (B3-P-3461) for new equipment.

### 1240 Kilocycles

- WSNY—Western Gateway Broadcasting Corp., Schenectady, N. Y.—Modification of construction permit (B1-P-2690) for a new station, requesting change in type of transmitter, changes in antenna system, approval of transmitter site at Rotterdam, N. Y., and approval of studio site and extension of commencement and completion dates from 4-24-42 and 10-24-42 to 15 days after grant and 120 days thereafter, respectively.
- WBRB—Monmouth Broadcasting Company, Red Bank, N. J.—Construction permit to make changes in antenna system, and move studio and transmitter from 63-65 Broad St., Red Bank, N. J., to Red Bank, N. J. Amended: re antenna and equipment.

### 1290 Kilocycles

- WTOC—Savannah Broadcasting Company, Savannah, Ga.—Modification of construction permit (B3-P-2944) as modified, to install directional antenna for night use, increase in power, and change to NARBA frequency, requesting extension of completion date from 4-15-42 to 6-15-42.

### 1330 Kilocycles

- NEW—WJPS, Inc., Evansville, Ind.—Construction permit for a new broadcast station to be operated on 1330 kc., 1 KW, unlimited time, using directional antenna night. Amended: re transmitter site (Geographic).

### 1340 Kilocycles

- KSUB—Southern Utah Broadcasting Company, Cedar City, Utah.—Construction permit to make changes in equipment and increase power from 100 to 250 watts.

### 1380 Kilocycles

- WMBG—Havens & Martin, Inc., Richmond, Va.—Modification of construction permit (B2-P-3197) for authority to make changes in directional antenna for night use, requesting extension of completion date from 4-12-42 to 5-12-42.

### 1400 Kilocycles

- KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—License to cover special service authorization which authorized operation on 1090 kc., power of 250 watts, unlimited time, using equipment specified under B5-P-2023.

### 1450 Kilocycles

- WASK—WFAM, Incorporated, Lafayette, Ind.—Authority to determine operating power by direct measurement.
- KFMB—Worcester Broadcasting Corporation, San Diego, Calif.—Special service authority to operate on 1170 kc. for period ending 12-1-42.

WASK—WFAM, Inc., Lafayette, Ind.—License to cover construction permit (B4-P-3146) as modified, for a new broadcast station.

WASK—WFAM, Inc., Lafayette, Ind.—Authority to determine operating power by direct method.

WASK—WFAM, Inc., Lafayette, Ind.—License to cover construction permit (B4-P-3146), as modified, for a new station.

### 1480 Kilocycles

- WHOM—New Jersey Broadcasting Corp., New York, N. Y.—Construction permit to install directional antenna for day and night, new transmitter, increase power from 500 watts night, 1 KW day to 5 KW and move studio from Jersey City, N. J., to New York, N. Y. Amended: re directional antenna.

### 1490 Kilocycles

- WRGA—Rome Broadcasting Corp., Rome, Ga.—Construction permit to move transmitter and make changes in antenna system.

### 1580 Kilocycles

- WPTZ—Philco Radio and Television Corp., Philadelphia, Pa.—Modification of construction permit (B2-PCT-4) as modified for a new commercial television station, requesting move of transmitter, changes in antenna, increases ESR from 680 to 1580 and extension of completion date from 4-1-42 to 180 days after grant.

## FM APPLICATIONS

- W67B—Westinghouse Radio Stations, Inc., Boston, Mass.—Modification of construction permit (B1-PH-62) as modified for a new high frequency broadcast station, requesting change in type of transmitter and extension of commencement and completion dates from 12-18-41 and 4-18-42 to 60 days after grant and 180 days thereafter, respectively.
- W51NY—National Broadcasting Co., Inc., New York, N. Y.—Modification of construction permit (B1-PH-15) as modified for a new high frequency broadcast station, requesting extension of completion date from 3-27-42 to 6-27-42.
- NEW—Allen B. DuMont Laboratories, Inc., Passaic, N. J.—Construction permit for a new commercial station (formerly W3XWT) television. Frequencies No. 1, 50,000-56,000 kcs.; emission A5 and Special for frequency modulation; ESR, 155; time of operation, unlimited; coverage, 160 sq. mi.; population, 500,000; location—T, 11th and H Sts., N. W., Washington, D. C.; studio same. (Aural, Dumont, type No. 100 UTX (maximum 200 watts); visual Dumont, type No. 100 UTX (maximum 400).
- W3XAD—RCA Manufacturing Co., Inc., Portable-Mobile.—Construction permit to add transmitter to use special emission for frequency modulation on the aural channel with power of 50 watts, and changes transmitter location from portable vicinity Camden, N. J., to portable-mobile, vicinity Camden, N. J.
- W3XEP—RCA Manufacturing Co., Inc., Camden, N. J.—Construction permit to add transmitter to use special emission for frequency modulation on the aural channel with power of 10 KW.
- W65PH—Seaboard Radio Broadcasting Corp., Philadelphia, Pa.—Modification of construction permit (B2-PH-81 as modified and which authorized a new high frequency broadcast station) for extension of completion date only from 4-22-42 to 10-22-42.
- W53PH—WFIL Broadcasting Co., Philadelphia, Pa.—Modification of construction permit (B2-PH-73) as modified for a new high frequency broadcast station, requesting change in type of transmitter.
- W53PH—WFIL Broadcasting Co., Philadelphia, Pa.—License to cover construction permit (B2-PH-73) as modified for a new high frequency broadcast station.
- W49FW—Westinghouse Radio Stations, Inc., Ft. Wayne, Ind.—Modification of construction permit (B4-PH-63) as modified for a new high frequency broadcast station, requesting extension of completion date from 4-18-42 to 10-15-42.

## TELEVISION APPLICATIONS

- W3XWT—Allen B. DuMont Laboratories, Inc., Washington, D. C.—Modification of construction permit (B1-PVB-31)

as modified for a new television broadcast station, requesting extension of commencement and completion dates from 9-27-41 and 3-26-42 to 6-26-42 and 12-26-42, respectively.

- WABD—Allen B. DuMont Laboratories, Inc., New York, N. Y.—Modification of construction permit (B1-PCT-6) for a new commercial television broadcast station, requesting extension of completion date from 4-6-42 to 10-6-42.
- W6XDL—Don Lee Broadcasting System, San Francisco, Calif.—Modification of construction permit (B5-MPVB-48) as modified for a new television broadcast station, requesting extension of commencement and completion dates from 10-30-41 and 4-30-42 to 4-30-42 and 10-30-42, respectively.
- WPTZ—Philco Radio and Television Corp., Philadelphia, Pa.—Modification of construction permit (B2-PCT-4) as modified, for a new commercial television broadcast station, requesting extension of completion date from 4-1-42 to 10-1-42.

#### MISCELLANEOUS APPLICATIONS

- NEW—Western Evergreen Broadcasting Assn., Seattle, Wash.—Authority to transmit programs from Western Evergreen Broadcasting Assn. to stations of the Canadian Broadcasting Corp. from 6 p. m. to 8 a. m., daily, via Postal Network lines and Pacific Telephone and Telegraph Co. Also authority to use, as an alternate circuit, services of the Postal Telegraph Cable Co.
- WHAE—Courier-Journal and Louisville Times Co., Louisville, Ky.—License to cover construction permit (B2-PRE-397) for a new relay broadcast station.
- W2XYP—Columbia Broadcasting System, Inc., New York, N. Y.—License to cover construction permit (B1-PRE-386) as modified, which authorized a new ST Broadcast station.

## FEDERAL TRADE COMMISSION DOCKET

*Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.*

#### 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.

**Bewley Mills**—Alleging misleading representation in the sale of "Bewley's Red Anchor Feeds" for poultry and livestock, a complaint has been issued against Bewley Mills, Fort Worth, Tex. (4739)

**Grabosky Brothers**—Charging violation of the Robinson-Patman Act in the sale of cigars, a complaint has been issued against Benjamin L. and Samuel Grabosky, trading as Grabosky Brothers, cigar manufacturers, who maintain their principal office at 11th and Wood Sts., Philadelphia, and operate plants in Philadelphia and Perth Amboy, N. J. (4740)

**Motor Equipment Specialty Company**—A complaint has been issued charging Hiram E. Barber, trading as Motor Equipment Specialty Co., Beaver City, Neb., with misrepresentations in the sale of devices known as "Mesco Fender Roller," "Universal Wheel Check," and "Tire Remover," for use in connection with automobiles. (4737)

**National Mineral Co.**—A complaint has been issued charging National Mineral Co., trading as Helene Curtis Industries, 2638

North Pulaski Road, Chicago, with misrepresentation in the sale of hair dye cosmetics designated "Helene Curtis Tru-Tone Color Control Oil Shampoo Tint" and "Helene Curtis Hair Rinse." (4738)

#### CEASE AND DESIST ORDERS

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

**Associated Motor Oils, Inc.**, trading as Associated Products Co., 2313 South LaSalle St., Chicago, engaged in the blending and canning of motor oils and greases, has been ordered to cease and desist from misrepresentation in connection with the sale of its products. (4621)

**Boyer Brothers**—William E. Boyer and Robert J. Boyer, trading as Boyer Brothers, Altoona, Pa., candy distributors, have been ordered to cease and desist from placing in the hands of others punchboards or other lottery devices, either with assortments of merchandise or separately, which are to be used or may be used in selling and distributing such merchandise to consumers, and to cease selling merchandise so packed or assembled that it may be sold to the public by means of a gift enterprise or lottery. (4475)

**De Forest's Training, Inc.**, 2533 North Ashland Ave., Chicago, has been ordered to discontinue misleading representations in the sale of television or electronics courses.

Commission findings are that the respondent advertised, among other things, as follows: "If Television develops as we anticipate, it won't be very long until many of the 23,000,000 homes in the U. S. will want Television receivers. \* \* \*" Television "will hold wonderful opportunities for the young man who has the vision and foresight to get into it at the very beginning and pioneer and grow with it."

The Commission finds that regardless of the optimism of various individuals engaged in the television field with respect to its commercial development, delay after delay has occurred to postpone that development, and the involvement of the nation in hostilities will undoubtedly result in further delay. The fact is, the findings continue, that no one can say with certainty when the commercial development of television will reach a stage which assures opportunities for the employment of large numbers of men.

The Commission order directs the respondent to cease representing that there are possibilities for employment of its students or graduates in the television field until substantial numbers of them have been and can be employed directly in that field; and to cease representing that there are now, or in the near future will be, opportunities for employment of students or graduates, until the commercial developments of television advances sufficiently to assure such possibilities. (4441)

**Folding Furniture Works, Inc.**, Stevens Point, Wis., manufacturer of children's cribs and bassinets, tables, and other furniture, has been ordered to cease and desist from unfair and deceptive acts and practices in the sale of its products. (4611)

**Warner's Renowned Remedies Co.**, 2451 Nicollet Ave., Minneapolis, has been ordered to cease disseminating misleading advertising matter in the sale of medicinal preparations designated "Warner's Renowned Prescription No. 6," "Warner's Renowned Laxative Tablets," and "Warner's Renowned Alkaline Douche Tablets," which are sold separately and in combination under the designations "Prescription No. 6 Complete," "Prescription No. 6 Method," and "Formula No. 6 Method." (4063)

#### STIPULATIONS

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

**American Ru-Mari Company**—William G. Carr and Ronald Brunswick, Jr., trading as American Ru-Mari Co., 172 North La

Brea St., Los Angeles, stipulated that they will discontinue certain misrepresentations in connection with the sale of a medicinal preparation designated "Ro-Mari." The stipulation also was entered into by W. C. Jeffries, 816 West Fifth St., Los Angeles, who operates, under the name W. C. Jeffries Co., an agency which disseminated advertisements for "Ro-Mari." (02960)

**Benedict Lust**, 343 Lexington Ave., New York, has entered into a stipulation to discontinue certain representations in connection with the sale of health books and health foods. (02962)

**Blind and Disabled Veterans, Inc.**, 2000 Greenmont Ave., Baltimore, stipulated that in the sale and distribution of photographs of the Tomb of the Unknown Soldier it will cease representing that it is a non-profit or philanthropic corporation or that the proceeds from the sale of such pictures or other commodities sold by it are being used in aiding or assisting blind or disabled veterans. (3434)

**Griggs, Cooper & Co.**, University and Fairview Aves., St. Paul, Minn., manufacturer of candy, trading as Sanitary Food Manufacturing Co., stipulated to cease supplying others candy or other merchandise, together with punch boards or other lottery devices, or supplying such devices, with candies or other merchandise or separately, which devices are to be or may be used in selling the merchandise to the public. (3435)

**Mor-Milk Company**—Charles Utley Noble and H. T. Noble, trading as The Mor-Milk Co., Dixon, Ill., stipulated to stop representing that the animal feeds they sell under the names "Mor-Milk For Calves" and "Mor-Milk for Pigs" constitute a competent remedy or effective treatment for "scours" or "worms" of calves, pigs or other animals or are effective in preventing such conditions; that any mixture of their products with water or another product provides a rich, nutritious or adequate food when such is not a fact; or that the feeding value of their products is in excess of the actual feeding value. (3438)

**C. A. Mosso Laboratories**—Edgar B. Penny, Minnie F. Penny, F. S. Penny and Fred D. Penny, operating under the firm name of C. A. Mosso Laboratories, 215 South Leavitt St., Chicago, entered into a stipulation to cease and desist from certain representations concerning the therapeutic properties of a medicinal preparation designated "Oil-of-Salt." (02963)

**Sas-Nak Company**—Arthur T. Wilson, trading as The Sas-Nak Co., P. O. Box 4671, Kansas City, Mo., has entered into a stipulation to cease and desist from certain representations in the sale of a medicinal product designated "Sas-Nak." (02961)

**Underwood & Underwood**, 1538 Connecticut Ave., Washington, D. C., and Seymour M. Blaufarb, also known as Sidney M. Barton, and trading as Continental Galleries, 250 East 43rd St., New York, entered into stipulations to cease and desist from certain representations in the sale of photographs designated "Gold Tone Miniatures." (3436-3437)

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## CONVENTION

### Annual Station Promotion Competition

M. F. (Chick) Allison, WLW Promotion and Publicity chief and Chairman of the NAB Promotion Display Committee, sends to all radio stations today the complete outline of the NAB Annual Station Promotion Competition. Keyed to the "Radio and the War" theme which will dominate the entire Convention program the competition presents an unusual and interesting challenge.

"Radio has a big job to do to help to win the war," says Mr. Allison in his statement. "Despite the fact that this is the first war radio has seen, the industry has leaped to the realization of its responsibilities magnificently. Countless examples have come to the attention of NAB of how stations are aiding the war effort most effectively in their own individual ways.

"In order that all commercial stations in the country may have an opportunity to demonstrate their accomplishments for the benefit of the entire industry, it has been decided to adopt the following plan for the Annual Promotion Competition at the Annual Convention in May.

"This plan has been discussed with the OFF, and they are heartily in accord with its purpose and will cooperate to the fullest extent. The plan, therefore, merits your whole-hearted cooperation and calls for action from a greater number of stations than ever before."

The competition is divided into four groups and certificates will be awarded in each group to large, medium and small stations respectively. Following are the four groups:

1. Certificate of Award to the station which has most effectively educated its audience concerning the war effort.
2. Certificate of Award to the station which has most effectively inspired its audience to continue its support of the war effort.
3. Certificate of Award to the station which has distinguished itself in the conduct of Civilian Defense activity.
4. Certificate of Award to the station which has made important contributions to progress in the art of broadcast advertising.

### Competition Rules

1. There is no limit to the number of individual display panels any station can enter.
2. All panels must be received at the Hotel Statler in Cleveland, Ohio, by Friday, May 8.
3. *If you wish displays returned*, be sure to pack in a carton or crate which can be opened without dismantling. All shipments will be returned freight collect following the close of the convention.
4. Panels are to be uniform 28" wide by 44" high and, due to the method of displaying, *must be composed vertically*. Panels must be constructed with flat backs so they can be displayed on the special easel-type frames being constructed specially for them. There are no other restrictions in the manner in which your panels are to be made. Your imagination and ingenuity have full play.

5. Each panel must bear somewhere on its face the station call letters and the competition class number in which it is being entered—1, 2, 3, or 4.

6. Address all shipments to:

M. F. Allison  
NAB Promotion Display  
Hotel Statler  
Cleveland, Ohio

### Committee Members

Besides Mr. Allison, Committee members are: Charles Newcomb, WGAR, Cleveland; Robert Greenberg, WHK-WCLE, Cleveland; Howard Barton, WTAM, Cleveland; Harry Buckendahl, KALE, Portland, Ore.; King Park, WBBM, Chicago; Frank Barhydt, KMBC, Kansas City, Mo.; Irvin Gross, WFAA, Dallas; and Holly Moyer, KFEL, Denver.

## RADIO TECHNICIANS

A meeting of the Domestic Broadcast Committee IV of DCB was held Wednesday, April 8. Several plans for additional relief to broadcast stations in regard the technician shortage were submitted to the Committee. These concern the relaxation of operator rules so that a person with "limited knowledge" of technical matters could operate a broadcast station provided a competent technician is on call. Recommendations made by the Committee, if adopted by FCC, should result in a beneficial relaxation of the operator rules. Neville Miller, chairman of the Committee, and Lynne C. Smeby attended the meeting as the NAB representatives.

### This May Help

Pending a new supply of technicians at the completion of the radio technician training courses and any relaxation of standards authorized by FCC, broadcast stations may be able to locate men through the following procedures:

1. Inform local chapters of Institute of Radio Engineering and local amateur groups that second class radio telephone licensed men may operate a broadcast station. In addition to appeal through organizations contact men individually.
2. If you have studio operators working without license encourage them to study with the help of your engineer and obtain licenses. Some will have the right background to get a license with reasonable promptness.
3. Ascertain whether there are any suitable men employed at local police, fire, utility or aircraft radio stations who would be willing to take on an extra assignment at your station.
4. Check over local radio servicemen. It may be that you can find one who can qualify for a license with speed and ease.
5. Try your high school physics instructors. While some have amateur licenses nearly all possess fundamental knowledge with which to pass an FCC exam. During the emergency many of these men could take late afternoon or evening shifts.
6. Stations in or near colleges might check proper departments to see if there are any advanced students with proper background which would enable them to get a second class license.



NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NAional 2080

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

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

## Winning the War

John M. Rivers, president, WCSC, Charleston, S. C., has found a way for a limited-staff station to contribute to speeding up the war effort.

His staff has produced a series of what he calls "quickies" which are illustrated below. They are used several times each day and rotated.

"Later on," said Mr. Rivers, "we plan to invite the public to write 'quickies' for us." The "quickies" are very effective with the Charleston audience, according to Mr. Rivers.

Examples of "quickies" follow:

*The French thought they could lick Hitler easy, too, and look what happened to them! We've got to hurry up, people. We need millions of guns . . . thousands of planes and tanks . . . and we need them now! Speed up production!*

*Every time you take time out on your vital job, you take a gun out of a soldier's hands. Americans must wake up . . . Production must speed up!*

*Too little . . . Too late. We're thinking about war production. That doesn't apply to you, does it?*

*American offensive depends on the amount of production. Are you doing your best?*

*Count the day lost that does not show a production increase.*

*Do we love liberty enough to work for it? How's production in your shop?*

### KTRB, Modesto

Cecil Lynch, program director, KTRB, Modesto, Calif., has forwarded the script of a 15-minute show KTRB uses to do a combination job of morale building and recruiting. The programs are transcribed and they are used several times. It is Mr. Lynch's belief that this treatment does an outstanding job.

The program opens with music, in the sample script, with Beethoven's Fifth. Then the first voice:

"On the air for VICTORY! Victory begins with YOU. Start today, to Win the War on the Home Front."

More Beethoven and a second voice:

"Listen America—the Battle of the World is in progress, and all freedom is at stake. It is true that we in the United States have never lost a war—but, *neither has Japan*. We, the people of the United States of America, *could lose* this war—but we will not, if—"

First voice:—"If 132-million of us will concentrate in making America First on Land, First in the Air, First on the Sea, First Under the Sea!"

The two voices weave in various announcements and copy pays tribute to such groups as the Mosquito Fleet, the Navy Air Cadets, loftsman, etc., for Pearl Harbor (manpower spots), bonds and stamps, Army recruiting and aircraft production.

### Covers War Rally

The State of Connecticut held a war rally for state employees in Hartford, April 6, 12:15-1:00 p. m. Since the program fell on Army Day, WTIC broadcast the proceedings as a portion of its Army Day observance. Governor Hurley was among the speakers. Exercises included the unveiling of a temporary plaque to employees now in the armed forces. According to Thomas C. McCray, assistant general manager, the program was fed to WNAB, Bridgeport; WNLC, New London; WBRY, Waterbury; and, WELI, New Haven.

### "Production for Victory"

Gunnar O. Wiig, general manager, WHEC, Rochester, broadcast "PRODUCTION FOR VICTORY" as an evening show, April 2, all of which suggests a format that may be employed elsewhere with advantage. The program was designed not only as a salute to industry in general but also to pay tribute to the Bausch and Lomb Optical Company where the month of April had been designated as "Make More for MacArthur Month."

The announcer came in cold with "AMERICA MARCHES ON!" Then music, "America Marches On," and the Narrator, grim, dramatic, determined:

"On March Second, 1942, Donald Nelson made an appeal to industry . . . an appeal whose urgency can not be too strongly underscored. He said, 'There must be sweat and action on the production-line to match the blood and action on the battle-line.' . . ."

"To you and me, his message means just this: Production for Victory. . . It's up to us, the men, the women, the families behind the men behind the guns, to forge ahead! We can work as hard as we've the will to work, and there must be no limit to that will . . . no point at which we can say, 'This is as far as I can go . . . this is as hard as I can work . . .' No man ever won a race by saying, 'This is as fast as I can run,' when his opponent was at his heels. Somewhere, he found the extra burst of speed . . . and came across the finish line ahead of the field.

"That's our job, America! That's our job, Rochester!"

In his remarks on behalf of Bausch and Lomb, Mr. Eisenhart said:

"What I have to say concerns two words—two words that are perhaps of greater importance to you and me and 130,000,000 other Americans than any other two words in the English language. They are Production and Victory. Victory is the goal of every true American, and the goal to which our industries are dedicating their facilities and experience. Victory over despotism and slavery is the ideal for which the finest of American men are giving their lives on the far-flung battlefields of this war. Victory is more important to every one of us than anything else in the world. . . ." etc.

### Put Emphasis on "War"

Raymond Jeffers, Chicago public relations man, who has been arranging personal appearances in Army camps for Mary Ann Mercer, vocalist on "Uncle Walter's Dog House," in behalf of the sale of War Bonds and Stamps, writes:

"I firmly believe that if the word *WAR* is brought out more vividly through sight and sound that it will be more impressive. . . . We have to use some method of bringing *WAR* more impressively before the American public so that they may realize we are in a *WAR*."

Mr. Jeffers suggests that announcers put the emphasis on *WAR* when they say, "It is 5:02 easternwartime." Why couldn't the announcer say, "This is eastern-*WAR*-time." "I suggest," he said, "that in newspapers when radio time or any time is mentioned that we use—'*EWART*.'"

## SELL CHRONOMETERS TO NAVY

Keep chronometers until we have investigated, was the warning issued on March 27. The Navy has completed its investigation and the official statement was forthcoming yesterday.

Specific directions for selling these instruments directly to the Navy are contained in the statement printed herewith. All stations with chronometers to spare are urged to sell.

### Official Navy Statement

"Since 14 November, 1941, the Navy and the Maritime Commission have been obtaining chronometers, mounted chronometer watches, and chronometer watches through the efforts of several business organizations, the representatives of which have carried letters of identification in the past, but will not carry them in the future.

"It is hardly necessary to explain that the instruments are urgently needed. Owners of instruments who feel that they can spare them are urged to offer them to the Navy. Depending upon the suitability of the instruments offered, prices ranging from \$100 to \$350 for standard chronometers, \$65 to \$100 for mounted chronometer watches, and \$65 to \$75 for chronometer watches are being paid.

"But please note that it is not obligatory to deal with any of the solicitors who may call. If you do not like the price offered by the solicitor, or if you would rather do business directly with the Navy and the Maritime Commission, you are invited to communicate directly with the Superintendent, U. S. Naval Observatory, Washington, D. C., giving the exact description of your instrument and the price that you expect to receive. If your instrument proves satisfactory on inspection at the Naval Observatory an appraised value will be submitted to you.

"And, remember that you are not obliged to part with your instrument at all unless you want to do so."

## Sales

### Money-saving Survey for Broadcasters

All tangled up in a maze of claims and counter-claims, doubts and disputes, have been the subjects of performance by radio stations on commercial accounts, the confidence of agencies and clients in radio, and the activities of checking services that have tended to undermine this confidence, put radio on the spot, and divert billing to other media. The radio industry's chief obstacle in meeting these problems has been the fact that it lacked actual performance data.

Tackling the problem, the NAB Sales Managers Executive Committee at a meeting last January authorized the making of a sam-

#### Detail of Errors: (Consolidated report from all stations)

Time	Service Ordered	Nature of Error, Explanation	Disposition
4:30 PM	¼-hr. drama	5 seconds lost when Edison power surge caused transmitter to go off air. Time off 4:31.20, time on 4:31.25	Reported to NBC since program was network.
6:00 PM	¼-hr. pgm.	40 seconds lost when tripped main power relay at transmitter; time off 6:13.25, time on 6:14.05.	Reported to local sponsor; no make-good expected.
8:30 PM	35 words	Announcer advised on guide sheet, couldn't find copy at 8:30; found it on floor later.	Phoned advertiser, secured permission to make up on following night.
10:00 AM	35 words	Wrong copy used for local chainbreak. All copy is scheduled up until noon the following day and the 10 AM copy had been put in the line-up the night before. At 9:30 AM, advertiser brought in new copy which was typed and taken back to the announcer, but the announcer through error used the copy which was originally in the line-up.	Explained to local client, make-good offered but declined as client was satisfied with copy used.
1:30 PM	¼-hr. pgm.	Power failure at transmitter in drama portion of program. Time off 1:41.10, time on 1:42.	Reported to client by letter but no reply yet received.
2:15 PM	35 words	This spot is ordinarily scheduled at this time on Wednesday, but Traffic inadvertently missed scheduling it on this date.	Notified national representative in New York same day, offering availabilities, and secured permission to make up at later date.

ple survey that would provide a reliable experience record within the limits of the sample.

Three stations were selected for the test: a large, a medium and a small station, in different geographical areas. To John Outler, WSB; E. Y. Flanigan, WSPD, and Dietrich Dirks, KTRI, go the sincere thanks of the Committee for their valuable contributions to this study.

The survey is published here in full, and the Committee believes it merits the study of all station owners and managers, as well as the heads of all departments. Following that it should be retained by the station's Sales Department as a piece of sales ammunition to combat the claims of checking services and competitive media whenever the occasion to use it arises. The Committee believes that, properly used, this survey can help save many thousands of dollars in billings for the radio industry.

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### NAB Survey of Radio Station Performance in Commercial Broadcasting

Period: Month of February, 1942.

Stations Participating: WSB, Atlanta, Ga., 50,000 watts;  
WSPD, Toledo, O., 5,000 watts;  
KTRI, Sioux City, Ia., 250 watts.

Method: Each station set up a multiple-check system whereby every stage of the commercial broadcasting process could be scrutinized, and every error of omission or commission, however slight, detected and reported. Checking was done by every announcer, by every control operator, by transmitter engineers, and by personnel in the Sales, Traffic and Program departments. Station logs, transmitter logs and daily program schedules were double-checked for quantitative performance; announcers and control operators, as well as other station personnel, likewise reported on qualitative performance. No conscientious effort was made to operate the stations during this period in any other than a normal manner, as the purpose of the survey was to determine, percentage-wise, the predictable margin of error in a given quantity of commercial broadcasts.

#### Number of services rendered during the period:

WSB broadcast a total of 1,806 commercial programs and announcements (exclusive of network) during the test period.  
WSPD broadcast a total of 2,059 commercial programs and announcements (exclusive of network).  
KTRI broadcast a total of 1,120 commercial programs and announcements (exclusive of network).

Total: 4,985

#### Total number of errors, all types:

WSB: 11  
WSPD: 6  
KTRI: 14

Total: 31

#### Ratio of Error to Total Commercial Broadcasts: .0062

Total of programs and announcements broadcast without error: 4,954

Percentage of services broadcast without error: 99.38%

Time	Service Ordered	Nature of Error, Explanation	Disposition
10:15 AM	60 words	Copy was not received from advertiser in time.	Made up the same day.
8:01 AM	¼-hr. News	Announcer stumbled on two words.	None.
8:59.30 AM	30 words	Poor timing caused announcement to run into following program time.	Following program was sustaining.
8:00 AM	¼-hr. News	Poor production on ET theme operation.	None.
5:44 PM	60 words	Announcer read price wrong but corrected immediately.	Reported to client and make-up spot given the following day.
3:00 PM	60 words	Announcer stumbled over one word.	None.
5:35 PM	30 words	Announcer stumbled over one word.	None.
9:59 PM	30 words	Wrong spot was scheduled.	Reported to client and <u>make-up</u> given the following day.
12:15 PM	20 words	Announcer omitted one word.	Reported to client and make-up given the following day.
7:00 PM	30 words	Delay in start; operator did not have ET cued up.	None.
10:30 AM	60 words	Announcer mispronounced a word.	None.
7:59.30 PM	30 words	Wrong copy given, due to misunderstanding.	Reported to client and make-up given the following day.
5:00 PM	100 words	Announcer missed schedule and read spot at 5:05 PM instead.	Reported to client, who okayed the move.
11:00 AM	30 words	Announcer had to cut mike momentarily to clear his throat.	Reported to client and make-up given the same day.
1:20 PM	1-min. ann.	Preceding program ran long, compressing schedule and wiping out the scheduled availability.	Made up at 2 PM same day. Agency notified of change and reason, and make-good approved.
9:45 AM	1-min. ann.	Misunderstanding of instructions on involved schedule. Wrong announcement run in spot ordered.	Make-good accepted by agency on explanation.
3:45 PM	1-min. ann.	Misunderstanding of instructions on involved schedule. Wrong announcement run in spot ordered.	Make-good accepted by agency on explanation.
3:55 PM	5-min. pgm.	Missed theme and opening commercial because announcer could not locate copy in file.	Station's error; no excuse. Reported to client and charged off.
3:55 PM	5-min. pgm.	Started theme record at 78 r.p.m. instead of 33½ r.p.m. Corrected in 5 seconds.	Explained to agency and excused. No adjustment requested.
6:59 PM	1-min. ann.	Two announcers on duty. Each thought the other would handle—an Alphonse-Gaston situation.	Station's error; no excuse. Explained to agency and charged off.
7:29 AM	1-min. ann.	Filter pad in transcription apparatus went bad.	Reported to agency and make-good scheduled.
8:00 PM	Transcribed break ann.	Engineer neglected to tear down the audition hook-up and part of the announcement was missed.	Reported to agency and make-good on comparable spot accepted.
9:59 PM	1-min. ann.	Spot wiped out by last-minute change in network preceding program.	Reported to agency and charged off.
12:14 PM	¼-hr. pgm.	Traffic clerk supplied wrong closing commercial for News program. (Happened on Friday the 13th.)	Station's error, but agency okayed on basis of prompt explanation and acceptability of commercial used.
2:50 PM	1-min. ann.	Spot ran at 2:49 PM because preceding News program ran short one minute. Move resulted from announcer's judgment of the situation.	Explained to agency and approved.

#### Analysis of 31 Errors:

- 4 Errors due to transmitter equipment or power failure.
- 3 Errors due to Traffic Dept.
- 4 Errors caused by failure in Copy Dept.
- 11 Errors by announcer (mispronunciation, etc.).

4 Errors by control operator.

- 1 Advertiser failure to get copy in on time.
- 1 Cancellation because of network change in program.
- 3. Combination of circumstances.
- 31—Total.

\* \* \*

### Application of Performance Survey to Spot Broadcasting

Based on this sample survey, the predictable ratio of error in a radio campaign is .0062.

Therefore the advertiser who buys a total of 1,000 spot announcements, for example, may expect to have 99.38% of these announcements broadcast satisfactorily. Out of the entire 1,000 announcements, he may expect some error to be made on six of them. But the nature of these errors will vary; some will not adversely affect the commercial value of the spot. Of the errors caught in this survey, only 39% were of such a nature as to render the commercial valueless. Therefore, although six errors are likely to occur in a campaign of 1,000 announcements:

1. Four of these will be of such a nature as hardly to be "errors" at all: mispronunciation of a word; 5-second delay in timing; ET theme improperly cued, etc. Predictably, only two of the six errors will render the announcement valueless.
2. Most, if not all, of these six errors will be detected by the station, reported to the agency or client, and satisfactorily adjusted either by make-good or rebate, with *no loss at all* to the advertiser.

Some clients have purchased the services of commercial checking companies to make sure that their campaigns are broadcast as ordered. The value of such checking services can be questioned on several counts: nature and qualifications of personnel; quality of equipment; judgment of checkers; reliability of reports, etc. The cost of such services varies since it is generally on a piece-work basis. But for the sake of illustration, suppose that the cost of the checking service amounts to 2% of the budget for radio time.

Assume that the average rate for the 1,000 announcements on the various stations used is \$14.00. Thus the time cost for the campaign would amount to \$14,000, and the cost of the checking service would be \$280.00.

Based on this sample survey, six errors would be made, and of these, two of the announcements would be rendered valueless—a loss of \$28 to the client, *if* neither of the errors was detected and adjusted. If they were, obviously, the client would lose nothing.

Or even suppose (a practical impossibility) that *all six* of the errors were of such a nature as to render the announcements valueless, and that *none* was detected and reported. This would represent a loss to the client of \$84.

But the checking service cost \$280.00. Furthermore, no checking service will guarantee 100% accuracy in its reports, either quantitatively or qualitatively. Generally, the best that is claimed by checking services is 80% efficiency. Therefore, even if six errors were made, and not detected or reported by the stations, the client might expect to have only five of these reported by the checking service, and a rebate of \$70 secured—for a cost of \$280.

If, on the other hand, the \$280 were invested in additional radio time (instead of in a checking service), this would buy an additional 20 announcements for the client, and would represent a *net gain* in advertising service varying from a maximum of 20 additional announcements to a minimum of 14 additional announcements—and with the probability all in favor of the 20.

Radio stations, as everyone will concede, are eager to render accurate, complete and honest service for every dollar invested in radio time. All possible precautions are taken to that end.

Clients may continue to buy radio advertising, confident that full value will be received. Any radio advertiser who may have spent extra money on a commercial checking service may now be assured, on the basis of this study, that the same amount of money, invested in additional radio advertising, will bring far greater returns.

**NOTE TO STATIONS**—The above survey can also be of real value to stations as a *performance index* against which to compare your own record. Particular attention should be called to the column showing "Disposition" of errors, indicating the prompt steps to be taken in adjusting all errors to the satisfaction of the client.

Every station is urged to make a similar survey of its own operation, for a period of one month, beginning as soon as possible. Your own survey, when added to this, will give your Sales Department an even more potent sales weapon to be used when needed.

Having done this, we urge you to send your survey to the NAB Department of Broadcast Advertising. The survey printed here, as explained, is a three-station sample; if 100 or more similar studies can be gathered and combined, a more accurate record of the industry as a whole will be available.

With the future of commercial broadcasting as uncertain as it is, and with the industry sailing uncharted wartime seas, it is surely the part of wisdom to take every precaution against possible future attacks from any quarter. Your participation in this study, *now*, may some day help to keep your business going.

### Watch Rates on Dealer-Cooperative

*(A national sales representative points out that the NAB Dealer-Cooperative Advertising study may be construed as encouragement to grant the local rate to nationally-advertised products. Such was definitely not intended, so we therefore suggest that the following be clipped and pasted to the inside cover of the booklet containing the study, as a reminder to station salesmen.)*

The national dealer-cooperative advertising study, based on information supplied by 122 NAB members, was distributed to cooperating stations last week.

Although the study made no specific mention of rates, it should be emphasized that, as always, stations with two rates should invariably apply the national or general rate to nationally-advertised products.

As recommended by the NAB Sales Managers Executive Committee, many stations have adopted the single rate and in these cases there is, of course, no problem. Other stations apply the recommended definition as follows:

*"Any product or service sold through more than one retail outlet takes the national, or general rate."*

This definition should apply regardless of the source of the business—whether the contract is placed by a dealer, distributor, or factory zone manager, and whether it comes through an agency or not.

If such a rule is not carefully followed, some manufacturers might use their local dealer outlets in an effort to secure a local rate,

to which they are not entitled. The NAB Sales Managers Division feels that it has made considerable headway in eliminating chiseling along these lines, and is anxious that none of that ground be lost. Stations are invited to report to the NAB any such efforts that might be made by manufacturers or dealers, so that the matter may be followed up at the manufacturer's home office and agency.

### Letters to the Trade

Increasing pressure from agencies for merchandising services can react to the disadvantage of the station, the client, and the dealers, if carried to an extreme. Good judgment must always be exercised by radio merchandising departments in agreeing to, or resisting certain requests.

A case in point is cited by John H. Dodge, sales manager of WRC, Washington, D. C., who writes:

"We have discussed with other stations from time to time how merchandising cooperation extended by stations can be made more helpful to sponsors.

"We believe that all stations are sincere in their efforts to extend reasonable assistance to an advertiser who wishes to make his campaign more effective in the market. But the radio stations, in turn, should expect sincerity also from the agency or client.

"In the matter of 'letters to the trade,' for instance, this type of merchandising is rapidly losing its value. It seems today that all agencies *automatically* request that a letter be sent to their mailing list of druggists or grocers whether the broadcast schedule amounts to station breaks, spot announcements, or programs.

"We have a policy which entitles users of heavy schedules to a letter sent to the trade over our signature. *But if too many letters of this type go out, none of them will be effective.* And it is extremely annoying to stations when the actual value of this type of merchandising immediately loses its importance when it is offered on a cost-plus-postage basis. We are hopeful that the National Association of Broadcasters and its member stations can in some way, in the very near future, expect a change in this situation."

### Per-Inquiry and Free Time

Although there has seemed to be a falling-off in the number of attempted chisels during the past few weeks, the per-inquiry and free-time boys are not altogether inactive. Reported this week by stations are:

**Wind Giro Power Co.**, Lohrville, Iowa, is seeking P-I deals on behalf of a "health-improvement mechanical massager."

**MacFarland, Aveyard & Co.**, Chicago, is offering free scripts to women's programs, designed to promote the Northwestern Yeast Company's Maca yeast.

**Arthur Murray School of Dancing**, New York, is circularizing the industry offering to sell his dance book to stations, to be plugged on free time and used as a give-away or premium. But Mr. Murray wants *his* money.

### NEW WPB CONSTRUCTION ORDER

The War Production Board on Wednesday issued a new order banning the initiation of any sizeable new construction for the duration. No official interpretation of the order's application to radio construction was immediately available, but there was considerable speculation that the effect of the order would be to ban the construction of new stations altogether.

### STATE LEGISLATION

NEW YORK:

S. 1852 (Same as A. 742) (Coughlin) PUBLICATION—RESTRICTIONS—Makes it a misdemeanor to incite, advocate or promote hatred, violence or hostility against any person or group by reason of race, color, religion or manner of worship, by publication, radio broadcast or other means of communication and makes owner of building liable for use as meeting place. Referred to Committee on Codes.

RHODE ISLAND:

H. 875 (Sullivan) OPTOMETRY—ADVERTISING—Amending Chapter 277 of the General Laws, entitled "Licensing and

regulation of optometrists and opticians." Limits advertising by optometrists and opticians; requires that they conform to same standards as doctors and physicians. Referred to Committee on Judiciary.

### SUGGESTED ANNOUNCEMENTS

Bernard Estes of Station WINS, New York, suggests the following announcements which have won the praise of the OFF:

1. Don't play into the axis' hands by spreading rumors—Your press and radio give you all the true facts of the war.
2. The repeating of rumors plays into the axis partners' hands—Your press and radio give you true facts of the war.
3. The American press and radio give you the true facts of the war. Rumors help the enemy so don't you play into the axis' hands by spreading rumors.
4. Don't become an axis partner by spreading rumors. The American press and radio give you the true facts of the war.

### WYOMING RADIO CENSUS

Number of Occupied Dwelling Units, Percent Radio Equipped and Number of Dwellings Having Radios by County, and Cities of 2500 or More Population—Urban, Rural-Nonfarm and Rural-Farm: 1940\*

	All Units			Urban Units			Rural-Nonfarm Units			Rural-Farm Units		
	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units
Albany.....	4,139	88.4	3,657	3,113	92.8	2,888	385	68.0	262	641	79.1	507
Big Horn.....	3,307	83.1	2,747	.....	.....	.....	1,954	89.3	1,745	1,353	74.1	1,002
Campbell.....	1,795	78.5	1,408	.....	.....	.....	723	85.0	615	1,072	74.0	793
Carbon.....	3,765	80.0	3,005	1,523	87.3	1,329	1,506	79.4	1,196	736	65.1	480
Converse.....	1,939	80.8	1,563	.....	.....	.....	1,187	85.7	1,017	752	72.6	546
Crook.....	1,480	74.6	1,105	.....	.....	.....	554	72.6	402	926	75.9	703
Fremont.....	4,539	71.7	3,127	1,493	87.2	1,302	912	67.3	614	1,954	62.0	1,211
Goshen.....	3,101	82.7	2,561	.....	.....	.....	1,463	87.2	1,276	1,638	78.5	1,285
Hot Springs.....	1,424	77.5	1,105	.....	.....	.....	1,104	76.5	845	320	81.1	260
Johnson.....	1,516	82.1	1,244	.....	.....	.....	846	85.5	723	670	77.8	521
Laramie.....	8,180	92.5	7,566	6,351	94.9	6,028	768	87.8	674	1,061	81.4	864
Lincoln.....	2,552	88.5	2,258	.....	.....	.....	1,712	87.9	1,505	840	89.6	753
Natrona.....	7,364	88.5	6,515	5,599	90.0	5,040	1,246	90.4	1,126	519	67.3	349
Niobrara.....	1,720	81.1	1,394	.....	.....	.....	1,115	82.9	924	605	77.7	470
Park.....	3,087	82.3	2,539	747	90.0	673	948	81.4	772	1,392	78.6	1,094
Platte.....	2,232	80.7	1,799	.....	.....	.....	1,178	84.9	1,000	1,054	75.8	799
Sheridan.....	5,427	87.6	4,754	3,185	92.9	2,959	990	83.4	826	1,252	77.4	969
Sublette.....	816	79.8	651	.....	.....	.....	385	79.9	308	431	79.7	343
Sweetwater.....	5,583	87.5	4,884	3,610	90.3	3,261	1,713	83.3	1,427	260	75.4	196
Teton.....	715	82.2	587	.....	.....	.....	455	83.2	378	260	80.5	209
Uinta.....	1,809	86.8	1,571	1,011	95.7	967	352	72.2	254	446	78.5	350
Washakie.....	1,443	81.1	1,170	700	79.4	556	190	82.4	157	553	82.6	457
Weston.....	1,421	78.9	1,121	.....	.....	.....	958	80.1	767	463	76.5	354
Yellowstone National Park (Part).....	200	100.0	200	.....	.....	.....	198	100.0	198	2	100.0	2
State Total.....	69,374	84.4	58,531	27,332	91.5	25,003	22,842	83.2	19,011	19,200	75.7	14,517

### CITIES OF 2500 OR MORE POPULATION

City	County	Units	% Radio	Radio Units
Laramie.....	Albany	3,113	92.8	2,888
Rawlins.....	Carbon	1,523	87.3	1,329
Lander Town.....	Fremont	784	85.8	673
Riverton Town.....	"	709	88.7	629
Cheyenne.....	Laramie	6,351	94.9	6,208
Casper.....	Natrona	5,599	90.0	5,040
Cody Town.....	Park	747	90.0	673
Sheridan City.....	Sheridan	3,185	92.9	2,959
Green River Town.....	Sweetwater	723	91.6	662
Rock Springs.....	"	2,887	90.0	2,599
Evanston Town.....	Uinta	1,011	95.7	967
Worland Town.....	Washakie	700	79.4	556

\* Source: Figures of the number of Occupied Dwelling Units and Percent Radio Equipped published by U. S. Census in the Second Series Housing Report for Wyoming.

Figures of the number of Radio Equipped Occupied Dwelling Units calculated by NAB Research Department to project total figures. Census release did not include 1,687 Occupied Dwelling Units because answers to the radio question were not obtained in enumeration.

## 609 BMI RENEWALS

On April 3, 609 stations had renewed their BMI contracts, and BMI had received renewal pledges from 88 others.

In NAB District 1, every station has renewed. Twenty-two states also report 100 per cent renewals.

### BMI COOPERATES IN CONTEST

Broadcast Music, Inc., joined with the Pan-American Coffee Bureau and Radio Song Hits Magazine to conduct a nationwide contest for lyrics for a song that would give the coffee-bean a boost. The Coffee Bureau offered the prizes; the magazine printed the offer and the winning lyrics; BMI handled details of the judging and a BMI affiliate will publish the song.

The first prize of \$100 went to William B. Edmonston, of Winthrop, Massachusetts, for a number called *Coffee for Three*. His lyrics have been set to music by Betty Cannon, one of the writers of *A Little Bit South of North Carolina*. The completed song will be published within a few weeks by Republic Music Corporation, a BMI affiliate.

Five runner-up prizes went to Vinny Genovese, Danbury, Connecticut; Thelma M. Parker, Bethel, Ohio; Margaret Sampson, Los Angeles, California; Private First Class Ralph H. Starkel, Fort Clayton, Canal Zone; and H. C. White, Vancouver, British Columbia.

Merritt E. Tompkins, BMI vice-president, acted as Chairman of the Committee of Judges. The other members were Benny Goodman, Tommy Tucker, Sammy Kaye, Shep Fields, Vincent Lopez, Harry James, and Paul Laval, orchestra leaders; Dinah Shore, singer; Emanuel Sacks, of Columbia Recording; Leonard Joy, of RCA-Victor; and M. L. Christen, of Radio Hit Songs Magazine.

### CONFERENCE ON SANDERS BILL

The members of the NAB Executive Committee met in New York on Tuesday to discuss with Neville Miller the nature of the presentation which NAB will make to the House Committee on Foreign and Interstate Commerce in connection with the Sanders Bill. The Committee acted purely in an advisory capacity and no other industry matters of a general nature were discussed. Many very helpful suggestions were received and the statement which NAB will make is now in course of preparation.

### WCOP CASE

The Supreme Court on Monday, with Justices Douglas and Murphy dissenting, affirmed the power of the United States Court of Appeals of the District of Columbia to stay orders of the FCC pending determination of appeals to that court from Commission orders.

The question was raised on certification by a divided Court of Appeals after Scripps-Howard Radio, Inc., licensee of Station WCOP, had appealed from the Commission's denial of its petition to vacate an order granting, without hearing, Station WCOL a CP for change of frequency and increase of power.

The text of the opinion:

No. 508.—OCTOBER TERM, 1941

Scripps-Howard Radio, Inc.,

vs.

Federal Communications Commission

On Certificate from the United States Court of Appeals for the District of Columbia

[April 6, 1942]

Mr. Justice FRANKFURTER delivered the opinion of the Court.

This case is here on certificate from the Court of Appeals for the District of Columbia. Judicial Code § 239, 28 U. S. C. § 346. The question certified relates to the power of the Court of Appeals to

stay the enforcement of an order of the Federal Communications Commission pending determination of an appeal taken under § 402(b) of the Communications Act of 1934, 48 Stat. 1064, 1093.

The circumstances which induced the Court to certify the question are these: On October 10, 1939, the Commission granted without hearing the application of WCOL, Inc., licensee of Station WCOL, Columbus, Ohio, for a construction permit to change its frequency from 1210 to 1200 kilocycles and to increase its power from 100 to 250 watts. The appellant, Scripps-Howard Radio, Inc., which is the licensee of Station WCOP, Cincinnati, Ohio, operating on a frequency of 1200 kilocycles with power of 250 watts, filed a petition for "hearing or rehearing" requesting the Commission to vacate its previous order and set the WCOL application for hearing. The Commission denied this petition on March 29, 1940, and an appeal followed. In its statement of "reasons for appeal", the appellant claimed that the Commission could not lawfully grant the WCOL application without hearing; that in granting the application the Commission departed from its rules and standards of good engineering practice; that the appellant was entitled to a hearing in order to show that the Commission's action did not serve the public interest since it would result in materially reducing the coverage of Station WCOP and thereby deprive a substantial number of listeners of "the only local regional non-network service" available to them; and that in granting the WCOL application without hearing, the Commission violated the Due Process Clause of the Fifth Amendment.

The appellant asked the Court of Appeals to stay the Commission's order pending the disposition of its appeal. Even though the Court "had consistently over a long period of years, and without objection on the part of the Commission, issued stay orders" in cases where such orders were found to be necessary, the Commission opposed the issuance of a stay order in this case on the ground that the Court was without power to grant a stay. The application was heard before the Court sitting with three judges, which, with one judge dissenting, upheld the Commission's contention. A motion for rehearing before all six members of the Court was granted. The judges being equally divided on the question of the Court's power to grant a stay, the following question was certified to us:

"Where, pursuant to the provisions of Section 402(b) of the Communications Act of 1934, an appeal has been taken, to the United States Court of Appeals, from an order of the Federal Communications Commission, does the court, in order to preserve the status quo pending appeal, have power to stay the execution of the Commission's order from which the appeal was taken, pending the determination of the appeal?"

The Commission suggests that the certificate should be dismissed because of the generality of the question. *Lowden v. Northwestern Nat. Bank*, 298 U. S. 160. Read in the light of the preliminary statement certifying the facts which presented the question, *Hill v. Wampler*, 298 U. S. 460, 464, the question is limited to the type of order made by the Commissioner in this case. It is therefore sufficiently specific.

The Communications Act of 1934 is a hybrid. By that Act Congress established a comprehensive system for the regulation of communication by wire and radio. To secure effective execution of its policy of making available "a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges", Congress created a new agency, the Federal Communications Commission, to which it entrusted authority previously exercised by several other agencies. Under the Radio Act of 1927, 44 Stat. 1162, the Federal Radio Commission had broad powers over the licensing and regulation of radio facilities. The Mann-Elkins Act of 1910, 36 Stat. 539, gave the Interstate Commerce Commission general regulatory authority over telephone and telegraph carriers. In addition, the Postmaster General was empowered, under the Post Roads Act of 1866, 14 Stat. 221, to fix rates on government telegrams.<sup>1</sup> The Communications Act of 1934 was designed to centralize this scattered regulatory authority in one agency. See Message from the President to Congress, February 26, 1934, Sen. Doc. No. 144, 73d Cong., 2d Sess.; Sen. Rep. No. 781, 73d Cong., 2d Sess., p. 1; H. Rep. No. 1850, 73d Cong., 2d Sess., pp. 3-4.

The provisions for judicial review in the Act of 1934 reflect its

<sup>1</sup> A summary of the authority vested in the Federal Radio Commission, the Interstate Commerce Commission, and the Postmaster General, and of the extent to which such authority was actually exercised, is contained in Appendix A, Historical Background of the Communications Act of 1934, of the Monograph of the Attorney General's Committee on Administrative Procedure dealing with the Federal Communications Commission. Sen. Doc. No. 186, 76th Cong., 3d Sess., pt. 3; see also Herring and Gross, *Telecommunications*, pp. 210-45.

mixed origins. Section 402(a) makes the provisions of the Urgent Deficiencies Act of October 22, 1913, 38 Stat. 208, 219, pertaining to judicial review of orders of the Interstate Commerce Commission, applicable to "suits to enforce, enjoin, set aside, annul, or suspend any order of the Commission under this Act (except any order of the Commission granting or refusing an application for a construction permit for a radio station, or for a radio station license, or for renewal of an existing radio station license, or for modification of an existing radio station license)". 48 Stat. 1064, 1093. The Urgent Deficiencies Act, which is thus incorporated in § 402(a) of the Communications Act of 1934, provides for review in a specially constituted district court, with direct appeal to this Court. That Act authorizes the district court, in cases "where irreparable damage would otherwise ensue to the petitioner", to allow a temporary stay of the order under review, subject to specified safeguards. 38 Stat. 208, 220.

Section 402(b) of the Communications Act of 1934 provides for review of the orders excepted from § 402(a). It gives an appeal "from decisions of the Commission to the Court of Appeals of the District of Columbia in any of the following cases: (1) By any applicant for a construction permit for a radio station, or for a radio station license, or for renewal of an existing radio station license, or for modification of an existing radio station license, whose application is refused by the Commission. (2) By any other person aggrieved or whose interests are adversely affected by any decision of the Commission granting or refusing such application." 48 Stat. 1064, 1093. This section follows § 16 of the Radio Act of 1927, 44 Stat. 1162, as amended in 1930, 46 Stat. 844, the relevant portions of which are set forth in the margin.<sup>2</sup> See Sen. Rep. No. 781, 73d Cong., 2d Sess., p. 9; H. Report No. 1918, 73d Cong., 2d Sess., pp. 49-50; remarks of Senator Dill, in charge of the measure in the Senate, 78 Cong. Rec. 8825, and Representative Rayburn, who occupied the same role in the House, 78 Cong. Rec. 10314.

Thus, in both the Radio Act of 1927 and the Communications Act of 1934, orders granting or denying applications for construction permits or station licenses and for renewal or modification of licenses were made reviewable by the Court of Appeals for the District of Columbia.<sup>3</sup> And with respect to such appeals, both § 16 of the Radio Act and § 402(b) of the Communications Act were silent with respect to the power of the Court of Appeals to stay orders pending appeal. It is upon this silence in the Communications Act that the Commission bases its contention, made for the first time when this litigation arose in 1940, that the Court is without such power.

No court can make time stand still. The circumstances surrounding a controversy may change irrevocably during the pendency of an appeal, despite anything a court can do. But within these limits it is reasonable that an appellate court should be able to prevent irreparable injury to the parties or to the public resulting from the premature enforcement of a determination which may later be found to have been wrong. It has always been held therefore, that, as part of its traditional equipment for the administration of justice,<sup>4</sup> a federal court can stay the enforcement of

<sup>2</sup> "Any applicant for a construction permit, for a station license, or for the renewal or modification of an existing station license whose application is refused by the licensing authority shall have the right to appeal from said decision to the Court of Appeals of the District of Columbia. . . ." 44 Stat. 1162, 1169.

<sup>3</sup> Where the Commission revokes a station license or modifies a license on its own motion, judicial review is available only under § 402(a) of the Communications Act. The reason for this differentiation appears in the following statement of Senator Dill, who steered the bill in the Senate:

"I desire to call attention to what I think is an important fact to consider in this appeal provision. Those owners of radio broadcasting stations living long distances from the District of Columbia should not be required to come to Washington to prosecute an appeal from a decision for which they are not responsible. When I say 'were not responsible' I mean a decision which was granted against them or affecting them when they did not bring the case into court. . . . So we provide that where the decisions of the commission are made in cases wherein the stations took no part in beginning the suits, appeal may be taken in the three-judge district courts in the jurisdictions where the stations are located. But in the case where the applicant for the license or the permit or whatever it may be, comes to the commission and asks for a change in his license or asks for a new license, or asks for something to be done by the commission, then if the commission makes a decision from which he desires to appeal he must make his appeal in the courts of the District of Columbia." 78 Cong. Rec. 8825-26. Cf. Sen. Rep. No. 781, 73d Cong., 2d Sess., pp. 9-10.

Section 16 of the Radio Act of 1927 provided for appeals from revocation orders to either the Court of Appeals for the District of Columbia or the District Court of the district in which the station was located. 44 Stat. 1162, 1169.

<sup>4</sup> Section 262 of the Judicial Code, 28 U. S. C. § 377, empowers the federal courts "to issue all writs not specifically provided for by statute, which may be necessary for the exercise of their respective jurisdictions, and agreeable to the usages and principles of law." This provision appeared in the very first Judiciary Act, 1 Stat. 73, 81-82. Compare District of Columbia Code (1940 ed.) Title 11-208, authorizing the Court of Appeals for the District of Columbia "to issue all necessary and proper remedial prerogative writs in aid of its appellate jurisdiction." 31 Stat. 1189, 1227.

a judgment pending the outcome of an appeal. *In re Claasen*, 140 U. S. 200; *In re McKenzie*, 180 U. S. 536.

Generally speaking, judicial review of administrative orders is limited to determining whether errors of law have been committed. *Rochester Telephone Corp. v. United States*, 307 U. S. 125, 139-40. Because of historical differences in the relationship between administrative bodies and reviewing courts and that between lower and upper courts, a court of review exhausts its power when it lays bare a misconception of law and compels correction. *Federal Communications Commission v. Pottsville Broadcasting Co.*, 309 U. S. 134, 144-45. If the administrative agency has committed errors of law for the correction of which the legislature has provided appropriate resort to the courts, such judicial review would be an idle ceremony if the situation were irreparably changed before the correction could be made. The existence of power in a reviewing court to stay the enforcement of an administrative order does not mean, of course, that its exercise should be without regard to the division of function which the legislature has made between the administrative body and the court of review. "A stay is not a matter of right, even if irreparable injury might otherwise result to the appellant. *In re Haberman Manufacturing Co.*, 147 U. S. 525. It is an exercise of judicial discretion. The propriety of its issue is dependent upon the circumstances of the particular case." *Virginian Ry. v. United States*, 272 U. S. 658, 672-73; see *Warehouse Co. v. United States*, 283 U. S. 501, 513-14.

These controlling considerations compel the assumption that Congress would not, without clearly expressing such a purpose, deprive the Court of Appeals of its customary power to stay orders under review. It is urged that such a manifestation appears in the provisions for judicial review contained in the Communications Act of 1934. Specifically, the Commission contends that since § 402(a) incorporates the provisions of the Urgent Deficiencies Act of 1913 which explicitly authorize and regulate the issuance of stay orders, the omission of any reference in § 402(b) to a power to stay orders under review reflects a deliberate Congressional choice to deprive the Court of Appeals of this power.

The search for significance in the silence of Congress is too often the pursuit of a mirage. We must be wary against interpolating our notions of policy in the interstices of legislative provisions. Here Congress said nothing about the power of the Court of Appeals to issue stay orders under § 402(b). But denial of such power is not to be inferred merely because Congress failed specifically to repeat the general grant of auxiliary powers to the federal courts. The Commission argues that the silence of Congress, in view of the legislative history of the Act and the nature of the orders reviewable under the Act, qualifies this general authority and is as commanding as if Congress had expressly withheld from the Court of Appeals the power to stay orders appealed under § 402(b).

The legislative history can furnish no support for this contention. Neither the committee reports nor the hearings nor the debates contain any reference to the power to stay Commission orders on appeal. Significance is found in H. R. 7716, 72d Congress, a bill which was passed by both houses in 1933 but which failed of enactment because of a pocket veto. That bill proposed to amend § 16 of the Radio Act of 1927 so as to vest concurrent jurisdiction (with the Court of Appeals for the District of Columbia) of revocation cases in the circuit courts of appeals, rather than in the district courts. The bill also provided that the reviewing court, whether a circuit court of appeals or the Court of Appeals for the District of Columbia, could enter a stay order "upon the giving of a bond by the party applying for the stay in such amount and with such terms and conditions" as the court deemed proper.

It is suggested that if Congress had intended in the Act of 1934 to authorize the Court of Appeals to issue stay orders in appeals under § 402(b), it would not have remained silent when only the year before it had attempted to enact into law a specific provision conferring that power. But H. R. 7716 and the Communications Act of 1934 were not parallel legislative proposals. The former was not a comprehensive legislative scheme for the unification of federal regulatory authority over communications. It proposed merely to amend the Radio Act of 1927 in several minor particulars. See H. Rep. No. 221, 72d Cong., 1st Sess., p. 7; Sen. Rep. No. 564, 72d Cong., 1st Sess., p. 7; Sen. Rep. No. 1004, 72d Cong., 2d Sess., p. 9. The enactment of the Communications Act of 1934, however, came after a message to Congress from the President on February 26, 1934, recommending the creation of a single authority over communication by wire and radio. Sen. Doc. No. 144, 73d Cong., 2d Sess. Earlier in 1934 an interdepartmental committee had made a study of the entire communications situation. Ex-

tensive public hearings on the question of regulating the whole field of communications were held by both the Senate and House Committees on Interstate Commerce. It is obvious, therefore, that what Congress undertook to do by the Communications Act of 1934 was entirely different from what it tried to do the previous year in H. R. 7716.

We are told that in drafting § 402 Congress had before it and relied extensively upon H. R. 7716, and reference is made to the citations to that bill in the statement of the House managers. H. Rep. No. 1918, 73d Cong., 2d Sess., pp. 47-49. But whatever reliance was placed upon H. R. 7716 by the framers of the 1934 legislation was without relation to its provisions for judicial review. For in that same statement (p. 47) it is said that "provisions of the Radio Act of 1927 relating to judicial review have been included" in the bill. And, as has previously been noted, even though the Radio Act of 1927 contained no provisions dealing with the authority of the Court of Appeals for the District of Columbia to stay orders of the Commission on appeal, the Court had been issuing stay orders as a matter of course wherever they were found to be appropriate, without objection by the Commission. *Boston Broadcasting Co. v. Federal Radio Commission*, 67 F. 2d 505, decided June 19, 1933.

It is indisputable that, at least since 1930, the Court of Appeals has been staying orders both of the Federal Radio Commission, under § 16 of the Radio Act of 1927, and of the Federal Communications Commission, under § 402(b) of the Communications Act of 1934, whenever stays were regarded as necessary. To be sure, in only one case, the *Boston Broadcasting* decision, *supra*, did the Court of Appeals even refer to the granting of a stay order. The explanation is not hard to find. The power to stay was so firmly imbedded in our judicial system, so consonant with the historic procedures of federal appellate courts, that there was no necessity for the Court of Appeals to justify its settled practice.<sup>5</sup>

The considerations of policy which are invoked are as fragile as the legislative materials are inapposite. It is said that the nature of the orders reviewable under § 402(b) makes the grant of a stay order manifestly inappropriate since a stay would in effect involve the judicial exercise of an administrative function. An example is adduced of an appeal from an order denying an application for a construction permit or a station license, or for modification or renewal of a license. Of course, no court can grant an applicant an authorization which the Commission has refused. No order that the Court of Appeals could make would enable an applicant to go on the air when the Commission has denied him a license to do so. A stay of an order denying an application would in the nature of things stay nothing. It could not operate as an affirmative authorization of that which the Commission has refused to authorize. But this is no reason for denying the Court the power to issue a stay in a situation where the function of the stay is to avoid irreparable injury to the public interest sought to be vindicated by the appeal.

The Communications Act of 1934 did not create new private rights. The purpose of the Act was to protect the public interest in communications. By § 402(b)(2) Congress entrusted the vindication of the public interest to persons "aggrieved or whose interests are adversely affected" by Commission action. 48 Stat. 1064, 1093. But these private litigants have standing only as representatives of the public interest. *Federal Communications Commission v. Sanders Radio Station*, 309 U. S. 470, 477. Compare *National Licorice Co. v. Labor Board*, 309 U. S. 350, 362-63. That a court is called upon to enforce public rights and not the interests of private property does not diminish its power to protect such rights. "Courts of equity may, and frequently do, go much farther both to give and withhold relief in furtherance of the public interest than they are accustomed to go when only private interests are involved." *Virginian Ry. v. Federation*, 300 U. S. 515, 552. An historic procedure for preserving rights during the pendency of an appeal is no less appropriate—unless Congress has chosen to withdraw it—because the rights to be vindicated are those of the public and not of the private litigants. Unless Congress explicitly discloses such an intention we should not lightly attribute to it a desire to withhold from a reviewing court the power to save the public interest from injury or destruction while an appeal is being

<sup>5</sup> As late as February 23, 1939, the Commission stated its position as follows: "The Commission has not opposed in the past, and does not propose in the future to oppose the granting of a stay or such interlocutory restraining order by this court as may be necessary to protect the appellate jurisdiction of the court or preserve the *status quo* pending determination of an appeal from an order of the Commission, in any case where such a stay or restraining order appears reasonably to be necessary or advisable." Opposition to Petition for Stay Order filed by the Commission in *Crosley Corp. v. Federal Communications Commission*, No. 7351, Court of Appeals for the District of Columbia, Feb. 23, 1939, pp. 1-2.

heard. To do so would stultify the purpose of Congress to utilize the courts as a means for vindicating the public interest. Courts and administrative agencies are not to be regarded as competitors in the task of safeguarding the public interest. *United States v. Morgan*, 307 U. S. 183, 190-91; *Federal Communications Commission v. Pottsville Broadcasting Co.*, 309 U. S. 164. Courts no less than administrative bodies are agencies of government. Both are instruments for realizing public purposes.

It is urged that the orders reviewable under § 402(a), as to which the power to grant stays is undeniable, are intrinsically different from those reviewable under § 402(b). But while the two sections route appeals to different courts, the differentiation was in large measure the product of Congressional solicitude for the convenience of litigants. It had no relation to the scope of the judicial function which the courts were called upon to perform. For example, if the Commission on its own motion modifies a station license, review is had under § 402(a) in the appropriate district court. However, if it grants an application for modification of a license, an appeal lies under § 402(b) to the Court of Appeals for the District of Columbia. Both cases give rise to the same kind of issues on appeal. Both orders are equally susceptible of being stayed on appeal. As the legislative history of the Act plainly shows, Congress provided the two roads to judicial review only to save a licensee the inconvenience of litigating an appeal in Washington in situations where the Commission's order arose out of a proceeding not instituted by the licensee.<sup>6</sup>

Judged by its own terms, its history, and the practice under it, the Communications Act of 1934 affords no warrant for depriving the Court of Appeals of the conventional power of an appellate court to stay the enforcement of an order pending the determination of an appeal challenging its validity. Indirect light is sometimes cast upon legislation by provisions dealing with the same problem in related enactments. No such light is shed here. The numerous laws in which Congress has established administrative agencies for the exercise of its regulatory powers do not disclose any general legislative policy regarding the power to stay administrative orders pending review. Some statutes are wholly silent;<sup>7</sup> some turn a court review into an automatic stay;<sup>8</sup> some provide that the commencement of a suit shall not operate as a stay unless the court specifically so provides;<sup>9</sup> some authorize the reviewing court to grant a stay where necessary.<sup>10</sup> Significantly, the recent Emergency Price Control Act of 1942 explicitly denies the power of the reviewing court to enjoin enforcement of the administrative orders. Pub. Law 421, 77th Cong., 2d Sess.

The various enactments in which the staying power is made explicit, as well as the statutes that are silent about it, afford debating points but no reliable aids in construing the Act before us. One thing is clear. Where Congress wished to deprive the courts of this historic power, it knew how to use apt words—only once has it done so and in a statute born of the exigencies of war.

We conclude that Congress by § 402(b) of the Communications Act of 1934 has not deprived the Court of Appeals of the power to stay—a power as old as the judicial system of the nation. We do not of course go beyond the question put to us. We merely recognize the existence of the power to grant a stay. We are not concerned here with the criteria which should govern the Court in exercising that power. Nor do we in any way imply that a stay would or would not be warranted upon the showing made by the appellant in this case.

The question certified to us is answered in the affirmative.

*So ordered.*

Mr. Justice BLACK took no part in the consideration or decision of this case.

<sup>6</sup> See note 3, *supra*.

<sup>7</sup> E. g., Commodity Exchange Act of 1922, 42 Stat. 998, 1001, 7 U. S. C. § 9; Radio Act of 1927, 44 Stat. 1162; Railroad Retirement Act of 1937, 50 Stat. 307, 315, 45 U. S. C. § 228k.

<sup>8</sup> E. g., Federal Alcohol Administration Act of 1935, 49 Stat. 977, 980, 27 U. S. C. § 204h; Investment Company Act of 1940, 54 Stat. 789, 844, 15 U. S. C. § 80a-42(b).

<sup>9</sup> E. g., Agricultural Adjustment Act of 1938, 52 Stat. 31, 7 U. S. C. § 1367; Securities Act of 1933, 48 Stat. 74, 80, 15 U. S. C. § 77i; Trust Indenture Act of 1939, 53 Stat. 1175, 15 U. S. C. § 77vvv; Public Utility Act of 1935, 49 Stat. 803, 834, 15 U. S. C. § 79x; Investment Company Act of 1940, 54 Stat. 789, 844, 15 U. S. C. § 80a-42(b); Investment Advisers Act of 1940, 54 Stat. 847, 856, 15 U. S. C. § 80b-13; Fair Labor Standards Act of 1938, 52 Stat. 1060, 1065, 29 U. S. C. § 210(b); Bituminous Coal Act of 1937, 50 Stat. 85, 15 U. S. C. § 836(b); the Natural Gas Act of 1938, 52 Stat. 821, 832, 15 U. S. C. § 717r(c).

<sup>10</sup> E. g., Civil Aeronautics Act of 1938, 52 Stat. 973, 1024, 49 U. S. C. § 228k; Federal Trade Commission Act of 1914, 38 Stat. 719, as amended, 52 Stat. 111, 113, 15 U. S. C. § 45(c) (authorizing the court to issue such writs as "are necessary in its judgment to prevent injury to the public or to competitors pendente lite").

Congress has provided through § 402(a) of the Communications Act of 1934 that in appeals from certain classes of orders of the Federal Communications Commission the appellate court may issue a stay. The order here involved is of a class which is expressly excepted from § 402(a). Sec. 402(b) which provides for an appeal from this class of order contains no provision whatsoever for a judicial stay. Where Congress in one section of an Act has provided for a stay of certain orders but not of others, it has not remained silent on the subject. It has drawn a line. And that line should not be obliterated by us in absence of plain and compelling indications that the purpose of Congress was different from what the face of the statute reveals. There are no such reasons here.

The legislative history gives no comfort to the view of the majority. In drafting § 402 Congress had before it H. R. 7716, 72d Congress. That bill, designed to amend the Radio Act of 1927, had been passed by both houses in 1933 but had failed of enactment because of a pocket veto. Under § 16(f) of that bill orders of the type here in question could be stayed by the appellate court. Congress relied extensively on that earlier bill in drafting § 402. H. Rep. No. 1918, 73d Cong., 2d Sess., pp. 47-49. If Congress had intended the appellate court to have the power to stay this type of order, it hardly seems likely, as the Commission points out, that Congress would have failed to include it, when only the year before it had attempted to write into the statute a specific provision conferring that power. But if we disregard that circumstance and turn to other parts of the legislative history, there are no indications that the line which Congress drew between § 402(a) and § 402(b) was inadvertent or accidental.

Nor are we justified in rewriting the statute to iron out possible logical inconsistencies in the classification of orders which Congress has made in § 402(a) and § 402(b). If we were a legislative committee, perhaps we would not retain in § 402(a) orders which are made by the Commission on its own motion and which modify a station license, since such orders if made pursuant to an application are covered by § 402(b). But to seize on that lack of symmetry here is to miss the forest for the trees. The nature of the run of the orders excepted from the stay provisions of § 402(a) demands respect for the words of the Act. The instant case is a good illustration. *Federal Communications Commission v. Sanders Bros.*, 309 U. S. 470, holds that a competitor such as appellant has no private property interest which may be protected on appeal. "The policy of the Act is clear that no person is to have anything in the nature of a property right as a result of the granting of a license." *Id.*, p. 475. Any injury to an existing station as is alleged here "is not a separate and independent element to be taken into consideration by the Commission in determining whether it shall grant or withhold a license." *Id.*, p. 476. Thus it is manifest that the failure of Congress to extend the stay provisions of § 402(a) to the run of orders of this type makes sense. The Urgent Deficiencies Act, which is incorporated into § 402(a), allows a temporary stay "where irreparable damage would otherwise ensue to the petitioner". 38 Stat. 208, 220. But where appeals under § 402(b) (2), as in the instant case, are not shown to involve private rights, analogies to situations where the power to issue a stay is implied because irreparable damage may be done an appellant whose individual interest has been unlawfully invaded are inapposite. For the same reason, statistics as to the presence of this power in statutes of other administrative agencies are irrelevant, in absence of a showing that in the precise situations there involved no private rights were at stake.

And that leads to a related reason why it will not do to lean on "the historic procedures of federal appellate courts" so that an implied power to issue a stay in this type of case may be found. "The office and jurisdiction of a court of equity, unless enlarged by express statute, are limited to the protection of rights of property." *In re Sawyer*, 124 U. S. 200, 210. All constitutional questions aside (*Muskrat v. United States*, 219 U. S. 346) we should require explicit, unequivocal authorization before we permitted an appellant who has no individual substantive right at stake in the litigation to obtain a stay to protect the public interest. Repeated attempts of private litigants to obtain a special stake in public rights have been consistently denied. See *Massachusetts v. Mellon*, 262 U. S. 447; *Sprunt & Son v. United States*, 281 U. S. 249; *Alabama Power Co. v. Ickes*, 302 U. S. 464; *Tennessee Electric Power Co. v. Tennessee Valley Authority*, 306 U. S. 118; *Atlanta v. Ickes*, 308 U. S. 517; *Singer & Sons v. Union Pacific R. Co.*, 311 U. S. 295. The attempt to obtain a stay is but another manifestation, albeit oblique, of that same endeavor. Hence, instead of starting from the premise that an "historic power" to issue a

stay in this type of case will be readily implied, we should assume just the contrary. Not even long acquiescence or approval on the part of the Commission should lead us to make such a departure from those historic, accepted principles. For that reason alone § 402(b) should be read narrowly and restrictively.

But it is said that Congress entrusted the vindication of the public interest to private litigants. The *Sanders* case properly construed merely means that the Court of Appeals has *jurisdiction* of appeals by a "person aggrieved" or by one "whose interests are adversely affected" by the Commission's decision. § 402(b). But that does not mean that an appellant has a cause of action merely because he has a competing station. Unless he can show that his individual interest has been unlawfully invaded, there is merely *damnum absque injuria* and no cause of action on the merits. *Alabama Power Co. v. Ickes*, *supra*; *Greenwood County v. Duke Power Co.*, 81 F. 2d 986, 999. And see *Duke Power Co. v. Greenwood County*, 302 U. S. 485. Congress could have said that the holder of a radio license has an individual substantive right to be free of competition resulting from the issuance of another license and causing injury. In that event, unlike the situation in *Muskrat v. United States*, *supra*, there would be a cause of action for invasion of a substantive right. But as we said in the *Sanders* case Congress did not create such a substantive right. And no facts are shown here which would bring this appeal outside the rule of that case. On that assumption I fail to see how an appeal statute constitutionally could authorize a person who shows no case or controversy to call on the courts to review an order of the Commission. *A fortiori* he would have no standing to obtain a stay.

Furthermore, the power to issue a stay in this type of case cannot be found in the "all writs" statutes. Judicial Code, § 262; District of Columbia Code (1940 ed.) Title 11-208. As we stated in *Federal Communications Commission v. Pottsville Broadcasting Co.*, 309 U. S. 134, the relationship between the Court of Appeals and the Commission is not that of federal courts *inter se*. "... to assimilate the relation of these administrative bodies and the courts to the relationship between lower and upper courts is to disregard the origin and purposes of the movement for administrative regulation and at the same time to disregard the traditional scope, however far-reaching, of the judicial process. Unless these vital differentiations between the functions of judicial and administrative tribunals are observed, courts will stray outside their province and read the laws of Congress through the distorting lenses of inapplicable legal doctrine." p. 144. The Commission not the courts is the ultimate guardian of the public interest under this Act. The appellate court is limited to a correction of "errors of law". *Id.*, p. 145. The judgment of the Commission not the court determines whether the public interest will be served by an application. *Id.*, pp. 144-145. Hence the power of the courts in this situation to issue writs under the "all writs" statutes should be limited to the protection of its jurisdiction. If, as here, construction of a new station is completed pending appeal by another licensee, the court's jurisdiction is not impaired, though we assume that it has jurisdiction of the appeal and that appellant has a cause of action on the merits. If the Commission has committed an error of law, it must bow to the decree of the court and revise its order. But to allow the court to go beyond that and find an implied power to issue a stay in this type of case is to distort the statutory scheme. 12 Air L. Rev. 224. Jealous regard for the administrative role and function in this field will leave to Congress any enlargement within constitutional limits of the judicial power.

Mr. Justice MURPHY joins in this dissent.

PAUL M. SEGAL (HARRY P. WARNER and GEORGE S. SMITH with him on the brief) for Scripps-Howard Radio, Inc.; THOMAS E. HARRIS, Assistant General Counsel, Federal Communications Commission (CHARLES FAHY, Solicitor General, H. G. INGRAHAM, TELFORD TAYLOR, General Counsel, HARRY M. PLOTKIN, MAX GOLDMAN, and PHILIP M. BAKER with him on the brief) for the Federal Communications Commission.

## NEW LABOR SERIES

"Labor for Victory", a new nation-wide radio program through which the American Federation of Labor and the Congress of Industrial Organizations propose to tell how the man in overalls is helping America win the war, will go on the air for the first time April 18. This was announced jointly today by President

William Green of the AFL and President Philip Murray of the CIO.

The "Labor for Victory" program will be carried over the Red Network of the National Broadcasting Company every Saturday night thereafter at the same time—10:15 to 10:30 p. m., EWT.

The radio time is being made available to both labor organizations by NBC as a public service.

This is the first time either labor organization has had the opportunity of presenting its case to the public over a regular radio program. The AFL and the CIO are cooperating closely in a joint effort to make these programs as interesting, informative and constructive as possible. However, each will have its own program, alternating from one Saturday to the next.

President William Green commented:

"Through this program, labor hopes to be able to have a fire-side chat with the people of America each week. We want to tell them what the workers of America are doing in the victory production program to speed America's triumph. We feel confident that the American people will be justly proud of their production soldiers when they learn the true story.

"Just as the AFL is cooperating with the CIO on the industrial front to promote all-out war production, regardless of other considerations, so we are working hand-in-hand with the CIO in this radio program to spread the true story about labor's participation in the nation's war effort."

President Philip Murray said:

"The Congress of Industrial Organizations will use this opportunity of a regular radio program for the major purpose of promoting the war effort. It will bring before the public the message of labor and its activities for all-out war production.

"We are most happy to cooperate with the American Federation of Labor in this undertaking and most assuredly will not allow any narrow or partisan considerations to interfere with this presentation of American labor's united and joint efforts for victory."

In a joint statement, Mr. Green and Mr. Murray said:

"We are grateful to the National Broadcasting Company for its patriotic and broad-minded attitude in giving to the millions of organized American wage earners this opportunity to express their viewpoint each week on the air, along with the business and industrial interests that already are represented in the field of national broadcasting."

The "Labor for Victory" program will feature current news commentary, interspersed with interviews with outstanding national and labor figures and with workers from the war production front. The object will be to present the facts in dramatic and realistic fashion.

The program will be conducted for the AFL by its Publicity Director, Philip Pearl, and for the CIO by its Publicity Director, Len DeCaux.

## NEWSPAPER OWNERSHIP

The Board of Directors of the American Civil Liberties Union on March 30 adopted this statement of policy concerning the ownership of radio stations by newspapers:

In developing a public policy of promoting freedom on the radio the A.C.L.U. is committed primarily to the proposition that all sides of all public issues should be accorded equal facilities for expression, and that no listeners anywhere should be deprived of access to programs. The Union has been concerned with the claims that ownership of radio stations by newspapers tends to monopolize the channels of communication, and that listeners are thus deprived of hearing the freest possible discussion of controversial public issues. The argument is advanced that since both enterprises are engaged in the business of conveying information and expressing opinions a newspaper should be treated differently from other applicants for radio station licenses.

Such a contention appears to the Union without merit. The fact that newspapers are engaged in dealing with information and opinion should not disqualify them as applicants for radio licenses. But their ownership of radio stations may, under certain circumstances, present an important factor to be considered in appraising "public interest, convenience and necessity"—the FCC's basis for granting and revoking licenses. Extreme care should

be taken by the FCC in each case to see that as a practical matter no monopoly in the presentation of news and opinion is created.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

### HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, April 13. They are subject to change.

Wednesday, April 15

NEW—Frequency Broadcasting Corp., Brooklyn, N. Y.—C. P., 45900 kc.; 8,500 sq. mi.; unlimited time.

Further Consolidated Hearing

NEW—R. O. Hardin and J. C. Buchanan d/b as Nashville Broadcasting Co., Nashville, Tenn.—C. P., 1240 kc.; 250 watts; unlimited time.

NEW—Tennessee Radio Corp., Nashville, Tenn.—C. P., 1240 kc.; 250 watts; unlimited time.

Friday, April 17

Further Hearings

NEW—Granite District Radio Broadcasting Co., Murray, Utah.—C. P., 1490 kc.; 250 watts; unlimited time.

NEW—South Florida Broadcasting, Inc., Miami, Fla.—C. P., 1450 kc.; 250 watts; unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

KFAR—Midnight Sun Broadcasting Co., Fairbanks, Alaska.—Granted construction permit to increase power from 1 to 5 KW on their present frequency—610 kc., using directional antenna.

WRDW—Augusta Broadcasting Co., Augusta, Ga.—Granted modification (B3-MP-1462) of construction permit (B3-P-2966) for approval of transmitter site at approximately 2 miles north-northwest of Augusta, equipment and directional antenna for night use.

WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Granted application (B3-MP-1509) as construction permit for extension of completion date.

KRBA—Red Lands Broadcasting Asso., Lufkin, Tex.—Granted modification of license (B3-ML-1105) to change hours of operation from daytime to unlimited time, using 250 watts night and day.

WINX—Lawrence J. Heller (Assignor), WINX Broadcasting Co. (Assignee), Washington, D. C.—Granted consent to voluntary assignment of license (B1-AL-324) of Station WINX from Lawrence J. Heller to WINX Broadcasting Co.

General Electric Co., Schenectady, N. Y.—Granted construction permit (B1-PST-10) for new ST broadcast station to operate on 343600 kc., 25 watts, emission special for frequency modulation; station to be used in connection with FM broadcast station W57A.

WHFC, Inc., Chicago, Ill.—Granted petition for reconsideration and grant of application (B4-PH-36) for a new FM broadcast station to operate on frequency 48300 kc.; 10,850 miles.

## DESIGNATED FOR HEARING

- WLAW—Hildreth & Rogers Co., Lawrence, Mass.—Designated for hearing construction permit (B1-P-3119) to increase power from 5 to 50 KW, install a new transmitter, make changes in directional antenna for day and night use and move transmitter to Great Meadow Road, Burlington, Mass.
- WITH—The Maryland Broadcasting Co., Baltimore, Md.—Designated for hearing construction permit (B1-P-3421) to install a duplicate Western Electric Type 451-A-1 transmitter.
- WCHV—Community Broadcasting Corp., Charlottesville, Va.—Designated for hearing modification (B2-MP-1489) of construction permit (B2-P-3349) to extend commencement and completion dates to 2-18-43 and 8-18-43, respectively.
- WHBC—The Ohio Broadcasting Co., Canton, Ohio.—Designated for consolidated hearing with WGAR and WADC applications, construction permit (B2-P-3334) to change frequency to 1380 kc., increase power to 1 KW, make changes in transmitting equipment and install directional antenna system for night use. Requests facilities of WGAR; contingent on WGAR going to another frequency.
- WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Designated for consolidated hearing with WHBC and WADC applications, construction permit (B2-P-2692) to change frequency to 1220 kc., increase power to 5 KW, unlimited time, using directional antenna.
- WADC—Allen T. Simmons, Akron, Ohio.—Designated for consolidated hearing with WGAR and WHBC applications, construction permit (B2-P-3462) to change frequency to 1220 kc., increase power to 50 KW; install a new directional antenna for day and night use and move transmitter locally. (Requests facilities of and change of WHBC to 1350 kc.)

## LICENSE RENEWALS

The following stations were granted renewal of licenses on a regular basis for the period ending June 1, 1944:

KFAR, Fairbanks, Alaska; KGFX, Pierre, S. Dak.; KGW, Portland, Ore.; KOAC, Corvallis, Ore.; KSFO, San Francisco; KTSA, San Antonio; KUTA, Salt Lake City; KVOB, Denver; WDEV, Waterbury, Vt.; WEAN, Providence, R. I.; WICC, Bridgeport, Conn.; WILL, Urbana, Ill.; WIS, Columbia, S. C.; WLBS, Bangor, Maine; WPRO and auxiliary, Providence, R. I.; WWNC, Asheville, N. C.

The following stations were granted renewals on a regular basis for the period ending August 1, 1942:

KFKA, Greeley, Colo.; KPOF, Denver; KPRC, Houston, Tex.; KSEI, Pocatello, Idaho; WAAF, Chicago; WJAR, Providence, R. I.; WLBL, Stevens Point, Wis.; WQAN and auxiliary, Scranton, Pa.

WJAG—The Norfolk Daily News, Norfolk, Nebr.—Granted renewal of license on a regular basis for the period ending April 1, 1944.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted renewal of license on a regular basis for the period ending August 1, 1943.

## MISCELLANEOUS

- WHAT—Independence Broadcasting Co., Inc., Philadelphia, Pa.—Granted petition to dismiss application without prejudice for construction permit to operate on 1160 kc., 5 KW, directional antenna daytime (B2-P-3126).
- KWFT—Wichita Broadcasting Co., Wichita Falls, Tex.—Granted motion for leave to amend application for modification of license, so as to substitute new directional antenna patterns and other technical data; granted on condition that the amendment is filed within ten days; removed application from hearing docket.
- S. Brad Hunt, Alton, Ill.—Granted motion to dismiss application for construction permit for new station.
- KRBC-WQBC—Reporter Broadcasting Co., Abilene, Tex.; Delta Broadcasting Co., Inc., Vicksburg, Miss.; H. C. Cockburn, tr/as San Jacinto Broadcasting Co., Houston, Tex.—Granted petition for leave to amend applications (involving 1470 kc.) to speci-directional antennas in each case, and removal from hearing docket (hearing now set for April 13, 1942).
- WMCA—WMCA, Inc., New York, N. Y.—Denied petition to intervene in re hearing on application of Frequency Broadcasting Corp., Brooklyn, N. Y., for new station to operate on 45900 kc., area 8,500 square miles, unlimited time (Docket 6182).

- Mosby's, Inc., Anaconda, Mont.—Denied petition to hold hearing at Anaconda, Mont., in re application for construction permit for new station to operate on 1230 kc., 250 watts, unlimited time (Docket 5966).
- KWBW—The Nation's Center Broadcasting Co., Inc., Hutchinson, Kans.—Granted license to cover construction permit authorizing increase in power and changes in transmitting equipment (B4-L-1629). Also authority to determine operating power by direct measurement (B4-Z-1360).
- KVOD—Colorado Radio Corp., Denver, Colo.—Granted modification (B5-MP-1530) of construction permit (B5-P-2663) for extension of completion date to 5-29-42.
- WTAM—National Broadcasting Co., Inc., Cleveland, Ohio.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1373). (Action taken 4/1.)
- KTRH—KTRH Broadcasting Co., Houston, Tex.—Granted modification of construction permit (B3-P-2788) for extension of completion date to 9/8/42 (B3-MP-159).
- WQXR—Interstate Broadcasting Co., Inc., New York City.—Granted modification (B1-MP-1492) of construction permit for extension of completion date to 4/1/44.
- WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted modification of construction permit as modified for change in frequency, increase in power, installation of directional antenna and move of transmitter, for extension of completion date from April 6 to July 6, 1942 (B3-MP-1511).
- KROD—Dorrance D. Roderick, El Paso, Tex.—Granted license to cover construction permit to install new transmitter (B3-L-1631).
- WSYR—Central New York Broadcasting Corp., Syracuse, N. Y.—Granted license to use old RCA 1-G transmitter as an auxiliary transmitter with power of 1 KW, for emergency use only (B1-L-1595).
- The National Life and Accident Insurance Co., Nashville, Tenn.—Granted construction permit for new relay broadcast station; 56750, 158400, 159300, 161100 kc.; 40 watts (B3-PRE-422).
- W49D—John Lord Booth, Detroit, Mich.—Granted modification of construction permit as modified for new high frequency broadcast station, for extension of completion date only, from April 11 to October 11, 1942 (B2-MPH-77).
- K59L—Columbia Broadcasting System, Inc., St. Louis, Mo.—Granted modification of construction permit for new high frequency broadcast station, for extension of completion date only, from April 18 to October 18, 1942 (B4-MPH-79).
- W63NY—Marcus Loew Booking Agency, New York, N. Y.—Granted modification of construction permit as modified for new high frequency broadcast station, for extension of completion date from April 11 to July 10, 1942 (B1-MPH-78).
- W75NY—Metropolitan Television, Inc., New York, N. Y.—Granted modification of construction permit as modified for new high frequency broadcast station, for change in type of transmitter only (B1-MPH-64).
- KFRE—J. E. Rodman, Fresno, Calif.—Granted license (B5-L-1597) to cover construction permit for a new station to operate on 1340 kc., 250 watts, unlimited hours, and change studio location from Southwest Corner Clinton and North First Streets, Fresno, to T. W. Patterson Bldg., Tulare and Fulton Streets, Fresno. Also authority to determine operating power by direct measurement of antenna power (B5-Z-1332).
- W3XWT—Allen B. DuMont Labs, Inc., Washington, D. C.—Granted modification (B1-MPVB) of construction permit for new television station for extension of commencement and completion dates from 9-27-41 and 3-26-42 to 6-26-42 and 12-26-42, respectively.
- WPTZ—Philco Radio & Television Corp., Philadelphia, Pa.—Granted modification (B2-MPCT-13) of construction permit (B2-PCT-4) for new commercial television station, for extension of completion date from 4/1/42 to 10/1/42.
- WTZR—Zenith Radio Corp., Chicago, Ill.—Granted modification of construction permit which authorized new commercial television station, for extension of commencement and completion dates from October 12, 1941, to April 12, 1942, and from April 12, 1942, to October 12, 1942, respectively (B1-MPCT-10).
- KTSL—Don Lee Broadcasting System, Hollywood, Calif.—Granted modification of construction permit which authorized new commercial television station, for extension of completion date from April 12 to October 12, 1942 (B5-MPCT-11).

WNYE—Board of Education, City of New York, Brooklyn, N. Y.—Granted modification of construction permit as modified which authorized change in frequency, power, emission and equipment, for extension of completion date from April 20 to October 20, 1942 (B1-MPED-9).

WCAO—The Monumental Radio Co., Baltimore, Md.—Granted modification of construction permit as modified which authorized increase in power, move of transmitter, new transmitter and install directional antenna, for extension of completion date from April 8 to August 8, 1942 (B1-MP-1536).

WTOC—Savannah Broadcasting Co., Savannah, Ga.—Granted modification of construction permit as modified for increase in power, install directional antenna for night use, change to NARBA frequency, for extension of completion date from April 15 to June 15, 1942 (B3-MP-1546).

WISE—Radio Station WISE, Inc., Asheville, N. C.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1365).

KTRH—KTRH Broadcasting Co., Houston, Tex.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1367).

WKIP—Poughkeepsie Broadcasting Corp., Poughkeepsie, N. Y.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-1368).

KROC—Southern Minnesota Broadcasting Co., Rochester, Minn.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-1374).

KMJ—McClatchy Broadcasting Co., Fresno, Calif.—Granted authority to determine operating power by direct measurement of antenna input, on special temporary authority (B5-Z-1366).

WABD—Allen B. DuMont Labs, Inc., New York City.—Granted modification (B1-MPCT-14) of construction permit (B1-PCT-6) authorizing new television station, for extension of completion date from April 6 to Oct. 6/42.

WBEZ—Board of Education, City of Chicago, Chicago, Ill.—Granted modification (B4-MPED-10) of construction permit (B4-PED-22) for new commercial educational broadcast station, for extension of completion date from March 29 to July 1, 1942.

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Affirmed the action of the Presiding Commissioner of Motions Docket on March 27 denying petition of WTCN for an indefinite postponement of the further hearings on applications of WTCN, WHB, Kansas City, Mo., and Park Cities Broadcasting Corp., Dallas, Texas, for construction permits (Dockets 5859, 6022, 5967, respectively); denied petition of WTCN for review by the Commission en banc of said action of Presiding Commissioner.

WOW—Woodmen of the World Life Insurance Society, Omaha, Nebr.—Denied petition for rehearing filed by WOW directed against the Commission's action of November 25, 1941, granting without hearing the application of WKZO, Inc. (Station WKZO, Kalamazoo, Mich.), for construction permit to make changes in its directional antenna and increase power at night from 1 to 5 KW on frequency 590 kc.

#### APPLICATIONS FILED AT FCC

##### 560 Kilocycles

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Authority to determine operating power by direct method.

##### 810 Kilocycles

NEW—Fred C. Morgan, Harrison Eiteljorg, Roger A. Beane, d/b as Hoosier Broadcasting Co., Indianapolis, Ind.—Construction permit for a new broadcast station to be operated on 810 kc., 250 watts, daytime hours. Amended: to request 1 KW.

##### 920 Kilocycles

WMMN—Monongahela Valley Broadcasting Co., Fairmont, W. Va.—Modification of construction permit (B2-P-2913) as modified, for changes in directional antenna system and increase in power, requesting extension of completion date from 4-30-42 to 10-31-42.

##### 1020 Kilocycles

KDKA—Westinghouse Radio Stations, Inc., Pittsburgh, Pa.—License to cover construction permit (B2-P-3423) for changes in equipment.

##### 1030 Kilocycles

WBZ—Westinghouse Radio Stations, Inc., Boston, Mass.—License to cover construction permit (B1-P-3419) for changes in equipment.

##### 1220 Kilocycles

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Construction permit to make changes in equipment, changes in directional antenna for day and night use, change frequency from 1480 to 1220 kc., power from 1 KW night, 5 KW day, to 50 KW and move transmitter. Amended: to omit request for move of transmitter, change type of transmitter, change requested power from 50 to 5 KW and make changes in directional antenna for day and night use.

##### 1240 Kilocycles

WSNJ—Eastern States Broadcasting Corp., Bridgeton, N. J.—Authority to transfer control of licensee corporation from Howard S. Frazier and W. Burley Frazier to Elmer H. Wene through sale of 603 shares of common stock.

##### 1280 Kilocycles

WOV—WODAAM Corporation, New York, N. Y.—Authority to transfer control of corporation from Arde Bulova and Harry D. Henshel, to Murray Mester and Meyer Mester, by transfer of 600 shares Class B stock (and 20% of Class B stock owned by BLOW Broadcasting Corp.).

##### 1330 Kilocycles

WEVD—Debs Memorial Radio Fund, Inc., New York, N. Y.—License to cover construction permit (B1-P-2955) as modified for installation of directional antenna for day and night use, new transmitter, increase in power and move of transmitter.

WEVD—Debs Memorial Radio Fund, Inc., New York, N. Y.—Authority to determine operating power by direct method.

##### 1400 Kilocycles

WRDO—WRDO, Inc., Augusta, Maine.—Construction permit to increase power from 100 watts to 250 watts, install new transmitter and antenna and move transmitter.

##### 1420 Kilocycles

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Special service authorization to operate on 1010 kc., 5 KW night, 10 KW day, directional antenna night, using transmitter authorized in construction permit (B3-P-3049) as modified and make changes in present directional night for night use.

##### 1450 Kilocycles

WASK—WFAM, Inc., Lafayette, Ind.—Modification of license to move studio from Part E ½ NW¼ Sec. 20, Twp. 23, N. Range 4W, near Lafayette, Ind., to 4th and Ferry Sts., Wallace Bldg., Lafayette, Ind.

##### 1480 Kilocycles

WHBC—The Ohio Broadcasting Co., Canton, Ohio.—Construction permit to make changes in transmitting equipment, install directional antenna for night use, change frequency from 1230 to 1480 kc., increase power from 250 watts to 1 KW. (Facilities WGAR, contingent WGAR changing frequency.) Amended: to change type of transmitter.

#### FM APPLICATION

W39B—The Yankee Network, Inc., Boston, Mass.—Modification of construction permit (B1-PH-13) as modified for a new high frequency broadcast station, requesting commencement and completion dates from 10-27-41 and 4-25-42 to 4-25-42 and 120 days thereafter, respectively.

## TELEVISION APPLICATIONS

- NEW—Hughes Productions, Division of Hughes Tool Co., Los Angeles, Calif.—Construction permit for a new commercial television broadcast station (formerly W6XHH) to be operated on Channel #2, 60000-66000 kc., ESR: 500; Coverage: 3,550 square miles; Population: 2,851,997.
- NEW—Hughes Productions, Division of Hughes Tool Co., San Mateo County, Calif.—Construction permit for a new commercial television broadcast station (formerly W6XHT) to be operated on Channel #2, 60000-66000 kc., ESR: 740; Coverage: 3,760 square miles; Population: 1,548,646.

## MISCELLANEOUS APPLICATIONS

- KEHC—Topeka Broadcasting Assn., Inc., Mobile.—License to cover construction permit (B4-PRY-256) which authorized changes in equipment, frequencies and increase in power from 10 to 50 watts.
- NEW—The Associated Broadcasters, Inc., Area San Francisco, Calif.—License for a new special relay broadcast station, using already licensed equipment (KRSA) to be operated on 1622, 2058, 2150 and 2790 kc., power 5 watts, Emission A3.
- KRSA—The Associated Broadcasters, Inc., Area San Francisco, Calif.—License to cover construction permit (B5-LRY-261) for a new relay broadcast station.
- NEW—Larus and Brother Co., Inc., S. E. of Richmond, Va.—Construction permit for a new relay broadcast station to be operated on 1646, 2090, 2190, 2830 kc., 35 watts, A3 emission.
- WEMV—The WGAR Broadcasting Co., Portable-Mobile.—Construction permit to make changes in equipment, change in frequencies from 156075, 157575, 159975 and 161925 to 156750, 158400, 159300 and 161100 kc. and change emission from A3 to special for frequency modulation.

## FEDERAL TRADE COMMISSION DOCKET

*Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.*

## 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.

**Automatic Electrical Devices Co.**, 324 East Third St., Cincinnati, is charged, in a complaint, with misrepresentation in the sale of devices designed to generate ozone by the passage of electricity through air which is disseminated through rooms or enclosures in which the devices are placed, or through water. (4741)

**Lechler Laboratories**—An amended and supplemental complaint filed against Erwin Lechler, trading as Lechler Laboratories, 560 Broadway, New York, charges that advertisements he disseminated concerning a hair dye designated "569 Moorish Strate-Black" were false in that they failed to reveal the harmful potentialities of the preparation. This allegation was not made in the original complaint. (4081)

## CEASE AND DESIST ORDERS

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

**Euclid Rubber & Manufacturing Company**—An order to cease and desist from unfair and deceptive acts and practices in

the sale of electrical devices has been issued against Frank G. Huntington and Herman Pusterhofer, trading as Euclid Rubber & Manufacturing Co., 19730 Tyronne Ave., Cleveland, Ohio. (4394)

**Indianapolis Soap Co.** and Williams Soap Co., 901 High St., Indianapolis, and the officers of the two corporations, Jesse M. Daily, Robert S. Daily and Sidney F. Daily, Jr., have been ordered to cease and desist from misrepresentation in connection with the sale of soap.

The order directs the respondents to discontinue representing, by the use of fictitious price marks or in any other manner, that their soaps have retail prices in excess of the prices at which such products are regularly sold at retail. (3971)

**Stanley Laboratories, Inc.**—An order has been issued directing Stanley Laboratories, Inc., Portland, Oreg., and its president, Edward A. Bachman, to cease and desist from disseminating false advertisements in connection with the sale of a feminine hygiene product designated "M. D. Medicated Douche Powder." Bachman also trades as Stanley Laboratories. (4130)

**Wamill Quilt Factories**—Misrepresentation in connection with the sale of quilts, comforts or bedding is prohibited under an order issued against Walter L. Miller, trading as Wamill Quilt Factories, 1026 17th St., Denver, Colo. (4108)

## STIPULATIONS

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

**Archer-Daniels-Midland Co.**, Roanoke Building, Minneapolis, entered into a stipulation to discontinue certain representations in connection with the sale of "ADM Wheat Germ Oil," a product having a high content of Vitamin E. The respondent agrees to discontinue representing that "ADM Wheat Germ Oil" is a competent remedy or effective treatment for nervousness, lack of vitality, hay fever or dandruff, or that it will prevent colds; that it can be depended upon to overcome sterility of farm animals; that its use assures strong, healthy calves, larger and stronger litters of pigs, or increased egg production; and that the rations ordinarily fed to farm animals and poultry are deficient in Vitamin E. The respondent also agrees to cease and desist from representing that the use of wheat germ oil or Vitamin E produced by the solvent extracted process causes or may cause cancerous growths, or from any other representation which unwarrantedly disparages competitive products. (3445)

**Bessemer Health Products** and as Bessemer Chemical Co., 181 N. E. 80th Terrace, Miami, Fla., stipulated that he will cease representing that the medicinal preparation he sells under the name of "Odoform" is valuable in the treatment or cure of gout, rheumatism, dropsy, paralysis, skin and blood disorders, diabetes, indigestion, or kidney and bladder troubles, and that "Odoform" baths surpass world-renowned mineral baths. The respondent also agrees to discontinue representing that "Odoform," when used as directed, is antiseptic or prophylactic or has sterilizing properties. (02968)

**Classy Leather Goods Corp.**, 6 East 32nd St., New York, engaged in manufacturing imitation leather handbags for women, entered into a stipulation to cease and desist from the use in advertising matter or trade literature, either with or without contradictory explanation, of words or terms such as "Calf," "Calf Grain," "Buffalo Grain," "Alligator," "Pig Grain" or "Pigtex" to designate articles not actually made of the leathers so implied. The stipulation provides that if the name of a leather be used properly to describe only the surface, grain or appearance of such leather, then such word shall be immediately accompanied, in type of equal size and prominence, with other words clearly indicating that the designation refers only to the pattern or semblance of such material and not to the substance. (3447)

**Dexter Co.**, Fairfield, Iowa, stipulated to cease representing that its product, the Dexter washing machine, is backed by a gold bond, carries a lifetime guarantee, holds the world's record for quick washing, or washes clothes 20 percent cleaner than any other washing machine. (02967)

**R. M. Hollingshead Corp.**, Camden, N. J., stipulated cease representing that its motor tune-up preparation designated "Whiz Motor Rythm" guarantees the starting of an automobile engine in freezing weather or at all, and that the preparation when used as a lubricant anti-freeze, permits motor oil and gear lubricants to flow freely at 40 degrees below zero or any other specified temperature, when such is not a fact established by competent test by a well equipped impartial establishment. The respondent corporation further agrees to cease advertising that its product will restore old cars to their former power and efficiency and that one quart of Motor Rythm oiliness base has lubricating value equal to that of 65 quarts or any other quantity of motor oil that has not been established by test made by a competent impartial establishment. (02966)

**Home Recording Co.**, 9 East 19th St., New York, stipulated that he will discontinue certain representations in connection with the sale of a device designated "Home Recordo," designed to record and reproduce from phonographic records the human voice and musical and other sounds. (3441)

**Illinois Water Treatment Company**—Selling an apparatus for chemically treating ordinary city or well water Illinois Water Treatment Co., 840 Cedar St., Rockford, Ill., in a stipulation agrees to cease using the word "Still" as part of the name "Illco Still," the brand name for its product, or otherwise representing that the apparatus is a still. The respondent company also agrees that in its future advertising it will cease employing the word "distilled" as descriptive of any water or fluid treated by its apparatus, or using any words implying or representing that water or fluid so treated is distilled. (02964)

**Janalene, Inc.**, 546 South Meridian St., Indianapolis, stipulated that it will discontinue representing, pictorially or otherwise, that it designs and manufactures the dresses, lingerie or other wearing apparel it sells, unless it actually is the designer and manufacturer of such merchandise. (3444)

**Luden's, Inc.**, Reading, Pa., candy manufacturer, has entered into a stipulation to cease and desist from the use of the word "Certified," either alone or with other words, to imply that the merchandise so designated has been tested and approved by an adequately equipped independent organization or agency engaged in the business of conducting impartial tests of the character indicated, when actually such merchandise has not been so tested and approved. (3442)

**Pickgan Labrofacts, Inc.**, 250 East 43rd St., New York, entering into a revised stipulation concerning advertisements of its medicinal tablets designated "Allay," agrees to cease representing, through use of the word "pain" unqualified to indicate the types of pain for which the preparation normally will afford some measure of relief, that Allay has any appreciable effect upon persistent and frequently recurring pain; that it is safe for use and affords a new method for relieving pain; that it commences to act in three seconds after the tablets are taken; and that it has any efficacy in preventing development of colds or is an effective cold remedy. (01906).

**Presto Products Company**—A. H. Graenser and Peter B. Kobeliansky, trading as Presto Products Co., 4650-H Chene St., Detroit, entered into a stipulation to cease certain representations in the sale of "Presto Liquid Weld," known as a "stop-leak" or cement. The respondents stipulate that they will cease representing, by designation of the product as a weld or by use of the word weld in the product's name, that it is a weld. They agree further to cease advertising that the product effects a permanent repair. (02965)

**Reardon Products Co.** and as Grafeze Products Co., William L. Reardon, 605 Fourth St., Peoria, Ill., manufacturer of "Dry-Lube" tablets, which allegedly improve lubrication when used with gasoline, motor oils and greases, stipulated that he will discontinue representing that such product has "captivated the motoring world" or offers an opportunity to "share in a vast profit bonanza" to agents who sell the product, when actually it is not so widely known and in such demand by motorists as represented. The respondent further stipulates he will cease representing that per-

sons selling "Dry-Lube" tablets can make profits in excess of the average net profits consistently made by his agents in the ordinary course of business under normal conditions. (3446)

**Shwayder Brothers, Inc.**, 1050 South Broadway, Denver, Colo., manufacturer of "Samson" card tables, has entered into a stipulation to cease and desist from using, or placing in the hands of others for their use, fictitious price labels or markings on such tables; or representing as the customary retail price of the tables, prices which are in fact fictitious and in excess of the prices at which such tables are regularly sold at retail. (3440)

**E. E. Taylor Corp.**, 275 Congress St., Boston, which operates a shoe factory at Augusta, Maine, in a stipulation entered into agrees to discontinue branding its shoes with any words usually associated with the British Isles so as to imply that such shoes are of British origin. According to the stipulation, the respondent branded shoes of its own manufacture with the words "Cross & Cross Custom Boots Southampton" or "Churchill, Ltd., London." (3439)

**Themes-Perfumers**—Theodore W. Messick, trading as Themes-Perfumers, 601 Walnut St., Camden, N. J., has entered into a stipulation to cease and desist from the use of the word "French" to designate a perfume made in the United States, and from the use of any word or term of like import which may tend to cause the belief that such merchandise was manufactured in France or other foreign country. According to the stipulation, the respondent sold a domestic perfume under the brand name "French Bouquet." (3443)

#### FTC CASES CLOSED

The Federal Trade Commission accepted from Philip Adler, Jr., Indianapolis, trading as American Mills, American Hosiery Mills, and American Silk Hosiery Mills, a stipulation to discontinue certain representations in the sale of silk hosiery.

Representations similar to those covered by the stipulation were involved in a complaint previously issued by the Commission against the respondent Adler. Upon accepting the stipulation, the Commission closed the case growing out of the complaint, without prejudice to its right to reopen proceedings, should future facts so warrant.

Under his stipulation, the respondent Adler agrees to cease representing, among other things, that he gives silk hosiery free to anyone under any circumstances, unless such shall be the fact; that he will pay up to \$22 a week or any other amount to persons who merely demonstrate the value of the hosiery he sells and will send demonstrating equipment free to anyone; that the respondent's chiffon silk hose are snag-proofed or snag-protected; and that the respondent's hose are made of 100 per cent pure silk, so long as any other thread enters into the construction of any part of the hose.

The respondent Adler further agrees to cease representing that the thread used in the manufacture of the hosiery is more tightly twisted, smooth and snag-resistant than is actually true, or that the hosiery's wearing qualities are greater than they actually are.

The respondent also stipulates he will cease representing that the factory which he owns and operates is larger than it really is.

The Commission entered an order closing its case against The Griffith Laboratories, Chicago, which had been charged in a Commission complaint with misrepresentation in the sale of a meat curing preparation designated "Prague Powder."

The case was closed without prejudice after the respondent entered into a stipulation with the Commission to cease and desist from practices similar to those charged in the complaint.

Under the stipulation, the respondent agrees to discontinue representing, among other things, that "Prague Powder," of itself, makes hams or bacon tender and is essential to the safe, economical production of tender hams; that it is the only meat cure prepared and marketed in powdered form; that it constitutes a guarantee against sour bones or putrefaction; and that the respondent originated the artery-pumping method of placing the cure in hams.

The Commission also entered an order dismissing its complaint which charged O. R. Pieper Co., 158 North Broadway, Milwaukee, with violation of the Federal Trade Commission Act in connection with the sale of coffee.



## NAB Asks Protection of Industry's Rights; Fights Tax

The NAB went to bat for you this week before two Congressional committees.

Before the House Interstate Commerce Committee, Neville Miller asked for three amendments to the Federal Communications Act which would protect rights which we think Congress has always intended that you should have.

Before the House Ways and Means Committee, Ellsworth Alvord, our tax counsel, urged the members to throw out a proposal by the printing trades unions that radio time sales be subjected to a special penalty tax ranging from 5 to 15 per cent.

The proposed amendments to the Communications Act would:

(1) Specifically forbid the FCC to interfere with radio programs or business management.

(2) Forbid the FCC to impose various penalties not authorized by law. This would stop the FCC, for instance, from forcing the owner of two stations in a single community to dispose of one before he could get authorization for a power increase for the other.

(3) Provide for declaratory rulings by FCC which could be appealed to courts. This would permit station owners to appeal FCC rules, regulations and orders to the courts before they become effective. This would prevent the FCC from taking away station licenses for failure to comply with FCC actions before the courts had passed upon the validity of those actions.

Mr. Miller also endorsed, in principle, the procedural amendments previously proposed by the Federal Communications Bar Association. He appeared at hearings on an amending bill introduced by Representative Sanders (D.-La.).

In drafting the amendment to bar the FCC from interfering with radio programs or business management, Mr. Miller merely took the language of a Supreme Court decision on that issue. It said, in part:

"But the Act does not essay to regulate the business of the licensee. The Commission is given no supervisory control of the programs, of business management or of *(Continued on page 216)*

### DCB Recommends Ban on All Construction

The Defense Communications Board on Thursday recommended to the War Production Board and the Federal Communications Commission that with regard to the construction of radio broadcast facilities there be immediately placed into effect the following policy:

No future authorizations involving the use of any materials shall be issued by the Federal Communications Commission nor shall further materials be allocated by the War Production Board, to construct or to change the transmitting facilities of any Standard Television, Facsimile, Relay or High Frequency (FM, Non-Commercial Educational, Experimental) broadcast station.

### Convention Program

Plans for the Twentieth Annual NAB Convention are rapidly maturing. While all of those who have been invited to participate on the program have not as yet indicated acceptance, the convention is assured of a most interesting lineup of speakers.

Sunday, May 10, the day preceding the actual opening of the convention, many of the NAB Committees and the Board of Directors will hold meetings.

The convention gets under way with the first business session at 10:30 a.m. on Monday, May 11. The keynote for the convention is "Radio and the War" and Archibald MacLeish, Director of the Office of Facts and Figures, and Byron Price, Director of Censorship, will sound the keynote. Following this will be an Informa-

*(Continued on page 217)*

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

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

## NAB ASKS PROTECTION

(Continued from page 215)

policy. In short, the broadcasting field is open to anyone, provided there be an available frequency over which he can broadcast without interference to others, if he shows his competency, the adequacy of his equipment, and financial ability to make good use of the assigned channel."

"Notwithstanding this pronouncement of the Supreme Court and notwithstanding the fact that no language can be found in the Act which confers any right upon the Commission to concern itself with the business phases of the operation of radio broadcast stations, we find the Commission concerning itself more and more with such matters," Mr. Miller told the Committee.

"This it has done by requiring all licensees to file with the Commission voluminous reports showing in the minutest detail practically every phase of their financial operations. It has also by regulation required the filing of practically all contracts relating to the acquisition and broadcast of various types of program material. But further than this, it has attempted by regulation to control the source, and consequently the character, of program material and the contractual or other arrangements made by the licensee for the acquisition of such material."

FCC discrimination against newspaper owners of radio stations was cited by Mr. Miller as one reason for the need of an amendment to prevent unauthorized penalties by the FCC.

"For a period of time applicants for broadcast facilities who were also identified with newspapers or newspaper activities have been discriminated against by the Commission," he said. "In some cases this discrimination may have been justified because of the facts of a particular case, but that is not the point in issue. The point in issue is that notwithstanding the fact that the Act contains no authority for such action and notwithstanding the further fact that the United States Court of Appeals for the District of Columbia has twice pointed this out, the Commission has nevertheless continued to discriminate against newspaper applicants as a class and has withheld facilities from such applicants to which they were otherwise entitled.

"Sometimes this discrimination has been effected by adverse action upon particular applications; sometimes by merely holding applications without action. But in practically all cases where newspaper or newspaper interests have made application for new or increased facilities, they have been confronted with action of this sort."

In summarizing the need for the amendments, Mr. Miller said:

The problem of the broadcasting industry today can be summed up in one word "uncertainty"; uncertainty of right—uncertainty of remedy—and uncertainty of future. We appreciate, of course, that due to the declaration of war and the accompanying readjustments in our national life, there is no industry and, in fact, no individual that is wholly free from uncertainty. But our's is an uncertainty wholly unrelated to war. Our problem existed before the war and will exist throughout the war and at the end of the war, unless Congress clarifies the relationship between government and the industry. Allow me to briefly outline the various aspects of the problem.

There is great uncertainty as to the power of the Commission, due to the indefinite grant of power given the regulatory body,

contained in the phrase "public interest, convenience or necessity."

In 1927 when the act was passed, radio was in its infancy, and the Congress wisely decided not to pass any law which would hinder the growth of this new science. The phrase "public interest, convenience or necessity" was used in the utility field where the powers of regulation were broad and general, and it was thought wise to employ that phrase for radio at least for a time. Its meaning was undoubtedly well understood at that time, but over a period of years that meaning has become ambiguous and its confines have lost clear outline. Due to the indefiniteness of the law there is forever pressure upon the Commission to assume powers far beyond those granted by the Congress to a regulatory commission. Moreover, as I shall presently demonstrate, there is no way today by which a broadcaster can challenge the assertion of authority by the Commission on many of its acts without risking the loss of his license.

Then again, the penalty which can be meted out for a single offense is too severe. It is perfectly possible for a broadcaster to lose his license for a single mistake which does not involve wilful misconduct, which might in fact represent just one small slip of the tongue or of the pencil in the hand of a news script writer. I believe that the punishment should most certainly fit the crime, but since it is almost impossible to operate over a length of time without some technical violation, I believe that no license should be revoked for a single violation, but only for over-all and wilful continuous violation and defiance.

Recently the Commission has initiated hearings concerning the ownership of radio stations by newspapers, notwithstanding the fact that the Act contains no authority to permit any discrimination against such ownership, and notwithstanding the further fact that the court pointed this out before the hearings started, and has again pointed it out in the recent Stahlmann case. The Commission has initiated hearings on multiple ownership, network structures, network station relationship; and, there is a general tendency on the part of the majority of the Commission more and more to invade the field of business management and program content. There is a very serious question of the Commission's power to take any action in these and other fields, certainly questions of fundamental policy are involved which were not definitely settled in the Commission's favor by the Act of 1927, or the Act of 1934, and such questions of policy should be settled by the Congress and not by any administrative agency.

All these actions of the Commission, plus the uncertainties above mentioned, have produced a condition which threatens the very freedom of radio. I do not want to be misunderstood. I do not say that the Commission has made any attempt at direct censorship in violation of Section 326 of the Communications Act, but I do say that there is always a direct threat of censorship in any system of licensing, and this thought was well expressed in *Thornhill v. Alabama*, decided April 22, 1940, (310 U. S. 88), when the Court said:

"The power of the licensor against which John Milton directed his assault by his 'Appeal for the Liberty of Unlicensed Printing' is pernicious not merely by reason of the censure of particular comments, but by reason of the threat to censure comments on matters of public concern. It is not the sporadic abuse of power by the censor, but the pervasive threat inherent in its very existence that constitutes the danger to freedom of discussion."

I emphasize this point because I believe that freedom of thought, freedom of discussion, freedom of the press and of speech,—yes, freedom of radio—form the cornerstone of democracy. It is and always has been recognized that the rights of free men can only be guaranteed through the free play of ideas and through the right to criticize the action of those placed in temporary authority of office. Except in the case of violent revolution, the rights of citizens are never taken away abruptly, but little by little essential rights are plucked away if protests and remedial measures are not made.

Further, freedom of radio becomes academic without economic freedom. Today the networks are not only threatened with the loss of their stations, but uncertainty underlies the whole basis of network station relationship. An investigation challenging the right of newspaper interests to own radio stations has been initiated by the Commission, and today newspapers are threatened with the possible loss of their licenses; it is possible that insurance companies' right to hold a license may be threatened tomorrow, department stores next week, and so on down the line. These new policies of discrimination are being enacted into law by an administrative agency without the slightest warrant either in the

language found in the statute or in the legislative history. No business can grow and prosper under such a condition.

It is to eliminate this uncertainty, to settle these basic policies and to definitely define the Commission's power, both for the benefit of the broadcaster and so that the Commission can better function, that legislation is needed.

This need for legislation was recognized by President Roosevelt when, on January 21, 1939, he wrote the Chairman of this Committee and the Chairman of the Senate Committee, as follows:

"Although considerable progress has been made as a result of efforts to reorganize the work of the Federal Communications Commission under the existing law, I am thoroughly dissatisfied with the present legal framework and administrative machinery of the Commission. I have come to the definite conclusion that new legislation is necessary to effectuate a satisfactory reorganization of the Commission.

"New legislation is also needed to lay down clearer congressional policies on the substantive side—so clear that the new administrative body will have no difficulty interpreting them or administering them."

In drafting this new legislation, although I urge you to end the uncertainty to which I refer, may I also remind you that radio is still a developing art, there are new developments coming over the horizon—frequency modulation, television and facsimile, to mention but a few—and care should be taken to allow for the future growth and development of an art and science which is yet in its infancy.

Certainly we are entitled to have our rights clarified and protected. That is the minimum to which every American business is entitled.

### Time Sales Tax Opposed

John B. Haggerty, president of the International Allied Printing Trades Association, proposed a penalty tax on radio time sales, ranging from 5 to 15 per cent, at a Ways and Means Committee hearing April 14. It was approximately a repetition of the proposal he made last year which the NAB was successful in killing.

Immediately after Haggerty's appearance, both the NAB and the International Brotherhood of Electrical Workers (A. F. of L.) issued statements assailing this discriminatory tax proposal. The American Federation of Labor itself is going to oppose the printers' proposal, too.

The NAB statement:

The penalty tax on radio broadcasting selfishly proposed today by John B. Haggerty would seriously interfere with radio's all-out war effort and add comparatively little to the public treasury. On behalf of the printing trades unions Mr. Haggerty appeared today before the House Ways and Means Committee and requested a discriminatory tax on radio so that current radio advertising revenue will be diverted to printed media.

Curtailment of civilian consumption threatens drastically to reduce, if not to destroy, the revenue of broadcasters. Nevertheless, broadcasters are energetically and at great expense increasing their many public services vital to the war effort. They have increased facilities and coverage. They are devoting many hours of broadcast time to war programs. They are helping keep the American public the best informed people in the world. In addition, American international stations are informing the peoples of the world of the ideals and efforts of the United Nations. These functions the broadcasters perform as a public service and without receiving any revenue whatsoever from the government.

The broadcasters are wholly satisfied to leave to Congress the determination of how heavy the burden of general taxation shall be, and will continue cheerfully to pay their share of all general taxes which Congress may see fit to impose. They object, however, to being singled out as a target for a discriminatory tax and to the use of the taxing power to hamper the normal operation of competitive enterprise.

Neither the publishing industry nor labor generally supports a penalty tax on radio advertising. EDITOR AND PUBLISHER, the trade magazine of the newspaper business, editorially has opposed such a tax. The American Federation of Labor is likewise on record against any discriminatory tax on radio.

The National Association of Broadcasters intends to appear before the Ways and Means Committees at an early date to state its position.

The International Brotherhood of Electrical Workers statement:

The proposal made today to the Ways and Means Committee to impose severe regulations and taxes on radio broadcasting, by the Allied Printing Trades Association was condemned by the International Brotherhood of Electrical Workers, an A. F. of L. union, as an attempt to forestall progress.

The International Brotherhood of Electrical Workers through its International President, Ed. J. Brown, in commenting upon the appeal made to the Ways and Means Committee by John J. Haggerty of the printers' group, said the proposal offered the Committee was very little different from previous propositions advanced by the printing trades workers. Brown emphasized that a tax on radio broadcasting was denounced last year by the American Federation of Labor, before the Senate Finance Committee on the grounds that:

"The tax advocated is punitive and discriminatory in favor of newspapers as against radio stations, and is designed to take work away from a new industry and throw it to an old one."

Data will be submitted to the Committee this week by the Electrical Workers' organization showing that the printing trades workers have suffered no loss of employment opportunities as a result of radio broadcasting activities. Evidence that the printers' organizations have made their most substantial gains in membership simultaneously with the expansion of radio advertising, will also be submitted to the Committee.

### COMPLETE TESTIMONY SOON

The complete text of Neville Miller's testimony before the House Interstate Commerce Committee, asking for amendment of the Federal Communications Act, and Ellsworth Alvord's statement to the Ways and Means Committee on the time sales tax proposal will be sent to all members soon.

### CONVENTION PROGRAM

(Continued from page 215)

tional Clinic in which Major General A. D. Surles, Director of the War Department Bureau of Public Relations; Captain L. P. Lovette, Office of Public Relations of the Navy; Major General Beaumont-Nesbitt, former Director of British War Information; and J. Harold Ryan, Assistant Director of Censorship in charge of radio, will participate. Following this will be a question and answer session.

The noon luncheon speaker has not yet been selected. The afternoon of Monday "Radio Advertising for Department Stores" is the subject of a panel for sales managers, the discussion being led by Richard G. Meybohm, Manager, Sales Promotion Division, National Retail Dry Goods Association. Also appearing on the panel are: Barclay W. Newell, Sales Manager, Wm. Taylor Sons & Co., Cleveland; Edgar L. Rice, Sales Promotion Manager, The A. Palsky Co., Akron, and James W. Petty, Jr., Publicity Director, H. & S. Pague Co., Cincinnati. Coincident with this session, time has been set aside for the Independent Radio Network Affiliates (IRNA), National Independent Broadcasters (NIB), and Network Affiliates, Inc. (NAI) to hold their meetings. Tentatively a labor relations clinic is scheduled for 8 p.m. with Dr. Leiserson, member of the National Labor Relations Board, as a discussion leader.

On Tuesday morning a series of breakfast roundtables is scheduled covering Wages and Hours, Technician Shortage and Training Program, Procurement and Priority Problems. The Sales Managers Breakfast will feature the New York Time Buyers and John Hymes. A news editors breakfast will be presided over by J.

Harold Ryan and General Surles, Captain Lovette and Major General Beaumont-Nesbitt are expected to participate. There will be an OFF breakfast, one portion of which will be devoted to the "Four Themes," discussion being led by William B. Lewis and Philip Wylie. The other portion of that breakfast is devoted to program coordination with Douglas Meservey and Seymour Morris leading the discussion.

The business session at 10:30 a.m. will be devoted to the theme, "Priorities: Men and Materials." Brigadier General Lewis B. Hersey will discuss the Selective Service Act and the speaker on "Material Priorities and Their Effect on Our National Economy" has not yet been named, nor has the speaker for the noon luncheon.

The afternoon of Tuesday will be devoted to the music problem with representatives of BMI, ASCAP and SESAC invited to participate. Later that afternoon the clear channel stations will hold a meeting, as will the local channel stations, and throughout the afternoon the sales managers will have a session. This latter session bids fair to be a most interesting one. The speakers are Dr. Harry Dean Wolfe, Director of the Bureau of Business Research, Kent State University, Kent, Ohio. His topic will be "Selling with Surveys." The other speaker on the program will be Gene Flack, General Sales Department, Loose-Wiles Biscuit Company. Both of these talks will be followed by discussions.

On Wednesday there will be another series of breakfast roundtables, one on collective bargaining and another sales managers roundtable with the NAB associate member station representatives leading the discussion. These include Edward Petry & Company, Inc., John Blair & Company, Free & Peters, and Weed & Company. A roundtable on the work of the DCB to be led by E. K. Jett, will also be held and the second portion of that meeting will be on the Protection of Property from Sabotage, Fire and Theft. The foreign language roundtable will be led by Allan Cranston of OFF assisted by Lee Falk. There will also be a breakfast roundtable for women program directors, presided over by Miss Jane Weaver, WTAM; and the Misses Frances Farmer, KNX; Alma Kitchell, Blue Network; Susan Allen, KHQ-KGA; Hayle Cavenor, WCCO; and Ruth Chilton, WSYR, will be featured.

The business session takes up at 10:30 a.m. and will be turned over to the sales managers. Arthur Horrocks, Counsel, Public Relations Department, Goodyear Tire and Rubber Company, will deliver an inspirational address, "The Bridge to a New Democracy." He will be followed by Miller McClintock, the Director of the Advertising Council, who will speak on the work of that organization. The speaker for the noon luncheon has not yet been determined.

The afternoon session will be the NAB business session. Ellsworth C. Alvord, tax counselor for NAB, will deliver a brief talk on pending tax legislation. This will be followed by the business session at which 13 proposed amendments to the By-Laws will be considered, 6 Directors-at-Large will be elected and the 1943 convention site will be selected. This will be followed by resolutions. At 7:30 that evening the annual banquet will be held.

Thursday, the 14th, the NAB Board of Directors will convene in its initial session of the year following election. A golf tournament will be held during the afternoon.

On Tuesday, the 12th, under the leadership of Mrs. Walter V. Magee, President of the Greater Cleveland Radio Council, a most interesting women's session has been planned.

Throughout Wednesday a special meeting for women has been arranged by Mrs. Dorothy Lewis, who is serving on a public service basis as NAB Coordinator of Listener Activities. In addition to the breakfast roundtable previously mentioned a series of addresses make up the program. "Women in Industry" will be discussed by Mrs. Harold V. Milligan, President of the National Council of Women; "The Broadcasters' Code" by Earl Glade, Chairman of the NAB Code Committee; and "The Role of the Listener," by Mrs. George D. Palmer, Radio Chairman of the General Federation of Women's Clubs. The subject of "What Do Women Want to Hear" will be discussed by Miss Ann Holden, Director of Women's Activities, Station KGO, San Francisco. "The Woman Pays" is the subject of a talk by Mrs. Irma Proetz, Vice President

of the Gardener Advertising Agency. There will be a special women's luncheon at which Neville Miller will speak briefly.

The theme of the afternoon women's session is "Radio Abroad." Dr. Sterling Fisher of NBC will speak on "Radio's Latest Adventure in Education—the Inter-American University of the Air." Miss Beatrice Belcourt, Public Relations Officer of the Canadian Broadcasting Corporation, will discuss the subject of "Radio in Canada," while Dr. Winifred C. Cullis, Professor of Psychology, London University, will speak on "British Women in Wartime." Dr. Cullis will also show a film entitled, "Ordinary People."

Lt. Commander Thomas J. Keane, U.S.N., will address the meeting on "The Navy, At Home and Abroad," and Edward M. Kirby, NAB Public Relations Director, now on leave of absence as Chief of the Radio Branch, Public Relations Division of the War Department, will speak on "Radio's Place in the War."

NAB officials hope to complete the speakers list by the end of this week.

Advance reservations indicate that all attendance records at NAB conventions will be broken.

## Sales

### PERFORMANCE SURVEY FILLS NEED

The "NAB Survey of Radio Station Performance in Commercial Broadcasting," published on page 201 of last week's NAB REPORTS in addition to other distribution, was hailed in radio and advertising circles as filling a long-felt need as the first actual measurement of the reliability of radio commercial broadcasting.

William A. Fricke, secretary of the Radio Committee of the American Association of Advertising Agencies, writes:

"Your survey of station performance is very enlightening. From time to time the question of checking station performance comes up. Many people feel that money spent for such checks could better be spent for additional time but *I have never seen any presentation of this point of view which has been as clear as that in your survey.* Could you furnish us with 100 copies of the report so that we might offer it to our members?"

National radio sales representatives commented similarly. Said L. H. Avery of Free & Peters: "Honestly, I don't know of another study in a long time that has impressed me quite as much as the 'NAB Survey of Radio Station Performance in Commercial Broadcasting.' You certainly selected a trio of representative stations in WSB, WSPD and KTRI. If you have a half dozen extra copies of this study, I'd very much appreciate such a supply. I promise you we will put them to good use with Chicago advertising agencies and advertisers."

John Blair, of John Blair & Co., declared he backed the study "100 per cent," requested copies for every Blair office, and promised fullest cooperation.

Agency comment from such potent organizations as Compton Advertising, Inc., Ruthrauff & Ryan, Inc., and Young & Rubican, Inc., ran in similar vein, and many agencies requested extra copies for submission to some of their clients "who have at one time or another raised the question about checking services," as Charles T. Ayres expressed it.

Such a reception indicates the real need for an even more extensive study of this subject by more stations. As requested in last week's issue, NAB stations are urged to *make a similar study for a period of one month*, and report their findings to the NAB Department of Broadcast Advertising. Meantime, all station salesmen should have access to the study published last week for presentation to clients whenever the need arises.

### PRESS ORGAN POINTS TO RADIO

Predicting "Better Business Ahead" for newspapers, *Editor & Publisher*, semi-official organ of the American press, on its editorial page, April 4, advised newspapers to follow radio's example. After

stating that publishers, hitherto gloomy over the business outlook, were now recovering a measure of optimism the editorial said:

"Radio advertising also seems to be maintaining approximately its 1941 volume, despite the loss of some large accounts, and the promotion of the networks and leading individual stations has been increased rather than diminished. While newspapers appear certain to get a larger share of the total advertising dollar in 1942 than has been theirs for many a year, that share will be smaller than it ought to be for many newspapers unless their promotion is more vigorous and aggressive than it has been recently. In the radio industry newspapers have a competitor which knows the value of the printed word for the advancement of its cause, and which uses advertising far more intelligently, in the large, than do the majority of newspapers. That is indeed an anomaly, but it has been a major factor, no doubt, in maintaining and increasing advertising volume over the air waves."

## READERSHIP VS. LISTENING AGAIN

Radio has no quarrel with the press, and the first concern of every good advertising medium is to sell itself on its merits constructively, rather than engage in windmill-tilting with competitive media. Fortunately, most time salesmen and space salesmen follow such a constructive policy.

But it has been reported that some space salesmen are using the latest release of the "Continuing Study of Newspaper Reading" as a yardstick for comparison with radio listening. That study declares that "advertising is the best read service feature offered by newspapers . . . women are more interested in newspaper advertisements than society news, pictures or comics . . ." etc. The study declares that 52% of the men and 58% of the women readers, in the average, "stop to read one or more national ads in their daily papers."

Such evidence is no doubt of some value to advertisers and to space salesmen, but is not a valid yardstick for comparison with radio listening. When a space salesman uses those figures for comparison with CAB or Crosley ratings of radio programs, for example, the comparison is invalid and entirely out of bounds, because such ratings apply to a *particular* program, while the percentage figures quoted apply to *all* reading.

The *comparable* radio figure is the per cent of listeners who hear the radio *some time daily*—and this figure is 82.9%—as shown by the study of the Joint Committee on Radio Research (see "Manual of Radio Advertising," page 4). It may be assumed that everyone who listens some time daily will hear "one or more ads."

Radio salesmen can, when necessary, point out that 82.9% is a lot bigger than 52% and 58%.

Radio continues to give its sponsors more advertising impressions per dollar invested than any other advertising medium.

## CIRCUS WILL BUY TIME

The NAB has been informed by F. Beverly Kelley, in charge of radio promotion for Ringling Bros. and Barnum & Bailey Circus, that spot announcements will be purchased this year. For its opening in New York, the circus bought spots on WJZ, WEA, WABC, WOR, WNEW, WMCA, WHN and WINS.

## BANKS SELL BONDS VIA PRESS

Twenty-two banks and trust companies in New York contributed \$50,000 for a newspaper advertising campaign in New York City dailies, resulting in the sale of \$190,000,000 worth of Defense Savings Bonds, according to a report in the New York HERALD-TRIBUNE. Banks in other cities have expressed interest in the series, asking for copies of the ads so that they may repeat them in their localities, the report stated.

There seems to be no reason why radio stations in any city cannot organize similar cooperative campaigns.

## WATCH RELIEF FUND APPEALS

During any emergency period it is necessary to exercise unusual vigilance over appeals for free time to promote various relief

funds. While most of these are legitimate and entirely worthy, there have been some glaring exceptions.

Unless the agency requesting free time is known positively to be above question, such as the Red Cross, Community Chest, etc., each station should make a careful investigation before cooperating in any promotion. For example, the "British Food Parcels Service Co." of New York, which recently circularized the radio industry seeking free time, was found to be a commercial enterprise operating for profit.

NAB member stations this week have reported the "Paul Revere Rides for Army-Navy Relief," of New York, which also seeks free time for the promotion of "Historical Prints for Modern Rooms," sent to listeners for a 25¢ Defense Stamp or 25¢ in coin. The circular says that "net proceeds" will be donated, and that the promotion is "endorsed by Army Emergency Relief, Washington, D. C., and Naval Relief Society, Washington, D. C." The Washington headquarters of Army Emergency Relief has informed the NAB that no indorsement has been given by that office to this promotion, and furthermore, that Army Emergency Relief "is not asking for any time from radio stations for contribution on a national basis in 1942," since all promotions planned for this year are to be local in character, such as athletic events, social benefits, etc. The Washington office of the Navy Relief Society likewise disclaimed any knowledge of an endorsement to this promotion. Investigation of this case is being continued in New York.

Generally speaking, a "net proceeds" angle should always be investigated.

## BRIEF CASES AVAILABLE

At the request of a member station, the NAB has secured prices on brief cases suitable for station salesmen and other personnel. If sufficient demand exists, the NAB will be glad to order these for member stations at cost.

The prices quoted are for 14" x 11" genuine Morocco leather cases, with 2-inch capacity on standard 3-ring binders, zipper bound on three sides, at \$5.33 each in quantities of 100, \$5.00 for 250 or \$4.50 each for 500. If member stations will send their requests for one or more cases to the NAB Department of Broadcast Advertising, they will be pooled and arrangements made to purchase the cases at the most favorable price possible. An additional nominal charge would be made if stations wish their call letters stamped on the cases.

## Per-Inquiry and Free Time

A frequent contributor to these columns, **United Advertising Companies**, Chicago, this time seeks per-inquiry deals on behalf of **Andrew Insko Mother Pins**.

**Key Advertising Co.**, Cincinnati, a newcomer to the ranks, is asking for P-I deals on behalf of a photographic and enlargement service.

Free scripts are being sent to "women's editors" by **The Lawrence H. Selz Organization**, Chicago, promoting carbonated soft drinks; by **Nestle's Chocolate Test Kitchen**, promoting Nestle's chocolate products; by the **Woman's Home Companion**, promoting that publication through a series of fashion scripts, and by the **Cleanliness Bureau of the Association of American Soap & Glycerine Producers, Inc.**, New York, promoting increased use of soaps and cleaners.

## TRANSCRIPTION, RECORD CUTS?

The War Production Board on Tuesday reduced the output of phonograph records and radio transcriptions to approximately 30 per cent of 1941 production by limiting the amount of shellac available to that amount.

Order M-106, issued today by J. S. Knowlson, Director of Industry Operations, also freezes 50 per cent of all inventories of shellac of 10,000 pounds or more and 50 per cent of all future imports.

Uses other than the manufacture of recordings are restricted to

75 per cent of the corresponding period of 1941 until June 30 and 35 per cent by quarters thereafter.

Reason for the drastic action is that India is practically our sole source of shellac and supplies are subject to shipping hazards. Direct military requirements are heavy and use of shellac is necessary in certain essential civilian processes.

These uses are excepted from the restrictions of the Order:

Electrical equipment, coatings for munitions, military explosives and pyrotechnics, navigational and scientific instruments, communication instruments, marine paints for vessels other than pleasure craft, grinding wheels, wood patterns for metal castings, health supplies as defined in P-29, and in scientific research.

Reason for the action on phonograph and transcription records is that these uses normally consume approximately one third of the nation's annual shellac consumption. Experiments now are being made to find a suitable substitute for these uses and reclaiming of old records probably will be tried out.

Persons who had on April 1 possession or control of five thousand pounds of shellac are required to file with the War Production Board by May 9 a report on Form PD-334.

Shellac is defined in the Order as lac of all grades, but does not include lac which has been bleached, cut, or incorporated into protective or technical coatings.

Stocks frozen by the Order may be sold to the Defense Supplies Corporation.

The Order was effective immediately.

The above statement by the WPB does not exactly represent the facts, the NAB has been advised by the transcription people. A 70 per cent cut in the amount of shellac will affect production of transcriptions only faintly, they said, because only a slight amount of shellac is used in making transcriptions and a substitute probably will be found for even that amount.

The phonograph record people expect to have a substitute of "non-essential" material on the market shortly, it is said.

## DISTRICT 2 MEETING

Kolin Hager, WGY, was elected Second District Director, at a meeting April 10 in New York. Clarence Wheeler, WHEC, retiring director, presided and a representative delegation of New York and New Jersey broadcasters were in attendance.

C. E. Arney, Jr., Assistant to the President of NAB, outlined activities of the Association. Carl Haverlin, Vice President of BMI, John Paine, General Manager of ASCAP, and Leonard Callahan, General Counsel of SESAC, spoke on music. Lieut. Reichner, USNR, public relations officer of the Third Naval District, spoke on behalf of the Navy, outlining the splendid cooperation which broadcasters in that area had given to the various Navy activities incident to the war. Bob Richards, Office of Censorship, outlined the philosophy of the Office of Censorship as it related to radio and answered many questions.

The following resolutions were unanimously approved:

"BE IT RESOLVED: That we congratulate the officers and staff of NAB upon their progress in the imperative and essential task of unifying the radio industry, both for its important service in the war effort of the nation in its continued stimulation of the broadcasting industry toward finer and ever more effective operation in the public interest, and in its practical contributions to the broadcasters' daily problems.

"That we express our appreciation of the accomplishments of BMI, and pledge ourselves to the continued support of that organization. We urge all stations to use every effort to take full advantage of the excellent library of music provided by BMI. We endorse the BMI policy of refusing to meet competition by the adoption of promotional methods that could be regarded as unethical.

"That we renew our pledges to all the Government agencies with which we have contact, to continue our all-out cooperation with them; and that we express our sympathetic appreciation of the courtesies and attentions that they have extended to us.

"That we recommend the creation, in each state, of a War Broadcasting Committee representing all broadcast stations of that state for the purpose of carrying on and extending the work that has been initiated by the District representative of the NAB Defense Committee."

By unanimous action the convention commended the work of the retiring Director, Clarence Wheeler, who announced that because of business matters he could not again serve on the Board.

Those present were:

J. G. Gude, WABC; E. H. Twamley, WBEN; Roy L. Albertson, WBNY; Charles F. Phillips, WFBL; John A. Bacon, WGR; Kolin Hager, WGY; E. A. Hanover and William Fay, WHAM; Michael R. Hanna, WHCU; Clarence Wheeler, WHEC; Mrs. Scott Howe Bowen, Helen Wood and Elliott Stewart, WIBX; E. Ray McCloskey and C. D. Mastin, WNBK; John V. L. Hogan and Elliott M. Sanger, WQXR; H. C. Wilder, WSYR-WTRY; O. L. Maxey, WSNJ; and Edward Codel, WPAT.

George W. Bolling, John Blair & Co.; Russel Woodward, Free & Peters, Inc.; Pierre Weis and C. O. Langlois, Lang-Worth Feature Programs, Inc.; Burton Adams, NBC; W. B. Parsons, Jack Treacy and Norman L. Cloutier, NBC Radio Recording Division; Claude Barrere and C. L. Egner, NBC Thesaurus; Alex Sherwood, Standard Radio; Lieut. M. S. A. Reichner, USNR; Maurice H. Long, "Broadcasting Magazine"; Carl Haverlin, BMI; Leonard D. Callahan, SESAC; and C. E. Arney, Jr., NAB.

## OHIO STATE CONFERENCE

The Thirteenth Institute for Education by Radio, sponsored by Ohio State University, will be held May 3-6 at the Deshler-Wallick Hotel, Columbus, Ohio. An increasing number of broadcasters are attending the institutes each year. This year's program, with its emphasis on wartime educational broadcasting, should be of interest to every broadcaster.

## MEET THE MAJOR

Meet Major Howard O. Peterson, now in uniform at Seventh Corps Area Headquarters. The Major was formerly "Pete" Peterson, commercial manager, WOW, Omaha. Major Peterson is serving in Public Relations.

## DISTRIBUTES BROCHURE

"WHO Iowa Barn Dance Frolics" is the title of a brochure just off the press that is being distributed by Woody Woods, WOW, publicity director. The frolic originates on the stage of the Shrine auditorium Des Moines, Saturday nights, except during the hot weather months. Cast consists of seventy-five.

## NEW NOVELTY NUMBER

"We've Got to Stick Together" is a new tune written by Charlotte Feast. It is doing well in Baltimore and Washington. Title and words were suggested by and overheard luncheon conversation between two foreign born Americans. Upon parting one said to the other, "Vell V Got to Stick Tokedder." Arrangements will be available in the near future through BMI.

## DAYTON'S ARMY DAY PARADE

Front page of the Dayton News of April 6, with two eight column pictures of Army Day have been received from James M. LeGate, general manager, WHIO. Said Mr. LeGate, "The success of Dayton's Army Day observance is particularly interesting because plans for it did not start until we had received NAB WAR Service Bulletin No. 10.

The parade, featuring units from Wright and Patterson Fields and war workers of the night shifts, attracted more than 50,000 spectators in spite of the fact that it had to be held at 11:00 a.m.

## VACATIONS FOR AUTOS

Milton H. Meyers, WEIM, Fitchburg, Mass., suggests that radio institute a campaign to give your auto a rest every other week.

Mr. Meyers writes:

"My thought is an appeal to Mr. and Mrs. American to save for themselves, to decrease use of essential materials, to give their cars a rest, to pull in their belts and get their first real taste of denial, all on a patriotic theme. Each alternate week, they pledge to give up the use of their car except for emergency."

### COMMUNITY SINGING

Sidney Silverstein, publisher of the Hillside (N. J.) Times, proposes the use of radio to promote community singing throughout the country. He says there's nothing like it to promote good morale.

### FEDERAL LEGISLATION

H. R. 6752 (Monroney, D.-Okla.) LABOR—To confer jurisdiction in the United States courts in cases involving work stoppage for illegitimate and nonlabor purposes. Referred to Committee on Judiciary.

### STATE LEGISLATION

ARIZONA:

S. 8-X (Public Defense Committee) SABOTAGE—Relating to sabotage and to make uniform the law relating thereto.

## FEDERAL COMMUNICATIONS COMMISSION

### Fly Addresses ACA

Chairman James Lawrence Fly of the FCC on Monday addressed the annual ACA convention in Atlanta. He complimented the C. I. O. union for its patriotism, and, among other things, urged the necessity of uninterrupted service in the entire communications industry.

### TELEVISION STATIONS

At the termination of the informal conference on April 9, 1942, the FCC called for further information from permittees of television broadcast stations. The information desired is in the form of a progress report from the holders of construction permits for television broadcast stations—experimental and commercial.

The Commission desires that the reports be submitted immediately. An extensive report is not desired. However, each report should include:

1. Per cent of completion of station construction.
2. Dollars expended for construction of station, including equipment, land purchased for station, miscellaneous materials, etc.
3. Man hours expended on construction of station during the past six months.
4. Equipment and materials on hand and where located.
5. Equipment and materials necessary for completion of station and approximate cost thereof.
6. Personnel required for completion of station, and an estimate of the number of man hours necessary for completion of the construction.
7. Personnel presently employed on station construction and work being done.
8. Date station construction can be completed.

Each of the following permittees is required to furnish the progress report called for above: Earle C. Anthony, Inc., Los Angeles, Calif. (KSEE); Balaban & Katz Corporation, Chicago, Ill. (W9XBK); Bamberger Broadcasting Service, Inc., New York, N. Y. (W2XBB); Columbia Broadcasting System, Inc., Chicago, Ill. (W9XCB); The Crosley Corporation, Cincinnati, Ohio (W8XCT); Allen B. DuMont Laboratories, Inc., New York, N. Y. (WABD); Allen B. DuMont Laboratories, Inc., Washington, D. C. (W3XWT); Hughes Tool Company, Los Angeles, Calif.

(W6XHH); Hughes Tool Company, San Francisco, Calif. (W6XHT); The Journal Company, Milwaukee, Wis. (WMJT); Kansas State College of Agriculture and Applied Science, Manhattan, Kans. (W9XAK); Don Lee Broadcasting System, Los Angeles, Calif. (KTSL); Don Lee Broadcasting System, San Francisco, Calif. (W6XDL); Metropolitan Television, Inc., New York, N. Y. (W2XMT); National Broadcasting Company, Inc., Washington, D. C. (WNBW); National Broadcasting Company, Inc., Philadelphia, Pa. (W3XPP); Philco Radio and Television Corporation, Philadelphia, Pa. (WPTZ); Purdue University, West Lafayette, Ind. (W9XG); Television Productions, Inc., Los Angeles, Calif. (W6XYZ); WCAU Broadcasting Company, Philadelphia, Pa. (W3XAU); Zenith Radio Corporation, Chicago, Ill. (WTZR).

### 924 STATIONS

The Federal Communications Commission issued operating licenses to four stations and granted one permit for the construction of a new station during the month of March, 1942. One CP station was deleted. A comparative table by months follows:

	Apr. 1	May 1	June 1	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1	Mar. 1	Apr. 1
Operating	837	836	849	854	859	859	869	877	882	887	891	893	897
Construction	54	55	48	43	44	53	44	38	37	36	32	31	27
	891	891	897	897	903	912	913	915	919	923	923	924	924

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

### HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, April 20. They are subject to change.

#### Monday, April 20

##### Consolidated Hearings

- NEW—WBNX Broadcasting Co., Inc., New York, N. Y.—C. P., 48300 ke.; 8,730 sq. mi.; unlimited time.
- NEW—News Syndicate Co., Inc., New York, N. Y.—C. P., 47900 ke.; 8,500 sq. mi.; unlimited time.
- NEW—FM Radio Broadcasting Co., Inc., New York, N. Y.—C. P., 48300 ke.; 8,600 sq. mi.; unlimited time.
- NEW—WMCA, Inc., New York, N. Y.—C. P., 48300 ke.; 8,550 sq. mi.; unlimited time.
- NEW—Debs Memorial Radio Fund, Inc., New York, N. Y.—C. P., 48700 ke.; 8,600 sq. mi.; unlimited time.
- NEW—Greater New York Broadcasting Corp., New York, N. Y.—C. P., 48700 ke.; 8,500 sq. mi.; unlimited time.
- NEW—The American Network, Inc., New York, N. Y.—C. P., 47900 ke.; 8,840 sq. mi.; unlimited time.

#### Monday, April 20

##### Further Hearings

- WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Modification of license, 1230 ke., 250 watts, unlimited time.
- WGST—Georgia School of Technology, Atlanta, Ga.—Renewal of license (main and auxiliary), 920 ke., 1 KW night, 5 KW day, unlimited time.

#### Wednesday, April 22

##### Oral Argument before the Commission

##### Report No. B-144

- NEW—Butler Broadcasting Corp., Hamilton, Ohio.—C. P., 1420 ke., 250 watts, unlimited time.

Wednesday, April 22

- WPRP—Julio M. Conesa, Ponce, P. R.—C. P., 1480 kc., 1 KW night, 5 KW day, unlimited time.  
WPRP—Julio M. Conesa, Ponce, P. R.—Modification of C. P., 1520 kc., 1 KW night, 5 KW day, unlimited time.  
WPRP—Julio M. Conesa, Ponce, P. R.—Renewal of license, 1420 kc., 250 watts, unlimited time.

Further Consolidated Hearings

- KSFO—The Associated Broadcasters, Inc., San Francisco, Calif.—C. P., 740 kc., 50 KW, DA-night and day, unlimited time.  
KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—C. P., 740 kc., 50 KW, DA-night and day, unlimited time.

Thursday, April 23

Further Consolidated Hearings

- NEW—Jefferson Broadcasting Corp., Birmingham, Ala.—C. P., 1340 kc., 250 watts, unlimited time.  
NEW—George Johnston, Jr., Birmingham, Ala.—C. P., 1340 kc., 250 watts, unlimited time.  
NEW—WBAM, Inc., Birmingham, Ala.—C. P., 1340 kc., 250 watts, unlimited time.  
WAAF—Drovers Journal Publishing Co., Chicago, Ill.—C. P., 950 kc., 1 KW, DA-night, unlimited time.

Friday, April 24

Further Hearing

- NEW—Robert V. Lee, Bradenton, Fla.—C. P., 1490 kc., 250 watts, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

- WLAK—Bradley R. Eidmann (transferor), S. O. Ward (transferee), Lakeland, Fla.—Granted consent to transfer of control (B3-TC-292) of Lake Region Broadcasting Co., Station WLAK, from Bradley R. Eidmann to S. O. Ward, for a consideration of \$23,000, representing 100 shares of common outstanding capital stock.  
WMSL—Tennessee Valley Broadcasting Co., Inc., Decatur, Ala.—Granted authority to install a new Gates-American Type 250-A Transmitter (B3-P-3464).  
KRMC—Jamestown Broadcasting Co., Inc., Jamestown, N. Dak.—Granted application for modification of license (B4-ML-1115) to change frequency from 1400 to 600 kc., and increase power from 250 watts to 100 watts night, 250 watts day, unlimited time.

### RENEWAL OF LICENSES

The following stations were granted renewal of broadcast station licenses for the period ending June 1, 1944:

- WKRC, Cincinnati, Ohio; WMCA and auxiliary, New York; WTAG and two auxiliary transmitters.  
WRJN—Racine Broadcasting Corp., Racine, Wis.—Granted renewal of broadcast station license for the period ending August 1, 1943.  
WBAA—Purdue University, West Lafayette, Ind.—Granted renewal of broadcast station license for the period ending August 1, 1942.

### DESIGNATED FOR HEARING

- WMAW—C. T. Sherer Co., Inc., Worcester, Mass.—Designated for hearing application for extension of completion date under construction permit (B1-MP-1507) covering construction of new station authorized December 17, 1940.  
KGHF—Curtis P. Ritchie, Pueblo, Colo.—Designated for hearing application for extension of completion date under construc-

tion permit (B1-MP-1507) covering a new station authorized on December 17, 1940.

### MISCELLANEOUS

- McKeesport Radio Co., McKeesport, Pa.—Granted motion for dismissal without prejudice of application (B2-P-3186) for new station.  
Nashville Radio Corp., Nashville, Tenn.—Granted motion for dismissal without prejudice of application (B3-P-3034) for new station.  
Lake Shore Broadcasting Corp., Cleveland, Ohio.—Granted motion for postponement to April 28 of hearing now set for April 20 in re application of petitioner and of Cleveland Broadcasting, Inc., applicants for a new station in Cleveland, Ohio.  
Barclay Craighead, Butte, Mont.—Granted in part motion for continuance of hearing now set for April 8, and continued same to April 14, in re application of petitioner and Hennessy Broadcasting Co. for a new station in Butte, Mont.  
WQXR—Interstate Broadcasting Co., Inc., New York City.—Granted modification (B1-MP-1492) of construction permit for extension of completion date to April 1, 1943.  
Granite District Radio Broadcasting Co., Murray, Utah.—On the Commission's own motion, continued hearing now set for April 17 until April 30, 1942, in re application for construction permit for new station (Docket 6003).  
WMCA, Inc., New York City.—Granted oral request of Attorney for petitioner to withdraw motion to consolidate hearing on its application and that of seven others for new FM stations in New York City and vicinity.  
Frequency Broadcasting Corp., Brooklyn, N. Y.—Granted motion for continuance of hearing now set for April 15 on application for new FM station, and continued same to May 15.  
Beauford H. Jester, Waco, Tex.—Granted motion for leave to amend application for new station so as to specify 8 additional individuals to join in this application, on condition amendment is filed within 2 days.  
WNYC—City of New York Municipal Broadcasting System, New York, N. Y.—Scheduled for oral argument on April 29, 1942, in re Proposed Findings (B-140) on application for modification of license to increase the hours of operation of Station WNYC (Docket No. 5705).  
KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Granted authority to install new automatic frequency control equipment (B4-P-346).  
KTRH—KTRH Broadcasting Co., Houston, Tex.—Granted modification (B3-MP-1523) of construction permit (B3-P-3011) for extension of completion date to 7/10/42.  
WAPO—W. A. Patterson, Chattanooga, Tenn.—Granted license (B3-L-1642) to cover construction permit (B3-P-3412) to move old transmitter to site of new main transmitter, and use as an auxiliary transmitter for emergency use only.  
WSBT—The South Bend Tribune, South Bend, Ind.—Granted license (B4-L-1636) to cover construction permit (B4-P-3330) for increase in power to 1 KW, changes in transmitting equipment and directional antenna. Also authority to determine operating power by direct measurement (B4-Z-1370).  
WEIQ—Knickerbocker Broadcasting Co., Inc., Portable-Mobile, area of New York City.—Granted voluntary assignment of relay broadcast station license from Knickerbocker Broadcasting Co., Inc., to WMCA, Inc. (B1-ALRE-26).  
WIEH—Knickerbocker Broadcasting Co., Inc., Portable-Mobile, area of New York City.—Granted voluntary assignment of relay broadcast station license from Knickerbocker Broadcasting Co., Inc., to WMCA, Inc. (B1-ALRY-13).  
KVOD—Colorado Radio Corp., Denver, Colo.—Granted modification (B5-MP-1547) of construction permit (B5-P-2653 for increase in power, installation of new transmitter, changes in directional antenna) for authority to install new type transmitter and extend commencement and completion dates to 1 day and 30 days after grant, respectively.  
W53PH—WFIL Broadcasting Co., Philadelphia, Pa.—Granted modification (B2-MPH-85) of construction permit (B2-PH-73, as modified and which authorized new FM broadcast station) for change in type of transmitter only.  
Granite District Radio Broadcasting Co., Murray, Utah.—Denied petition of Granite District Radio Broadcasting Co. for vacation of order of March 3, 1942, designating its application for a new station for further hearing and requesting grant of said application without further hearing.

WMCA, Inc., New York City.—Denied petition for review by the Commission en banc of action of the Presiding Commissioner of the Motions Docket on April 1, 1942, denying applicant's petition for leave to intervene in the hearing on application of Frequency Broadcasting Corp. for a new FM station in New York City, and affirmed action of Presiding Commissioner.

The Evening Star Broadcasting Co., Washington, D. C.—Placed in pending files pursuant to Order No. 79, application (B1-PH-108) for new FM station.

## APPLICATIONS FILED AT FCC

### 620 Kilocycles

WCAX—WCAX Broadcasting Corp., Burlington, Vt.—Modification of license to change name from Burlington Daily News, Inc., to WCAX Broadcasting Corp.

### 930 Kilocycles

WTTM—Trent Broadcast Corp., Trenton, N. J.—License to cover construction permit (B1-P-2861) as modified for a new broadcast station.

WTTM—Trent Broadcast Corp., Trenton, N. J.—Authority to determine operating power by direct method.

### 1030 Kilocycles

WCOA—Pensacola Broadcasting Co., Pensacola, Fla.—Construction permit to change frequency from 1370 to 1030 kc., increase power from 500 watts night, 1 KW day to 10 KW day and night, install new transmitter and directional antenna for night use and move transmitter. Amended: to make changes in directional antenna.

### 1050 Kilocycles

KTBI—Tacoma Broadcasters, Inc., Tacoma, Wash.—Construction permit to change frequency from 1490 to 1050 kc., and changes in vertical antenna.

### 1090 Kilocycles

KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Calif.—Voluntary assignment of license to Radio Broadcasting, Inc.

### 1130 Kilocycles

WDGY—Dr. George W. Young, Minneapolis, Minn.—Construction permit to install directional antenna for night use, increase power from 1 KW night, 5 KW day to 5 KW night, 10 KW day, change hours from limited to unlimited time, change frequency from 1180 to 1130 kc., install new equipment and move transmitter. Amended: re changes in directional antenna system.

### 1240 Kilocycles

KICA—Western Broadcasters, Inc., Clovis, N. M.—Voluntary assignment of license to Hugh DeWitt Landis.

### 1330 Kilocycles

WEVD—Debs Memorial Fund, Inc., New York, N. Y.—Construction permit to move former main transmitter to present location of new transmitter for use as auxiliary.

### 1340 Kilocycles

WFIG—J. Samuel Brody, Sumter, S. C.—Voluntary assignment of license to Radio Station WGIF, Inc.

### 1440 Kilocycles

WAAB—The Yankee Network, Inc., Worcester, Mass.—Modification of construction permit (B1-P-3194) for increase in power, installation of new transmitter and directional antenna for day and night use, and move of transmitter and studio, requesting approval of directional antenna system.

### 1450 Kilocycles

WMVA—Martinsville Broadcasting Co., Inc., Martinsville, Va.—License to cover construction permit (B2-P-3370) for move of transmitter, increase in power and new vertical antenna system.

WMVA—Martinsville Broadcasting Co., Inc., Martinsville, Va.—Authority to determine operating power by direct method.

WJMS—WJMS, Inc., Ironwood, Mich.—Modification of license to change name to Upper Michigan-Wisconsin Broadcasting Co., Inc.

### 1470 Kilocycles

KRBC—The Reporter Broadcasting Co., Abilene, Texas.—Construction permit to install new transmitter, move transmitter, change frequency from 1450 to 1470 kc., install vertical antenna and increase power from 250 watts to 1 KW. Amended: to install directional antenna for night use, change type of transmitter proposed and to omit request for move of transmitter.

NEW—H. C. Cockburn, tr/as San Jacinto Broadcasting Co., Houston, Texas.—Construction permit for a new broadcast station to be operated on 1470 kc., 1 KW, unlimited time. Facilities vacated by KXYZ. Amended: to install directional antenna for night use.

### 1480 Kilocycles

KVOE—The Voice of the Orange Empire, Inc., Ltd., Santa Ana, Calif.—Construction permit to change frequency from 1490 to 1480 kc., increase power from 250 watts to 1 KW and install new transmitter.

### 1490 Kilocycles

WNBF—Wylie B. Jones Advertising Agency, Binghamton, N. Y.—Modification of construction permit (B1-P-3185) as modified, for change in frequency, install new transmitter and directional antenna for night use and move transmitter, requesting extension of completion date from 5-3-42 to 8-3-42.

KDB—Santa Barbara Broadcasters, Ltd., Santa Barbara, Calif.—Voluntary assignment of license to Don Lee Broadcasting System.

### 1600 Kilocycles

WCNW—Arthur Faske, Brooklyn, N. Y.—Voluntary assignment of license and construction permit to WLIB, Inc.

## FM APPLICATIONS

W53H—The Travelers Broadcasting Service Corp., Hartford, Conn.—Modification of construction permit (B1-PH-12) as modified for a new high frequency broadcast station, requesting extension of completion date from 4-28-42 to 10-28-42.

W69PH—WCAU Broadcasting Co., Philadelphia, Pa.—Construction permit for reinstatement of construction permit which expired 1-1-42 for a new high frequency broadcast station on 46900 kc.; coverage, 9,300 square miles.

## MISCELLANEOUS APPLICATIONS

NEW—KTRH Broadcasting Co., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 1606, 2074, 2102, 2758 kc., 50 watts, A3 emission.

NEW—KTRH Broadcasting Co., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 30820, 33740, 35820, 37980 kc., 3 watts, A3 emission.

WBWB—Banks of Wabash, Inc., Portable-Mobile.—License to cover construction permit (B4-PRY-271) for a new relay broadcast station.

WGEA—General Electric Co., Schenectady, N. Y.—Modification of license to add frequencies of 7000 and 11847.5 kc. to those already licensed, sharing time on 7000 and 11847.5 kc. with station WGE0.

WGE0—General Electric Co., Schenectady, N. Y.—Modification of license to add frequencies of 7000 and 11847.5 kc. to those already licensed, sharing time on 7000 and 11847.5 kc. with station WGEA.

## FEDERAL TRADE COMMISSION DOCKET

*Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.*

### 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.

**Gold Medal Haarlem Oil Corp.**—A complaint has been issued charging Gold Medal Haarlem Oil Corp., Brooklyn, with disseminating false advertisements in connection with the sale of a medicinal preparation variously designated "Gold Medal Haarlem Oil," "Gold Medal Haarlem Oil Capsules" and "Gold Medal." (4745)

**H. M. Manheim & Co., Inc.**, 87 Nassau St., New York, is charged, in a complaint, with misrepresentation in the sale at retail of jewelry, silverware, luggage, giftware and other jewelers' merchandise to consumers who buy for their own use and not for resale or retailing. (4743)

**Monte Carlo Hats, Inc.**, 39 West 37th St., New York, is charged in a complaint with misrepresentation in connection with the sale of women's hats. (4742)

**Tennessee Tufting Company**—Violation of Section 2a of the Robinson-Patman Antidiscrimination Act is alleged in a complaint issued against Tennessee Tufting Co., 2404 Heiman St., Nashville, Tenn., manufacturer of tufted bedspreads, bath mats, rugs and allied products. (4744)

### CEASE AND DESIST ORDERS

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

**Superior Felt and Bedding Co.**, 2447 Roosevelt Road, Chicago, has been ordered to discontinue certain misrepresentations in connection with the sale of mattresses it manufactures. The respondent company maintains branch factories or warehouses in New York, Dallas, Tex., Kansas City, Mo., Columbus and Cleveland, Ohio, DeKalb, Ill., Detroit and Pittsburgh. (4309)

**United States Raw Skins Corp.**, 12 East 33rd St. New York, dealer in domestic and imported leathers, and Lieberston Novelty Co., Inc., 325 South Market St., Chicago, manufacturer of leather goods, has been ordered to cease and desist from misrepresentation in the sale of their products. (4669)

**Wool Trading Company, Inc., et al.**—Three New York distributors of hand knitting yarns have been ordered to cease and desist from misrepresentations in the sale of their products. The respondents are Wool Trading Co., Inc., which sometimes trades under the name Peter Pan Yarn Co., 361 Grand St.; Samuel and Peter Gottlieb, trading as Gottlieb Brothers and as Jack Frost Yarn Co., 207 Avenue C.; and Philip Jablon, trading as Bell Yarn Co. and as Wonoco Yarn Co., 371 Grand St. (4267-4268-4326)

### STIPULATIONS

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

**Bennettsville Mattress Factory**, Bennettsville, S. C., entered into a stipulation to cease certain representations in the sale of mattresses, pillows or related products. The respondent agrees to desist from use of the words "Cotton Linters" as descriptive of a mattress or related product, the filling of which is not made from or composed of cotton linters, and from use of the word "new" in connection with the word "Kopox," or with any other simulation of the word "Kapok," as descriptive of the filler of a product which is not made wholly from new Kapok material. The respondent Dowd also stipulates he will cease representing, by use of the words "New Materials," or other words of similar meaning, that a mattress or related product or its filler, which is made either in whole or in part from old, used or second-hand materials, is new or is made entirely from new materials. (3449)

**Gordon Baking Co.**, 2303 East Vernor St., Detroit, and Barton A. Stebbins, 811 West 7th St., Los Angeles, conducting an advertising agency acting on behalf of Gordon Baking Co., stipulated to cease certain representations in connection with the sale of the Gordon company's product "Silvercup Roman Meal Bread." The respondents agree to cease advertising that this product contains all the necessary vitamins or, when eaten in quantities ordinarily consumed, will supply the minimum daily nutritional requirement for any one vitamin. They also agree to cease representing that Silvercup Roman Meal Bread is incapable of adding excess body weight or will of itself reduce such weight, and that this bread embodies a new health secret. The respondents also stipulate they will desist from the representation that Silvercup bread is indorsed by famous movie stars, when such is not a fact. (02970).

**Kayak Boat Co.**, 152 East 129th St., New York, builder of small boats of various types, stipulated that, in connection with the sale of boats, they will discontinue representing that an offer of prices or premiums made periodically or otherwise in the ordinary course of business is due to stock reduction, factory enlargement or other unusual circumstance; that the stock available at the prices so offered is limited in quantity; and that prices or premiums are applicable for a limited time only when, in fact, orders are accepted and filled after such time period has elapsed. (3448)

**Magnavox Co., Inc.**, Beuter Road, Fort Wayne, Ind., stipulated that it will cease representing that the sound-slide-film projectors or equipment it manufactures are the most powerful made. (3450)

**Minix Institute**, 542 South Broadway, Los Angeles, selling a correspondence course designed to fit students to become pest control operators, stipulated that it will cease and desist from use of the word "Institute" in its trade name or in any manner which tends to cause the belief that the school it operates is an organization conducted for the promotion of learning, such as the arts or sciences, and has the equipment and faculty to entitle it to be designated an institute. The respondent further agrees to stop representing that the course it offers will enable a student who lacks practical experience to earn from \$35 to \$60 a week or any other stated amount in excess of what he actually would be likely to earn in view of his lack of experience; that the course consists of any stated number of lessons in excess of what is actually the fact; and that the price for which the course is offered for sale is either special or reduced when, in fact, it is the regular price customarily charged in the usual course of business. (3451)

**Shulton, Inc.**, 589 Fifth Ave., New York, distributor of soap and toiletries, entered into a supplemental stipulation to cease and desist from representing that for 31 years or any other period of time it has been a manufacturer of soaps or toiletries, that it owns or controls the factory in which its products are compounded, or that it supervises their production. According to the stipulation, the respondent operates a plant at Hoboken, N. J., where it pack-

ages soap manufactured for it by other concerns. Under the original stipulation, accepted by the Commission in May, 1936, the respondent agreed to cease representing that its soap products were of British origin and, through use of the word "soapmakers" on billheads and other printed matter, that it was a soap manufacturer. (1704)

**Vitkin, Lee Feather Co.**, 2455 Archer Ave., Chicago, pillow manufacturer, entered into a stipulation to discontinue use of the term "100% White Goose Down" on labels to describe products which actually are not so filled; and to cease employing the word "down," either alone or with the word "goose," or in any manner which may tend to cause the belief that such products are filled entirely with down. (3456)

**Whisk Company of New York, Inc.**, 801 Greenwich St., New York, has entered into a stipulation to cease representing, or

placing in the hands of others the means of representing, that the use of the product designated "Whisk" as a treatment for rugs or other articles containing wool or animal fibers renders such articles immune to attack by moths or affords positive or complete protection against damage by moths. (3452)

#### FTC CASE CLOSED

The Federal Trade Commission entered an order closing without prejudice its case against Fels & Co., Philadelphia, which had been charged with violation of the Federal Trade Commission Act in connection with the sale of "Fels Naptha Soap Chips."

The order states that the facts in the case were not sufficiently developed to permit a proper determination of the issues and that since the issuance of the complaint the respondent has adopted a glassine-lined package, which may tend to retard evaporation of the naptha content of its soap chips.



## FCC RELAXES RULES FOR RADIO TECHNICIANS

In response to the request of the broadcast industry for additional relief in the technician shortage, the FCC has responded with Order 91A issued April 21. (See Page 199, April 10 REPORTS).

The order reads in part as follows:

"It IS ORDERED, That until further order of the Commission, notwithstanding the provisions of Section 13.61 of the Commission's Rules and Regulations Governing Commercial Radio Operators, a broadcast station of any class, which by reason of actual inability to secure the services of an operator or operators of a higher class could not otherwise be operated, may be operated by holders of any class commercial operator license;

"PROVIDED, HOWEVER, That all classes of commercial operator licenses shall be valid for the operation of broadcast stations upon the condition that one or more first-class radiotelephone operators are employed who shall be responsible at all times for the technical operation of the station and shall make all adjustments of the transmitter equipment other than minor adjustments which normally are needed in the daily operation of a station;

"PROVIDED, FURTHER, That a broadcast station may be operated by a holder of a restricted radiotelephone operator permit only in the event such permit has been endorsed by the Commission to show the operator's proficiency in radiotelephone theory as ascertained through examination."

Holders of all classes of commercial radio operator licenses may now operate broadcast stations.

There are six classes of commercial radio operator licenses: first and second class radiotelephone; first and second class radiotelegraph and restricted radio telephone and radio telegraph. The various classes of operators may operate broadcast stations under these conditions:

1. First class radiotelephone—may operate a broadcast station without restriction.

2. Second class radiotelephone, first class radiotelegraph, second class radiotelegraph—restricted radiotelegraph—may operate a broadcast station providing a first class radiotelephone operator is in charge and responsible for the technical operation of the station. These licensees may work as operators but may not make

(Continued on page 232)

### Registration and Delegate Cards

Have you sent to NAB (1) Your registration card for attendance at the Cleveland convention, and (2) A delegate card designating the person empowered to vote for your station at the Convention?

Both these cards have been sent to you. If you have not already filled out and returned these cards to NAB, please do so now and save yourself some time at the Convention.

## Radio War Guide Friday

The Office of Facts and Figures expects to mail its Radio War Guide to all stations today. This "Guide" contains program priority suggestions for all stations and network schedules of commercial programs which will carry government material for the period April 27-May 3.

### Five Priority Groups

Program priorities are divided into five groups—AA, A, B, C, and D.

#### In the AA classification are:

- Navy Recruiting
- Marine Corps Recruiting
- Coast Guard Recruiting
- War Bonds and Stamps
- Sugar Shortage Information
- Auto Pooling
- Conservation of Gas and Tires
- Production Drive Information
- U. S. O. beginning May 11

#### In the A classification are:

- Army Recruiting
- Civil Service Recruiting
- Selective Service-regional
- War Industry Training Information for Displaced and New Workers
- Merchant Marine Recruiting
- Civilian Participation in Defense Activities
- Don't Spread Rumors

In the wheat belt, Wheat Marketing Referendum and Increased Acreage of Farm Products Vital to War.

#### In the B classification are:

- Recruiting Nurses and Doctors
- First Aid and Fire Fighting
- Health in Wartime
- Victory Gardens
- Farm Implement Pooling
- Information on Latin America
- All Salvage

### Allocations Not Used by All

Army, Navy, Marine Corps, Coast Guard and Civil Service material, according to OFF, will not be used in network allocations at the request of these organizations. The material will continue to be distributed as heretofore and scheduled by individual stations.

The "Guide" suggests that 50% of available station program units devoted to the War effort be used for items listed in the AA classification; that 30% be used for A items and 20% by B

(Continued on page 233)

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

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

## ADVERTISING GAINS

The February "Broadcast Advertising Record" was mailed to cooperating stations Monday, April 20. It shows that there was a substantial gain in broadcast advertising unit volume for the month as compared with the same month in 1941.

Estimates projected for the entire industry from the "Record" show that program units for February, 1942, were 7,291,000; 22% greater than the 5,992,000 reported for February, 1941. Announcement units were 1,094,000 for February, 1942, 9% ahead of the 1,001,000 units reported for February, 1941. The twelve-month moving total figures for the year ending at the close of each month are as follows:

<i>Year Ending</i>	<i>Program Units</i>	<i>Announcement Units</i>
August, 1941	80,943,000	13,705,000
September, 1941	81,442,000	13,889,000
October, 1941	81,818,000	14,006,000
November, 1941	82,801,000	14,219,000
December, 1941	84,267,000	14,511,000
January, 1942	85,646,000	14,664,000
February, 1942	86,944,000	14,756,000

The twelve-month moving totals indicate that the trend of broadcast advertising would, under normal conditions, forecast a gain even more optimistic than that predicted in the NAB REPORTS article on Page 143 of the March 13, 1942 issue, and also the NAB REPORTS article on Page 175 of the March 27, 1942 issue.

Program units for department store advertising showed a gain of 28% as compared with February, 1941, and the twelve-month moving total shows a 7% gain in the last six months.

The broadcast advertising gains in February compare with newspaper lineage losses as reported by MEDIA RECORDS for the month of February, 1942. February, 1942 lineage was reported at 87,943,943 as compared with 93,962,500 for February 1941.

## AFRA FIGHTS TAX

The American Federation of Radio Artists joined the International Brotherhood of Electrical Workers this week in registering their protest against the radio time sales tax proposed by the printing trades unions.

Emily Holt, executive secretary of AFRA, notified through NAB that she had wired the union's protest to the House Ways and Means Committee.

## ENOUGH DAYLIGHT SAVING

Bills introduced in the New York, New Jersey and Pennsylvania Legislatures providing for an extra hour of daylight-saving time have been vigorously opposed by NAB. Strong opposition by Joseph B. Eastman, Director of Defense Transportation, also was registered this week in telegrams to the Governors of the three states.

## LISTENING SURVEY

Many stations have written to NAB requesting information concerning the questionnaires entitled "Census of Wartime Radio

Listening", which have been turned over to the stations by members of their listening audience.

The NAB Research Department has looked into the matter and reports that the survey is being conducted by the National Broadcasting Company. It is a continuance of the NBC coverage or station popularity studies started several years ago.

There is no foundation to the thought expressed by some stations that the U. S. Bureau of the Census has connection with the survey. Also, no other government agencies are involved because of war exigency.

## CONGRESSMEN COMPLIMENT MILLER

During Neville Miller's testimony on the Sanders bill, two members of the House Interstate Commerce Committee paid him compliments.

Representative Hinshaw (R-Calif.) said:

"For the purpose of the record, I have known the witness, Mr. Neville Miller for 30 years. We were classmates in college together and while subsequent to that our ways parted, I have watched his career with great interest. Among his many accomplishments, was that of Mayor of Louisville during the great flood which occurred not many years ago, for the masterful handling of which he received great acclaim. Following that he served for a short time as the assistant to the President of Princeton University and went from there I believe to his present position. The integrity of the gentleman is beyond question."

To which Representative Bulwinkle (D-NC) added:

"Mr. Chairman, while we are giving this, I might say for the purpose of the record too, that Mr. Miller is bound to be all right, because his grandmother came from North Carolina."

## SMEBY RESIGNS

At the War Department's request, Lynne C. Smeby resigned this week as Director of Engineering for the NAB to become a civilian consultant on air communications in the Signal Corps.

"Important as I believe the wartime engineering activity of the NAB is, I can arrive at no other conclusion than that work more intimately associated with our armed forces should have first call on by services," Mr. Smeby said in his letter of resignation.

Mr. Smeby, representing the broadcasting industry, has spent a great deal of his time in recent months working with the various government agencies dealing with the technical aspects of broadcasting. He will be greatly missed by these agencies as well as the NAB.

Before joining the NAB staff in 1939, Mr. Smeby was with the International Telephone and Telegraph Company. He has been with stations WKAQ, WXYZ, KSTP, WTCN and WDGW before going with I. T. and T.

## SET MANUFACTURE STOPS

At midnight Wednesday the major part of the country's radio industry stopped production of radios for civilian use in order to make its entire facilities available for war work. The remainder of the industry will wind up its operations within a few weeks.

Thirty of the 55 companies producing civilian radios will have ceased putting sets into production when the deadline fixed in WPB order L-44-a is reached. Two other large companies, RCA and Philco, each operating several plants, will have shut off civilian production at midnight in plants representing more than 80 per cent of their total production. These 32 companies already have war contracts totalling \$780,000,000, representing 87 per cent of all the war contracts let so far to the home radio industry.

The remaining 25 companies were given additional time, ranging from one to six weeks, to produce additional sets in order to facilitate their program of conversion to war work, as provided for in L-44-a. Half of the approximately 410,000 sets to be produced after the shutoff date will be reserved for export to friendly nations, as requested by the Coordinator of Inter-American Affairs and Lend-Lease.

## You Can't Afford to Miss the NAB Convention May 11-15

A program which no broadcaster can afford to miss is rapidly nearing completion for the NAB Convention, May 11-15, in Cleveland.

The tentative program for the business sessions was announced in last week's NAB REPORTS, and additional meetings are announced below.

Speakers of outstanding national prominence are being obtained for the luncheon meetings, and will be announced within a few days.

Chairman James Lawrence Fly of the FCC wrote to Neville Miller that circumstances would not permit him to take part in the work of the convention, after Mr. Miller had sent Mr. Fly the following invitation:

"DEAR MR. CHAIRMAN:

"The National Association of Broadcasters is having its annual convention in Cleveland on May 11-14. Our program is based on the theme "Radio and the War," and we shall discuss ways and means of how broadcasters can best help our government win the war. The first three days, Monday, Tuesday, and Wednesday will be devoted to business sessions, ending with a banquet on Wednesday night. The fourth day will be devoted to directors and committee meetings, and a golf tournament and other entertainment features.

"I want to extend to you a most cordial invitation to be present during the entire convention and to address the convention at a luncheon or at a business session, whichever you prefer, upon a subject of your choice. We have found in the past that the luncheons are the best attended meetings, and if you would like, we shall be glad to schedule you as the only speaker at the luncheon on either Monday, Tuesday or Wednesday of the convention. However, if you prefer a business session, I suggest one of the morning sessions, as the attendance at the morning sessions is better than the afternoon sessions.

"I am quite sure that the broadcasters will welcome a speech from you on any subject and I hope that you will be able to be with us during the entire convention. So that we may complete our program at an early date, I shall appreciate word from you at your early convenience.

"The convention will be held at the Statler Hotel in Cleveland, and, hoping that you will be with us, I have taken the liberty of reserving a suite for your use."

After he had received Mr. Fly's reply, Mr. Miller sent the Chairman the following letter:

"DEAR MR. CHAIRMAN:

"I greatly regret that you will not be able to speak at the National Association of Broadcasters Convention, as I am sure all of us would like very much to hear you. If later you find it possible to attend the Convention, I hope that you will come, and I want to extend to you a most cordial invitation to be with us for the entire Convention, or any part which your duties will permit.

"On Sunday night, May 10, at seven o'clock at the

Statler Hotel, we are having an informal supper and are inviting the speakers and other distinguished guests to have supper with the Board of Directors. I want to extend to you a cordial invitation to be our guest. The affair will be entirely informal, and should break up around nine o'clock."

Those attending the Convention at times will be in somewhat the same position as a small boy at a three-ring circus. In addition to the General Business sessions, the tentative programs of which were outlined in last week's REPORTS, there will be on Tuesday afternoon simultaneous meetings of Sales Managers to sit in on a Department Store Clinic and a group meeting arranged by the Radio Council of Greater Cleveland.

The Sales meeting panel is headed by Richard G. Meybohm, Manager, Sales Promotion NRDGA. Participating with him are Barclay W. Newell, Sales Manager of William Taylor Sons & Co., Cleveland; Edgar L. Rice, Sales Promotion Manager, A. Polsky Company, Akron, and James W. Petty, Jr., Publicity Director, H. & S. Pogue Co., Cincinnati. All have a story of deep interest to radio people.

The theme of the Radio Council program is "The Listeners Stake in American Radio"; certainly one of interest to broadcasters. Speakers are B. S. Bercovici, Radio Commentator, WJW (MBS) Akron; Guy Hickock of the Inter-American Affairs Committee; Fred Weber, General Manager MBS; and Jennings Pierce, NBC Public Service Director for the Western Division.

On Wednesday there will again be a choice of meetings. The General Business Session will run throughout the day. At the same time Mrs. Dorothy Lewis, NAB Coordinator of Listener activity, has put together a most interesting program. Much of this was outlined in last week's REPORTS story on the Convention, but now we may add to the list of outstanding speakers the name of Mr. Charles R. Hook, President of the American Rolling Mills and an NAM Director. He will speak on the topic "Industry's Role in a World Offensive."

The Breakfast Roundtable Sessions on Tuesday and Wednesday are going to create a lot of competition. On Tuesday the Sales Managers will have the Radio Executives' Club of New York telling them "What Burns Us Up"—In other words "How Not to Get Advertising." At the same time the Engineering Department will have a roundtable on Technician Training and Procurement Priorities. Tire Rationing will be another roundtable session, with Mr. Behoteguy, of the B. F. Goodrich Company, leading the discussion. He has been for the past several months in the OPA tire rationing division. Then

there will be the OFF Breakfast Roundtable, divided into two sections, with William B. Lewis and Philip Wylie talking about "The Four Themes," and later, Douglas Meservy and Seymour Morris covering "Program Coordination." That isn't all—J. Harold Ryan, assisted by General Surles, Admiral Hepburn and Captain Lovette of the Navy, and Brigadier General Beaumont-Nesbitt and others, will hold forth on the Censorship matter.

The same difficulty for the broadcaster to decide which breakfast he wants to "eat at" will be presented Wednesday. There is one on Collective Bargaining. Then the Sales Managers will have the NAB Associate member National Reps to lead their discussion. Foreign Language Broadcasting will occupy the attention of another breakfast roundtable with Alan Cranston and Lee Falk of OFF leading the conference. Just to make it easier to decide things, Major Culligan, Public Relations Officer of the Selective Service System, will tee-off a discussion of Selective Service, and there will be another roundtable on Music with Merritt Tompkins in charge. We almost forgot to list a breakfast on The Work of DCB, and a discussion on that same program of Property Protection with J. D'Agostino setting the pace.

The lines are now out for some real topnotchers to fill out a program already studded with just that type of speakers. We hope next week to make some very important announcements on the subject.

### Hotel Reservations

There are two things about hotel reservations at Cleveland which John Patt, Chairman of the Housing Committee, wants every person who hasn't yet gotten a confirmation to know. If you have not had your reservation confirmed by the hotel, write immediately. If you have neglected to send in your request do so at once. All communications should be sent to the NAB Housing Com-

mittee, 1604 Terminal Tower, Cleveland. There are plenty of single rooms at the Statler; all of the suites, twin-bedded and doubles, are gone and there are suites at both the Carter and the Hollenden. The former is just a block from the Statler, and the latter a short three blocks. The accommodations at both hotels are excellent. There are also twins and doubles available there. "We know that there will be some disappointments about accommodations," said Mr. Patt, "but we are trying to take care of everyone as they wish to be accommodated. Of course, everybody can't have a suite in the headquarters hotel, but we do believe we can care for all of those who wish suites there and elsewhere. We wish to do everything possible to make this convention a success from the housing standpoint and otherwise. We most urgently ask that attention be given to reservations."

### Promotional Display

A. W. (Chick) Allison, WLW Promotion display chairman, reports a splendid response from stations. He predicts an outstanding showing of material which stations have used to further the national war effort. A space immediately adjacent to the entrance to the Grand Ball Room, where all of the Luncheon Sessions will be held, has been set aside for this display. It promises everyone a chance to look this material over. The board of judges is in the making and some very capable jurists on display copy have accepted. The full committee will be disclosed soon.

In addition to this promotional display, BMI will make a fine showing and NAB will exhibit some of the things it does for the industry. FREC will be on hand with an interesting display.

It all sums up to just this: NO BROADCASTER CAN AFFORD TO MISS THE TWENTIETH ANNUAL NAB CONVENTION!

## Sales

### "Comparative Costs" Chapter Ready for "Manual of Radio Advertising"

A new chapter for the NAB "Manual of Radio Advertising" is being distributed through the mails this week. Titled "What Price Radio?" the chapter is a study of the comparative costs of radio advertising as compared with other media.

Based on studies gathered from individual stations and networks, the chapter points out the indisputable economy of radio as a means of reaching the mass market—at a lower *net-cost-per-thousand-sales-impacts* than is possible through any other established advertising medium. Thus the chapter tells a highly competitive story—a story that many stations will not wish to use, because of its competitive character, except in those cases where such a presentation is necessary through the insistence of the client. In these cases, radio salesmen may expect it to be highly effective.

A good "test case" was provided recently when an NAB member station asked the Department of Broadcast Advertising for some information on comparative rates, urgently needed in a competitive situation. Although this chapter was not yet off the press, a set of advance proofs was sent to this member, KOVO, of Provo, Utah. After using the material, Arch L. Madsen, station manager, replied:

"You're a pal for rushing the advance proofs of 'The Comparative Costs of Radio Advertising.' These proofs of your forthcoming 'sales dynamite' were *successfully used yesterday on a department store advertising manager*. Based on his hearty reactions, I can safely predict that this material will be worth, literally, *its weight in gold, many times over, to the local time salesmen.*"

One copy of the new chapter is being sent to each NAB member, for inclusion in the Manual. To those members who have ordered additional Manuals, a corresponding quantity of additional chapters are also being mailed.

### New War Bond Kit Provided

At the request of many NAB members through correspondence and at District Meetings, the Department of Broadcast Advertis-

ing during the past two months worked out a plan in cooperation with Vincent F. Callahan and his staff at the Treasury Department whereby scripts and ideas would be made available to radio stations, to further the sale of war bonds and stamps, suitable for *local sponsorship* by merchants of all types.

This new radio service is comparable to a service provided by the Treasury Department to newspapers, whereby a collection of display advertisements, also designed for sponsorship by local merchants, is furnished to newspapers throughout the country.

The new radio kit, distributed by the Treasury this week, contains sample announcements suitable for a variety of local sponsors; sample opening and closing announcements for sponsored programs, and a list of suggestions and ideas for building special programs for local sponsors.

Some stations, the NAB has pointed out, will prefer to continue their promotion of bond and stamp sales as in the past, entirely on station time and without any help from local sponsors. On the other hand, there are many stations that can make effective use of this new service. In almost every community there are a number of merchants who desire to aid the government in its war financing drive, but who have little opportunity to do so except through radio, newspapers, or some other advertising medium. Many of these merchants or local manufacturers, it has been learned, are not present users of radio advertising; this new service, Treasury officials believe, offers stations an opportunity to present an approved plan to such clients, enabling them to participate in a patriotic and necessary effort and at the same time build goodwill and keep their name before the public in a favorable light.

Treasury officials are behind the plan because it will add steam to the bond and stamp campaign, enable stations to be reimbursed at least in part for their efforts, and because it will do a more effective sales job. Announcements and programs thus sponsored. Treasury officials realize, will receive preferred position on the air, will benefit from the same continuity and effort as other sponsored programs, and in some cases will be given special promotion and merchandising.

Mr. Callahan pointed out that the kit contains only a limited number of "samples," and urged that all stations feel free to expand or rewrite the material as desired to fit local needs.

Additional kits may be had on request to his office, and an additional supply will be on hand at the NAB convention in Cleveland May 11-14.

Evidence from stations regarding the use and success of this material will be welcomed by Mr. Callahan's office, and stations are invited to send copies of these reports to the NAB Department of Broadcast Advertising, so that experiences and ideas may be exchanged among members.

### Anybody Want Brief Cases?

As offered in last week's REPORTS, member stations may order brief cases through the NAB if they wish and obtain the benefit of a quantity price. Prices quoted us for 14" X 11" genuine Morocco leather cases, with 2-inch capacity on standard 3-ring binders, zipper bound on three sides, are \$5.33 each for 100, \$5.00 for 250 or \$4.50 for 500. Station call letters may be stamped on for an additional nominal fee.

### Dealer-Cooperative Changes

The Wohl Shoe Co., St. Louis, Mo., listed in the recent NAB Dealer-Cooperative Advertisers report as giving 50-50 cooperation to shoe dealers, reports that its cooperation is limited to the furnishing of transcribed dramatized announcements on Paris Fashion, Connie and Natural Poise Shoes, with all time costs to be paid entirely by the dealer. NAB members are asked to make that correction in their copies of the Dealer-Cooperative Advertisers report.

### Advertisers Invited to NAB Convention

All advertisers and advertising agency men are invited to attend the NAB convention in Cleveland May 11-14, and *mem-*

*bers will render a service by extending this invitation personally to clients and agencies in their cities.*

Invitations to the presidents of 1200 agencies using radio were sent by NAB President Neville Miller, and similar invitations to heads of agency radio departments and time buyers were sent by Gene Carr, WGAR, NAB Sales Managers chairman. It was not possible, however, to cover all agencies in the country, nor to send personal invitations to all advertisers; hence the assistance of NAB members in this regard is requested.

Several special sessions at the convention have been arranged that will be of particular interest to clients and agencies, such as the department store panel, the agency breakfast meeting called "What Burns Us Up," the national representative breakfast meeting on "Information Please on Spot Radio," the talks by Arthur Horrocks of Goodyear Tire & Rubber Co. on "Bridge to a New Democracy," by Gene Flack of Loose-Wiles Biscuit Co. on "Shoot the Works," by Dr. Harry Dean Wolf of Kent State University on "Selling with Surveys," and the report from The Advertising Council by Dr. Miller McClintock.

Many of the general sessions will also be of interest to advertisers and agencies, such as the program on the handling of war news, the music session, the OFF breakfast meeting, etc.

Hotel reservations for advertisers and agencies may be arranged by writing the NAB Housing Committee, 1604 Terminal Tower, Cleveland.

### Gene Carr Addresses Ad Club

Eugene Carr, WGAR, Chairman of the NAB Sales Managers Executive Committee, spoke on "You and Advertising and the War" before the Cincinnati Advertising Club April 22. He also invited all club members to attend the NAB convention in Cleveland.

### Case Histories Needed

Stations with success stories on bowling alley clients and dancing schools are asked to send them to the Department of Broadcast Advertising, to fill special requests received this week from an advertising agency and a member station.

Other case histories on any type of account are always welcome for our central files, and are then freely available to members on request.

### Per-Inquiry and Free Time

"Paul Revere Rides for Army-Navy Relief," reported last week in these columns as claiming endorsement of the Army Emergency Relief and Navy Relief Society of Washington, D. C., without actually having received that endorsement, now develops to have been a commercial enterprise. Following the NAB investigation it was learned that this request for free time, ostensibly for the benefit of Army and Navy relief, who were to get the "net proceeds" from the sale of Paul Revere prints, was sent out by the St. Georges & Keyes Advertising Agency of New York, on behalf of Revere Copper & Brass, Inc., although the original request to stations *carried no such identification*. The agency writes the NAB as follows:

"I have just been informed by the U. S. Army that they have been unable to authorize radio broadcasts of 'Paul Revere Rides for Army-Navy Relief,' sponsored by Revere Copper & Brass, Inc., 230 Park Ave., New York, N. Y., to which company we are advertising and publicity counsel. The reason given by the Army for this decision is an agreement they made recently with the Red Cross not to seek any radio publicity of a national nature (in 1942) for the Army Emergency Relief.

"Our efforts to obtain radio publicity were made prior to the Army's agreement with the Red Cross, and prior to our having any knowledge that this agreement would be made. Accordingly we are making no further efforts to obtain radio time for our campaign on behalf of the Army Emergency Relief. However, what has been done cannot be canceled, and it is possible there will be or have been five or ten broadcasts in which Army Emergency Relief is mentioned . . ."

Cases like this emphasize the necessity for all stations to double-check all such requests for free time, whether made in the guise of charity, patriotism, or any other cause. It might also again be

pointed out that unless such requests come through known and official sources, the program directors, women's editors, and others at your station be cautioned to submit them to someone in authority for check-up and approval.

Per-inquiry feelers have been sent out this week by **The Patred Co.**, Chicago, on behalf of the **Charlie Cook Corp.**, and its transcribed music lessons; by the **Panate Co.**, Chicago, on behalf of its vitamin products, and by the **Mail Photo Service, Inc.**, Louisville, which seeks P-I deals on snapshot films. The NAB has invited them all to use radio on the basis of established rates.

### MORTON APPOINTED

J. A. (Arch) Morton, Commercial Manager, KIRO, Seattle, has been named by District Director Harry Spence as the Sales Managers Chairman for the Seventeenth District for the balance of the year. He succeeds Harvey Wixson, KGA-KHQ, Spokane.

### AFA CONVENTION

Neville Miller has been appointed to the Program Committee for the annual meeting of the Advertising Federation of America to be held June 21-24 in New York. Bruce Barton is chairman.

## Radio Technician Training

### Wisconsin

Nine hundred\* fifty students are enrolled in the Radio Technician Program in Wisconsin under the direction of State Coordinator F. Ellis Johnson, dean of engineering, University of Wisconsin, Madison. Location of courses with their instructors are shown below:

<i>City</i>	<i>Instructor</i>
Appleton	Professor W. Paul Gilbert, Lawrence College, Appleton
Beloit—2 sections	Prof. Vernon A. Suydam, Beloit College, Beloit
Chippewa Falls	Thorwald Jorgensen, Chief Engineer Police Department, Eau Claire
Eau Claire	Roy C. Judd, State Teachers College, Eau Claire
Green Bay—2 sections	Reverend L. F. Jacobs, St. Norbert College, West DePere
Janesville—2 sections	Paul W. Holton, Chief Engineer, WCLO, Janesville
La Crosse—3 sections	Prof. Ross D. Spangler, State Teachers College, La Crosse
Madison	John H. Stiehl, Chief Engineer, WHA, Madison
Madison	Norman Hahn, Chief Engineer, WIBA, Madison
Manitowoc	W. E. Duben, Chief Engineer, WOMT, Manitowoc
Milton	Prof. Robert R. Randolph, Milton College, Milton
Oshkosh	Prof. James F. Duncan, State Teachers College, Oshkosh
Portage	Ross Hansch, Engineer, WIBU, Peynette
Racine	Francis L. Dechant, Chief Engineer, WRJN, Racine
Rice Lake	G. L. Davidson, Engineer, WRJN, Racine
Sheboygan	R. S. Pearson, Chief Engineer, WJMC, Rice Lake
Stevens Point	Herbert J. Mayer, Radio Technician, WHBL, Sheboygan
Superior	Prof. R. W. Rightsell, Central State Teachers College, Stevens Point
West DePere	Randolph Luukinen, Chief Engineer, WDSM, Duluth, Minn.
Milwaukee—4 sections	Reverend L. F. Jacobs, St. Norbert College, West DePere
Milwaukee	Dr. Ross Bardell, Acting Director, University Extension Division, Milwaukee
	Prof. E. L. Cordes, Marquette University, Milwaukee

### Wyoming

Five Wyoming cities have Radio Technician Training classes with an enrollment of 129. State Coordinator R. D. Goodrich, dean of engineering, University of Wyoming, Laramie, is in charge. Location and the instructors of the classes are shown below:

<i>City</i>	<i>Instructor</i>
Casper	Paul Huber, Engineer, KFBN
Cheyenne	William C. Grove, Engineer, KFBC
Laramie	G. H. Sechrist, chairman, Electrical Engineering, University of Wyoming
Powell	Lyle C. Tyler, Engineer, KPOW
Sheridan	R. F. Crossthwaite, Engineer, KWYO

### New Appointments

Professor E. R. McKee, University of Vermont, Burlington, is the new State Coordinator. Professor Harold L. Daasch former coordinator has entered service.

George S. Johnson, Chief Engineer, KOB, Albuquerque, is the new industry representative for New Mexico.

Both appointments are in connection with the Radio Technician Training Program which has approximately 20,000 students enrolled.

### TUBES DISCONTINUED

The WPB today ordered radio tube manufacturers to discontinue within seven days production for civilian use of 349 of the 710 types of radio tubes now on the market.

The WPB Radio Tube Unit explained that these 349 discontinued types represent duplicate, obsolete, and small-demand types of tubes. Their elimination will result in a saving in critical materials, man hours and machine hours.

The Radio Tube Unit of the WPB said that present inventories of discontinued types will be sufficient for civilian needs for at least two years. This stock will be added to by rejects from military production of the same types.

In the elimination of duplicate types, one of each group of duplicate types will be kept in production.

### FCC RELAXES RULES

*(Continued from page 227)*

transmitter adjustments which may adversely affect the operation of a station.

3. Restricted radiotelephone—may operate a broadcast station under conditions set out in 2, provided the restricted license is properly endorsed by a field office of the FCC. If the restricted permittee holds a class A amateur license then he may secure the proper endorsement by application to a field office of the FCC. The endorsement may also be obtained by passing the radiotelephone examination on theory required to obtain a class A amateur license.

Potential sources of operators were given in April 10 NAB REPORTS. The relaxation provided in order number 91A should aid stations in tapping these various sources. Amateurs holding class A licenses should particularly be sought out. By obtaining a restricted radiotelephone license such men may operate broadcast stations. The requirements for a restricted radiotelephone operator permit are the ability to transmit and receive spoken messages in English and a knowledge of basic radio law. A class A amateur operator should therefore be able to obtain the proper license in a very short time. Stations in dire need of technicians should follow the suggestions made in the April 10 issue of the REPORTS.

"Rules Governing Commercial Operators" may be obtained from the Government Printing Office for five cents. "Study Guide and Reference Material for Commercial Radio Operator Examinations" may be obtained for fifteen cents. "Rules Governing Amateur Stations and Operators" is obtainable for ten cents. "Study Guide and Reference Material for Amateur Operator License Examination" may be obtained from the FCC.

## RADIO WAR GUIDE

(Continued from page 227)

items. C and D classifications are suggested for broadcast when stations have an abundance of open time.

This first "War Guide" followed by a few days the OFF's announcement that "Program Priorities"—long sought by NAB—would be put into effect.

The OFF announcement follows:

America's 30 million radio listening families are scheduled for a better planned fare of government information after April 27 according to an announcement made today by the Office of Facts and Figures. "Fewer announcements, but better timing and planning of those which are made is the keynote of the new plan," according to Archibald MacLeish, director of the OFF, which has been designed by President Roosevelt as coordinator of government radio broadcasts.

"The broadcasting industry, advertisers, and their agencies have been cooperating wholeheartedly with the government ever since the war effort started," MacLeish said. "We have realized for some time that there is need for better direction to the announcements and information which the government must give to the people. The plan which is to go into effect on April 27 will space government announcements so the listener will not be fatigued mentally by excessive repetition; it will include the subjects which are important to the war effort; and it will call upon the ingenuity of the entire broadcast industry to present the information in the most effective manner possible."

Under the OFF plan, each night-time program on the networks will carry a government announcement once every four weeks; each daytime serial program on the networks will present an announcement once in two weeks. Information from the government will include such topics as purchase of War Bonds, pooling of cars, salvage of rubber, conservation of oil and gasoline, and recruiting. No definite allocation plan is provided for local station programs, but the station program managers will be provided every two weeks with a "Radio War Guide" classifying government messages in order of their importance.

The OFF plan will not affect news broadcast, public forums, or speeches by government officials. According to Mr. MacLeish, "Our function, as agreed upon, is to clear time for agencies of the government which have information important to the public, and to utilize the force and skill of the American system of broadcasting to provide the people of the nation with the information they must have to wage a total war."

The plan is the result of several weeks of consultation by the OFF radio division with representatives of the networks, individual stations, advertising agencies producing important radio programs, and government agencies presenting radio programs.

The Radio Division of OFF cooperated with the following committees in the development of the program:

Network Program Idea Committee: Charles Barry, Blue Network; Madeline Ensign, Mutual Broadcasting System; Clarence Menser, National Broadcasting Company; Charles Vanda, Columbia Broadcasting System.

Radio Committee of the Advertising Council: Heagen Bayles, Ruthrauff and Ryan; John Carter, Pedlar and Ryan; William Fricke, American Association of Advertising Agencies; John D. Humes, Lord and Thomas; John Mullen, Benton and Bowles; Arthur Pryor, Jr., Batten, Barton Durstine and Osburn; R. J. Scott, Schwimmer and Scott; A. K. Spencer, J. Walter Thompson; Frederic W. Wile, Jr., Young and Rubicam.

Station Advisory Committee: John Fetzer, chairman of the Committee on Defense Information of the National Association of Broadcasters; Neville Miller, President, National Association of Broadcasters; Eugene Pulliam, Network Affiliates, Inc.; John Shepard, Chairman, Broadcasters' Victory Council; James D. Shouse, Clear Channel Broadcasters; George B. Storer, National Independent Broadcasters; O. L. Taylor, Broadcasters' Victory Council.

Government Committee: Shannon Allen, Interior; Vincent Callahan, Treasury; Philip Cohen, OFF; J. Harrison Hartley, Navy; Jesse Irvin, Federal Security Agency; Wallace Kadderly, Agriculture; Edward Kirby, Army; Bernard Schoenfeld, War Production Board; E. A. Sheridan, Office of Civilian Defense; Major

George Van der Hoef, Marines; Sylvester L. Weaver, Jr., Coordinator of Inter-American Affairs.

A statement of "Plans for the Coordination of the Government's Wartime Use of Radio" follows in full:

Few American institutions have responsibilities of war more serious than those that fall to radio. 57,000,000 sets in 30,300,000 homes reaching over 90% of the entire population provide a quick and effective means of telling the people what they must know, what they must do, to wage total war successfully.

To meet the emergencies of 1940 and 1941 the government turned to the radio industry more than ever before for help in bringing to the people quick and comprehensive understanding of crucial emergency measures. For many years the government had used radio for educational programs, but in the months before and just after Pearl Harbor this use reached an all-time high, especially in the sale of Defense Bonds and the recruiting of manpower.

Results have shown that no group in the country was more eager to serve than the radio industry, but as the volume and variety of government requests for help multiplied in all directions, it became apparent both to the industry and to the government that the successful use of radio for war information required careful planning.

Networks, stations, and program sponsors were being overwhelmed by a flood of requests for cooperation from dozens of government agencies, both national and local. There was no way of knowing the relative importance of the various requests, and sometimes the very authority of the agency or individual asking help was in doubt. Much of the material was badly prepared. There were many duplications within the government. Repetitive announcements irritated the audience, and reacted *against* the war effort. Government appeals for bond sales, enlistments, and so on were being over-emphasized; basic war information was not being emphasized enough.

In December the radio industry, through the National Association of Broadcasters, and through the various networks, asked for a central clearing point within the government. In January the President designated the Radio Division of the Office of Facts and Figures, under William B. Lewis, as such a clearing point.

With the help of surveys and monitoring studies, and after careful consultation with all those concerned, the Radio Division of OFF has developed a plan for cooperation between the government and radio. This plan has been endorsed by representatives of the radio industry and by government officials concerned with the use of radio. There follows an outline of the OFF plan:

1. There will be, starting April 27, a three month trial of a "Network Allocation Plan" developed by the Advertising Council for the systematic allocation, through OFF, of all government messages used on network programs, sustaining and sponsored. The messages involved will be those dealing with such subjects as War Bonds, recruiting, conservation of gas and rubber, anti-hoarding, et cetera. The principle of the Network Allocation Plan is that *all* established shows on *all* networks carry their fair proportion of wartime government messages. Each nighttime network program will carry as an *important* part of its show one government message each month; each daytime program will carry a government message each two weeks. The messages will be so scheduled each day as to avoid ineffective repetition and duplication. It is estimated that under this plan established network programs will provide for government messages an average of 90,000,000 listener impressions daily.

One result of the plan will be to reduce the *quantity* of demands coming to the producer of each sponsored and sustaining program, and to increase the *quality* of the government messages his program carries. Program producers are asked to use their maximum skill and ingenuity in helping to make government messages assigned to them important and effective.

In addition to eliminating confusion and duplication, the plan will place the responsibility for deciding on the relative importance of various government messages where it belongs—with the government. All networks and network advertisers have accepted the Allocation Plan.

2. Because the program schedules of local stations vary so greatly, it is impossible to extend to them the Allocation Plan developed for network programs. Instead there will be sent out, at two-week intervals, a Radio War Guide, indicating the relative importance of various government messages which local stations may wish to carry. With each Radio War Guide will go an advance Network Allocation Chart, so that each station manager may plan his own daily schedule of government announcements to avoid duplication.

3. Starting April 15, OFF will act as clearing point for all government requests for network radio time—for special government programs, that is, as distinguished from the information messages on established programs covered by the Allocation Plan.

4. OFF will clear all government activities relating to foreign language broadcasts for audiences within the United States.

5. In addition to the work of OFF as a clearing point from government to radio, there is another job of clearance, running the other way, from radio to government. On the one hand OFF clears official government information and requests; on the other it cooperates with the radio industry in the latter's work of interpreting the war to its listeners. This is work which includes channeling to radio information useful to the citizen as he tries to do his part, and background information leading to a clearer understanding of the war itself—its issues—our enemies and our allies—the job of production and sacrifice at home—the job of the fighting forces.

The work of radio in this general field includes both new programs and new material on old programs. The work of OFF is to meet the requests of the industry and its advertisers for government assistance in getting information and government advice on the treatment of war material.

One outstanding new program is "This Is War," a half-hour program on Saturdays at 7:00 EWT on all four major networks. On this program, the combined talent of American radio has been given to the task of dramatizing the varied aspects of America's war effort. Twenty-five more new program series dealing with the nature of the war, some sponsored by private advertisers, some sponsored by government agencies, some carried by the networks as public service, are on the air or in preparation.

6. OFF is developing with the Hollywood Victory Committee and other talent groups an orderly system for the use of box-office stars on these programs.

7. According to the radio industry, there is need for clear, specific war information of various kinds on informational programs either planned or already on the air. These programs want carefully prepared government information (more detailed than what goes into the allocated messages) on such subjects as conservation, health, employment, and all the big and little ways in which the war affects the citizen and makes demands on him. OFF, working with other government agencies, is attempting to clarify and channelize this information for the benefit of the radio audience.

The Radio Division of OFF, then, is the meeting point of government and the radio industry, aiming to help both in their respective war responsibilities. There are several things, however, which OFF does not do. It does not concern itself with the supervision of spot war news as reported over the air; it does not concern itself with the free speech of radio as expressed in forums; it does not produce programs of its own, nor direct the production or suppression of others. Certainly OFF does not aim to interfere with radio in its great function of providing entertainment to the public. On the contrary, it hopes by careful planning to prevent the kind of irritation that grows out of appeals and messages of great quantity and little quality. All that OFF does is done as a designated government agency working to coordinate government radio effort, and depending entirely on the advice and cooperation of radio men in all branches of the industry. That this cooperation has been thorough-going and effective is a tribute to the radio industry.

The following are the Committees which have worked with OFF in the development of its program:

#### *Network Program Idea Committee*

Charles Barry, Eastern Program Manager, Blue Network  
Madeline Ensign, Mutual Broadcasting System  
Clarence Menser, Program Manager, National Broadcasting Company  
Charles Vanda, War Program Manager, Columbia Broadcasting System

#### *Radio Committee of the Advertising Council*

Heagen Bayles, Ruthrauff and Ryan  
John Carter, Pedlar and Ryan  
William Fricke, American Ass'n Advertising Agencies  
John D. Hymes, Lord and Thomas  
John Mullen, Benton and Bowles  
Arthur Pryor, Jr., Batten, Barton, Durstine and Osborn  
R. J. Scott, Schwimmer and Scott  
A. K. Spencer, J. Walter Thompson  
Frederic W. Wile, Jr., Young and Rubicam.

#### *Station Advisory Committee*

John Fetzer, Chairman of the Committee on Defense Information, National Ass'n of Broadcasters  
Neville Miller, President, National Ass'n of Broadcasters  
Eugene Pulliam, Network Affiliates, Inc.  
John Shepard, Chairman, Broadcasters Victory Council  
James D. Shouse, Clear Channel Broadcasters  
George B. Storer, National Independent Broadcasters  
O. L. Taylor, Broadcasters Victory Council.

#### *Government Committee*

Shannon Allen, Interior  
Vincent Callahan, Treasury  
Philip Cohen, Office of Facts and Figures  
J. Harrison Hartley, Navy  
Jesse Irvin, Federal Security Agency  
Wallace Kadderly, Agriculture  
Edward Kirby, Army  
Bernard Schoenfeld, War Production Board  
E. A. Sheridan, Office of Civilian Defense  
Major George Van der Hoef, Marines  
Sylvester L. Weaver, Jr., Coordinator of Inter-American Affairs.

## WROK HELPS PRODUCTION

"Soldiers of Industry" in 54 war factories of the Rockford area received personal tribute from the Army's mid-western ordinance chief, Wednesday, April 22, by radio as broadcast by WROK, from a banquet room in Hotel Faust.

One hundred fifty key men of the 54 industries, which employ 25,000, were present to hear Col. Donald Armstrong. Forty-four Rockford factories arranged to carry his 30-minute address by radio and 10 more in the southwestern and northcentral Illinois territory of the Rockford ordinance office also joined the hookup.

## S. A. FLYERS ON KOY SHOWS

A feature of the Pan-American Day observation by KOY, Phoenix, were two special broadcasts on April 14 in which aviation cadets from Guatemala, Costa Rica, Honduras, Nicaragua, Cuba, Dominican Republic, Haiti and Brazil appeared upon completion of their training at Phoenix Sky Harbor. These men will return to their own countries to teach others to fly. Other participants in the broadcast were Governor Sydney P. Osborne and C. J. Carreon, state director for the Committee for Americanization and Inter-American Solidarity.

## LIKE "COMMAND PERFORMANCE"

The morale value of "Command Performance," broadcast by shortwave to U. S. soldiers, sailors and marines stationed at foreign bases and outposts is indicated by the large number of letters which have been received by E. M. Kirby, chief, Radio Branch of the War Department.

While a selection of quotations from letters received was distributed to broadcast stations and participating artists this week, it was only a very small sample.

## NEW AIR FORCE RESERVE

The Radio Branch of the War Department, Bureau of Public Relations, has mailed all stations initial information concerning plans for the enlisting of college students in the Air Force Enlisted Reserve. The mailing was accompanied by a note from Jack Harris, director of News and Special Events. The purpose is to have complete information in the files of broadcast stations ready for the time that the campaign becomes localized. Mr. Harris estimated that the Air Force Public Relations officers will visit approximately 150 cities within the next 30 days in company with the examining boards.

The purpose of the new move is explained by Lieut. General Arnold's statement that: "The successful prosecution of the war demands the creation of an Air Force second to none."

## MORALE SHOW TO CONTINUE

"You Can't Do Business with Hitler" is to be continued indefinitely. Stations which wish to offer this series for sponsorship may secure a copy of the modest restrictions by writing Bernard Schoenfeld, chief, Radio Section, WPB, Room 2735, Temporary Building R, Washington, D. C. Eighteen programs have already been cut.

## LIEUT. LEVY IS RADIO OFFICER

According to advice from the Navy, there is one error in the confidential "Public Relations Staff Organization" data published in War Service Bulletin No. 10. Lieutenant Leon Levy, USNR, is the Public Relations Officer for Radio, Fourth Naval District, Philadelphia, instead of the officer shown.

## FEDERAL COMMUNICATIONS COMMISSION

### Chairman Fly Discusses Construction Order

FCC Chairman James Lawrence Fly at a press conference early this week said that the FCC will probably act promptly on the suggestion made by DCB that no further grants be made on new radio stations of changes.

Mr. Fly said that it is possible that WPB will issue some statement on the DCB recommendations but he did not believe that this would effect the action of the FCC. Mr. Fly said he did not know at that time whether FCC would take action before the WPB statement or not. "I don't know whether under the circumstances we will wait for WPB order or not," he said and continued, "I don't think that any great policy will emerge from WPB necessarily so I don't think it is a matter of any great concern as to what order such action is taken."

Asked where proposed new stations which have been given grants by the Commission stand in this case or where any changes have been granted to present stations Mr. Fly said "where they require no further authorization, they can go ahead and complete the construction, that is, if they have all the materials and don't have to get any government assistance to complete the job." In this connection the chairman said that he did not believe that the Commission would rescind any of its former action and said, "of course the problem in itself may in effect rescind some grants simply because the stations who have those outstanding grants may not in every case have the full materials necessary and they would not be able to get much comfort out of Washington if they are in need of materials."

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

### HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, April 27. They are subject to change.

#### Monday, April 27

KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—C. P., 580 kc.; 1 KW; DA-night; unlimited time.  
WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—C. P., 1490 kc.; 250 watts; unlimited time.

Tuesday, April 28

### Further Hearing

NEW—Portsmouth Radio Corp., Portsmouth, Va.—C. P., 1490 kc.; 250 watts; unlimited time.

### Consolidated Hearings

NEW—Lake Shore Broadcasting Corp., Cleveland, Ohio.—C. P., 1300 kc.; 5 KW; unlimited time; DA-night and day.  
NEW—Cleveland Broadcasting, Inc., Cleveland, Ohio.—C. P., 1300 kc.; 5 KW; unlimited time; DA-day and night.

### Wednesday, April 29

WDNC—Durham Radio Corp., Durham, N. C.—C. P., 620 kc.; 1 KW night; 5 KW day; DA-day and night; unlimited time.

### Wednesday, April 29

#### Oral Argument Before the Commission

Report No. B-140

WNYC—City of New York, Municipal Broadcasting System, New York, N. Y.—Modification of license, 830 kc.; 1 KW; DA-daytime; specified hours.

### Wednesday, April 29

#### Oral Argument Before the Commission

Report No. B-140

State of Minnesota, St. Paul, Minn.

### Friday, May 1

#### Further Hearings

NEW—Camden Broadcasting Co., Camden, N. J.—C. P., 800 kc.; 500 watts; daytime.  
WSO—Paducah Broadcasting Co., Inc., Henderson, Ky.—Modification of C. P., 860 kc.; 500 watts day; daytime.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

WTBO—Leon E. Pamphilon (Transferor), Frank V. Becker (Transferee), Cumberland, Md.—Granted consent to acquisition of control of Associated Broadcasting Corp., Station WTBO, Cumberland, Md., through the sale of 124 shares (49.6%) common stock by Leon E. Pamphilon (transferor) to Frank V. Becker (transferee); proposed consideration to be paid is \$22,500 (B1-TC-290).  
WBRV—American-Republican, Inc., Waterbury, Conn.—Granted construction permit to move transmitter locally, using 1 KW transmitter (Granted in lieu of request for special service authorization B1-SSA-31.)  
KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted petition for rehearing directed against the Commission's action of March 3, 1942, and the order dated March 3 dismissing "with prejudice" the application of KWK for construction permit (B4-P-2364) was modified so as to dismiss said application "without prejudice."  
KIRO—Queen City Broadcasting Co., Seattle, Wash.—Granted petition for rehearing directed against the action of the Commission of October 28, 1941, granting the application of Fisher's Blend Station, Inc. (KJR), Seattle, Wash., for construction permit to operate at "Burien Lake site," and said order of October 28, 1941, was modified so as to require KJR, within 30 days from date of present order, to submit an application for modification of the construction permit heretofore issued, specifying a site complying with Section 4 of the Commission's Standards of Good Engineering Practice.

## DESIGNATED FOR HEARING

- Eastern Pennsylvania Broadcasting Corp., Scranton, Pa.—Designated for hearing application for construction permit for new station to operate on **590 kc.**, 5 KW, using directional antenna during nighttime, unlimited (B2-P-3411).
- Aloha Broadcasting Co., Ltd., Honolulu, T. H.—Designated for hearing application for construction permit for new station to operate on **1400 kc.**, 250 watts, unlimited time (B-P-3353).
- WHAL—Harold F. Gross and Edmund C. Shields, Saginaw, Mich.—Designated for hearing application for modification of construction permit for extension of time to construct WHAL (B2-MP-1541).
- KYW—Westinghouse Radio Stations, Inc., Philadelphia, Pa.—Designated for hearing application for modification of construction permit for extension of completion date (B2-MP-539).

## LICENSE RENEWALS

Licenses for the following stations were extended upon a temporary basis for the period ending June 1, 1942, pending determination upon application for renewal of licenses:

KBST, Big Springs, Tex.; KCMC, Texarkana, Tex.; KFJB, Marshalltown, Iowa; KGGF, Coffeyville, Kans.; KGHL, Billings, Mont.; KGIW, Alamosa, Colo.; KGKL, San Angelo, Tex.; KGU, Honolulu; KMTR, Los Angeles; KPLT, Paris, Tex.; KRBC, Abilene, Tex.; KVAK, Atchison, Kans.; KVGB, Great Bend, Kans.; KQRS, Rock Springs, Wyo.; KWKH, Shreveport, La.; KWLK, Longview, Wash.; KXL, Portland, Ore.; WBRB, Red Bank, N. J.; WCAZ, Carthage, Ill.; WCBT, Roanoke Rapids, N. C.; WCOC, Meridian, Miss.; WFDF and auxiliary, Flint, Mich.; WFMD, Frederick, Md.; WFPG, Atlantic City, N. J.; WGR, Buffalo, N. Y.; WGRM, Greenwood, Miss.; WJMA, Covington, Va.; WKAQ, San Juan, P. R.; WKAQ, auxiliary; WKBW and auxiliary, Buffalo, N. Y.; WMFJ, Daytona Beach, Fla.; WMIS, Natchez, Miss.; WORK, York, Pa.; WSPB, Sarasota, Fla.; WSUI, Iowa City, Iowa.

WKBV—Knox Radio Corp., Richmond, Ind.—Granted renewal of license upon a temporary basis only and upon the express condition that it is subject to whatever action may be taken by the Commission upon the pending application for renewal, and it shall not be construed as a finding by the Commission that the operation of the station is or will be in the public interest beyond the express terms hereof.

WOWO—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Granted renewal of license upon a temporary basis only and upon the express condition that it is subject to whatever action may be taken by the Commission upon the pending application for renewal, and it shall not be construed as a finding by the Commission that the operation of the station is or will be in the public interest beyond the express terms hereof.

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Granted renewal of license for main and auxiliary transmitter for the period ending August 1, 1942.

WGCM—WGCM, Inc., Gulfport, Miss.—Granted renewal of license for the period ending April 1, 1943.

KGMB—Hawaiian Broadcasting System, Ltd., Honolulu, T. H.—Granted renewal of license for main and auxiliary transmitters for the period ending June 1, 1944.

KALW—Board of Education of the San Francisco Unified School District, San Francisco, Calif.—Granted renewal of license for the period May 1, 1942, and ending May 1, 1943.

WBKY—University of Kentucky, Beattyville, Ky.—Granted extension upon a temporary basis only, pending determination upon application for renewal of license, not later than June 1, 1942.

WBOE—Cleveland City Board of Education, Cleveland, Ohio.—Granted extension upon a temporary basis only, pending determination upon application for renewal of license, not later than June 1, 1942.

Granted extension upon a temporary basis only, pending determination upon the applications for renewal of licenses, in no event later than June 1, 1942, of following station licenses:

W45V, Evansville, Ind.; W47NV, Nashville, Tenn.; W51C, Chicago, Ill.

W51R—Stromberg-Carlson Telephone Manufacturing Co., Rochester, N. Y.—Granted renewal of license for the period beginning May 1, 1942, and ending May 1, 1943.

Granted extension of license upon a temporary basis only, pending receipt and/or determination upon applications for renewal of licenses, in no event later than June 1, 1942, of following:

W3XDD, W3XPY, Whippany, N. J.; W8XC, near Mason, Ohio; W9XER, Kansas City, Mo.; W10XF (portable), W10XR (portable-mobile).

Granted further extension of license upon a temporary basis only, pending determination upon application for renewal of licenses, in no event later than June 1, 1942, of following:

W2XWE, Albany, N. Y.; W8XUM, Columbus, Ohio; W9XZY, St. Louis, Mo.

W5XAU—WKY Radiophone Co., Oklahoma City, Okla.—Granted further extension upon a temporary basis only, pending determination upon application for renewal of license, in no event later than June 1, 1942, of license of Station W5XAU.

W9XLA—KLZ Broadcasting Co., Denver, Colo.—Granted further extension upon a temporary basis only, pending determination upon application for renewal of license, in no event later than June 1, 1942, of license of Station W9XLA.

## MISCELLANEOUS

The Constitution Broadcasting Co., Atlanta, Ga.—Granted motion for postponement of hearing now set for May 7 to June 8, in re application of Bob Jones College, Inc., and The Constitution Broadcasting Co. for a new station in Cleveland, Tenn., and Atlanta, Ga., respectively.

WBNX Broadcasting Co., Inc., New York City.—Denied petition for 30-day postponement of hearing now set for April 20, in re seven applications for FM station in New York City.

The Radio Voice of New Hampshire, Inc., Manchester, N. H.—Granted motion for leave to amend application for FM station to change location to Mt. Shaw, with power of 10 KW, on condition that amendment is filed within 10 days; request for removal from hearing docket dismissed without prejudice.

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted motion for continuance to May 21 of hearing now scheduled for April 20, on application for modification of license to operate on **1230 kc.**, 250 watts, unlimited time.

Albert S. and Robert A. Drohlich, d/b as Drohlich Bros., Jefferson City, Mo.—Granted petition to cancel hearing now set for June 2, in re application for new station, and dismissed same without prejudice.

FM Radio Broadcasting Co., Inc., New York City.—Granted petition for dismissal of application (B1-PH-78) for new FM station.

WITH—The Maryland Broadcasting Co., Baltimore, Md.—Granted petition to dismiss application to install duplicate main transmitter (B1-P-3421).

The McKeesport Broadcasting Co., Inc., McKeesport, Pa.—Granted motion to accept applicant's late appearance in re his application for new station.

WBAM, Inc., Birmingham, Ala.—Granted petition to cancel further hearing now set for April 23, and dismiss application (B3-P-3182) without prejudice.

South Florida Broadcasting, Inc., Miami, Fla.—Granted motion for 30-day continuance of hearing now scheduled for April 17, in re application for new station; hearing to be held May 22.

WWNY—The Brockway Co., Watertown, N. Y.—Granted modification of construction permit to change type of towers from three Lehigh, self-supporting, tapered, structural steel, vertical radiators, insulated at the base, to Wincharger, uniform, cross-section, guyed.

WJAR—The Outlet Co., Providence, R. I.—Granted license (B1-L-1644) to cover construction permit (B1-P-3439) for changes in and move of old transmitter to site of new main transmitter, for use as auxiliary transmitter, power of 1 KW, emergency use only.

WRNL—Richmond Radio Corp., Richmond, Va.—Granted license (B2-L-1616) to cover construction permit (B2-P-2995) for installation of new transmitter, increase in power, and changes in directional antenna system for night use. Also authority to determine operating power by direct measurement of antenna input (B2-Z-1349).

WHAQ—National Broadcasting Co., Inc., Chicago, Ill.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-1376).

W41MM—Gordon Gray, Winston-Salem, N. C.—Granted modification (B3-MPH-80) of construction permit (B3-PH-76 for new FM station), for extension of completion date from April 14 to October 14, 1942.

WAAB—The Yankee Network, Inc., Worcester, Mass.—Granted modification (B1-MP-1552) of construction permit (B1-P-3194) for approval of directional antenna for day and night use.

W53H—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted modification of construction permit as modified, for new high frequency broadcast station, for extension of completion date only, from April 28 to October 28, 1942 (B1-MPH-87).

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Denied request of Station KOB for notification to the OIR (Inter-American Radio Office) of assignment of frequency **770 kc.** as Class I-B station.

W2XYN-W2XYO—Columbia Broadcasting System, Inc., New York City.—Canceled outstanding construction permits for ST broadcast stations, deleted call signals, and retired to the closed files of the Commission all records pertaining to these stations, because of applicant's inability to obtain necessary equipment to complete construction.

Robert V. Lee, Bradenton, Fla.—Denied petition to cancel hearing (scheduled for April 24) and determine application for new station to operate on **1490 kc.** with 250 watts power.

WOW—Woodmen of the World Life Insurance Society, Omaha, Nebr.—Denied petition for Stay pending final determination of appeal from the decision of the Commission, November 25, 1941, granting the application of WKZO, Inc. (WKZO), Kalamazoo, Mich., for construction permit to make changes in directional antenna, increase night power from 1 KW to 5 KW, on the frequency **590 kc.**

Broadcasters, Inc., San Jose, Calif.—Denied petition for rehearing directed against the action of the Commission, January 6, 1942, granting without hearing the application of Merced Broadcasting Co. (KYOS), Merced, Calif., for construction permit to change frequency from **1080 to 1490 kc.**, increase hours of operation from daytime to unlimited time with power of 250 watts, and make changes in transmitting equipment.

Portland Broadcasting System, Inc., Portland, Mo.—Placed in pending file pursuant to Order No. 79, application for construction permit for new station (B1-PH-116).

W81SP—Westinghouse Radio Stations, Inc., Springfield, Mass.—The Commission deleted call signals W81SP and closed the record with respect to high frequency (FM) broadcast station authorized on February 18, 1941 (B1-PH-64) since no application for modification of construction permit has been filed within the specified time.

American Network, Inc., New York City, N. Y.—Denied petition to reconsider and grant without hearing its application for construction permit for new station, which was designated for hearing on March 2, 1942.

WGEO—General Electric Co., So. Schenectady, N. Y.—Granted construction permit to install a new transmitter for International broadcast station AGEO (B1-PIB-36).

WPDQ—Jacksonville Broadcasting Co., Jacksonville, Fla.—Granted modification of construction permit (B3-P-3385) for approval of directional antenna.

## APPLICATIONS FILED AT FCC

### 620 Kilocycles

KWFT—Wichita Broadcasting Co., Wichita Falls, Tex.—Modification of license to increase power from 1 KW night, 5 KW day to 5 KW day and night. Amended: to make changes in directional antenna and use directional antenna night only.

### 740 Kilocycles

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—License to cover construction permit (B5-P-3399) for changes in directional antenna system.

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Authority to determine operating power by direct method.

### 770 Kilocycles

WDAE—Tampa Times Co., Tampa, Fla.—Special service authorization to change frequency from **1250 to 770 kc.** and oper-

ate with present facilities of 5 KW, unlimited hours, directional antenna.

### 780 Kilocycles

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Modification of construction permit (B4-P-3467) for new transmitter, move transmitter, antenna changes, requesting changes in transmitter, move present antenna to new site specified in construction permit and extend completion date to 180 days after grant.

### 790 Kilocycles

WEAN—The Yankee Network, Inc., Providence, R. I.—License to cover construction permit (B1-P-3244) which reinstated construction permit for increase in night power and changes in directional antenna for day and night use.

WEAN—The Yankee Network, Inc., Providence, R. I.—Authority to determine operating power by direct method.

### 810 Kilocycles

NEW—Fred C. Morgan, Harrison Eiteljorg, Roger A. Beane, d/b as Hoosier Broadcasting Co., Indianapolis, Ind.—Construction permit for a new station to be operated on **810 kc.**, 250 watts, daytime. Amended: to change requested power from 250 watts to 1 KW and change type of transmitter.

### 850 Kilocycles

WHDH—Matheson Radio Co., Inc., Boston, Mass.—License to use old main transmitter as auxiliary transmitter with power of 1 KW.

### 930 Kilocycles

KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—License to cover construction permit (B5-P-3341) for move of auxiliary transmitter.

### 1090 Kilocycles

WBAL—WBAL Broadcasting Co., Baltimore, Md.—License to cover construction permit (B1-P-3319) to move old main transmitter to site of new main transmitter, for emergency use only, as auxiliary transmitter.

WBAL—WBAL Broadcasting Co., Baltimore, Md.—Authority to determine operating power by direct method.

### 1110 Kilocycles

WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.—Construction permit to install a directional antenna for night use, install new transmitter and move transmitter to 3 miles N. E. of Lowesville, N. C. Amended: to request new transmitter location at (Rural)  $2\frac{1}{4}$  miles N. E. of Stanley, N. C.

### 1230 Kilocycles

NEW—Beauford H. Jester, Individually and as Trustee for W. W. Callan, Dewitt T. Hicks, Hilton W. Howell, Wilford W. Naman, Robert G. Levy, Ross M. Sams and Davis Stribling, Waco, Tex.—Construction permit for a new broadcast station to be operated on **1230 kc.**, 250 watts, unlimited time. Amended: to change name of applicant from Beauford H. Jester to Beauford H. Jester, Individually and as Trustee for W. W. Callan, Dewitt T. Hicks, Hilton W. Howell, Wilford W. Naman, Robert G. Levy, Ross M. Sams and Davis Stribling and change type of transmitter.

### 1250 Kilocycles

WTMA—Atlantic Coast Broadcasting Co., Charleston, S. C.—Modification of construction permit (B3-P-2985, as modified, to install new transmitter and directional antenna for night use, change in frequency, increase in power and move transmitter) for extension of completion date from 4-21-42 to 5-21-42.

### 1270 Kilocycles

WPDQ—Jacksonville Broadcasting, Jacksonville, Fla.—Modification of construction permit (B3-P-3385, for a new station) for approval of directional antenna.

### 1300 Kilocycles

NEW—Eastern Broadcasting Co., Long Island, N. Y.—Construction permit for a new broadcast station to be operated on 1300 kc., 250 watts, unlimited hours. Amended: to request 1520 kc., 1 KW, limited time (WKBW), new transmitter, antenna changes, studio and transmitter sites to be determined, Long Island, N. Y.

### 1400 Kilocycles

WBTM—Piedmont Broadcasting Corp., Danville, Va.—License to cover construction permit (B2-P-3217) for increase in night power, new antenna and move.

WJLD—J. Leslie Doss, Bessemer, Ala.—License to cover construction permit (B3-P-2642) as modified for a new broadcast station.

WJLD—J. Leslie Doss, Bessemer, Ala.—Authority to determine operating power by direct method.

WBTM—J. Leslie Doss, Bessemer, Ala.—Authority to determine operating power by direct method.

WATW—WJMS, Inc., Ashland, Wisc.—Modification of license to change name to Upper Michigan-Wisconsin Broadcasting Company, Inc.

### 1460 Kilocycles

WHP—WHP, Incorporated, Harrisburg, Pa.—License to cover construction permit (B2-P-3394) to install auxiliary transmitter for emergency use only, with power of 500 watts.

### 1470 Kilocycles

WSAN—Lehigh Valley Broadcasting Co., Allentown, Pa.—Modification of construction permit (B2-P-2637) as modified, which authorized new transmitter, directional antenna for day and night use, increase in hours and power, requesting extension of completion date from 5-10-42 to 11-10-42.

### FM APPLICATIONS

W45CM—WBNS, Incorporated, Columbus, Ohio.—License to use transmitter formerly licensed to experimental high frequency broadcast station W8XVH as an auxiliary transmitter with power of 250 watts.

W53D—WJR, The Goodwill Station, Detroit, Mich.—Modification of construction permit (B2-PH-28) for a new high frequency broadcast station, requesting extension of completion date from 5-16-42 to 11-16-42.

NEW—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Construction permit for a new high frequency broadcast station to be operated on 47700 kc., 9,300 square miles, 3,992,850 population.

### MISCELLANEOUS APPLICATIONS

NEW—Maine Broadcasting Co., Ltd., Bangor, Maine.—Modification of construction permit (B1-P-2868, as modified, which authorized increase in power, installation of new equipment and directional antenna for day and night use) for extension of completion date from 6-11-42 to 12-11-42.

W2XI—General Electric Co., Schenectady, N. Y.—License to cover construction permit (B1-PVB-88) for new television relay broadcast station.

W9XJC—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Modification of construction permit (B4-PST-2, which authorized new ST broadcast station) for extension of commencement and completion dates from 12-14-41 and 6-14-42 to 12-14-42 and 6-14-43, respectively.

KGKF—KGKL, Inc., Portable-Mobile.—License for reinstatement of relay broadcast station which expired 10-1-41.

WJWA—Birney Imes, Portable-Mobile.—License to cover construction permit (B3-PRY-258) for a new relay broadcast station.

NEW—Larus and Bros. Co., Inc., Richmond, Va.—Construction permit for a new relay broadcast station to be operated on 1646, 2090, 2190, 2830 kc., 40 watts, A-3 emission.

## FEDERAL TRADE COMMISSION DOCKET

*Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.*

### 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.

**Associated Distributors, Inc.**—A complaint charging misrepresentation of a cosmetic designated "Chen Yu Nail Lacquer" has been issued against Associated Distributors, Inc., 30 West Hubbard St., Chicago. (4749)

**Master Herb Company**—Misrepresentation of the therapeutic value of Chinese herbs is alleged in a complaint issued against Edwin Tom, also known as Shing Tom and Kim Fong Tom, trading as Master Herb Co., 215 West 9th St., Los Angeles. (4748)

**A. P. W. Paper Co., Inc.**, Albany, N. Y., is charged in a complaint with misrepresentation in the sale of toilet tissue and paper towels through the use of the name and emblem of the American Red Cross Society in labeling and advertising its products. (4747)

### STIPULATIONS

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

**Alfield Co.**, 53 West Jackson Blvd., Chicago, manufacturer of a garment cleaning fluid designated "Spot Chek," stipulated that he will cease and desist from the use in advertisements of such statements as "Removes Lipstick Stains" to imply that the product will have the effect of preventing or completely removing lipstick stains from all kinds of fabric materials. The respondent also agrees to discontinue use of the statement "Leaves no rings," or of any similar representation which tends to convey the belief that the product when applied only to the stain to be removed from certain kinds of garments, such as silk or rayon, will leave no ring or will not cause a resultant discoloration. (3454)

**Allied Kid Co.**, 209 South St., Boston, engaged in the tanning business, entered into a stipulation to discontinue using the words "Alligator Doeskin" as descriptive of leather made from hides other than alligators and embossed to simulate the alligator grain. (3463)

**Carob Products Co.**, 50 West Broadway, Columbus, Ohio, stipulated that it will cease and desist from representing that the antiseptic preparation he sells under the name "Thypernal" has five times the killing power of carbolic acid; that it may be freely used on burns and that its use, as a first aid application to wounds, will arrest dangerous infections instantly; that it will effectively kill germs even though it be diluted 400 times; that it is effective against athlete's foot and will relieve pain; that it contains no drugs; and that it is absolutely non-poisonous, unless this last representation is properly qualified. (3460)

**Clopay Corp.**, Clopay Square, Cincinnati, manufacturer of household articles, including Venetian blinds, agrees to discontinue representing that the slats of the blinds are composed of chestnut fiber and to cease using in advertisements the word "Chestnut" to convey the impression that the slats so described contain chestnut either in whole or in any substantial quantity. (3453)

**David M. Conn**, 1265 Broadway, New York, wholesaler of hosiery, including "Dr. McKenzie's Sanitary Health Sox," stipulated that he will cease and desist from using in the trade name for his hosiery the abbreviation "Dr." or the word "Doctor," either with or without the word "McKenzie," to imply that there is a physician connected with the manufacture thereof or that such merchandise has been made under the supervision of a physician. The respondent further agrees to stop using the word "Health" as part of the trade name or as descriptive of hosiery products or any other word or assertion which may imply that such hosiery has special health features capable of warding off or ameliorating disease or pain. (3457)

**Heather-Mathews Co., Inc.**, 411 Fifth Ave., New York, entered into a stipulation to cease and desist, in connection with the sale of silverware and other merchandise, from using the term "list prices" to refer to prices which are not bona fide retail prices established by actual retail sales of such or similar products sold in the usual course of business; and to discontinue use of the word "manufacturing" to describe its business or to imply that it manufactures the products it sells. The respondent also agrees to stop representing that a fictitious or marked-up price is a "low" price or is the customary price of such products, or that any persons or organizations are granted discounts of any stated percentage not actually based upon bona fide list or retail prices. (3458)

**Merritt Shoe Co., Inc.**, 178 Lincoln St., Boston, stipulated that it will cease and desist from use of the words "Dr. Merritt's Health Shoes" as a stamp or brand for children's shoes; and from use of the word "Doctor" or the abbreviation "Dr.," either alone or with a name or with the word "Health," as a designation for its shoes, or in any other manner implying that such shoes have been made in accordance with the design or under the supervision of a physician or that they contain special scientific, orthopedic or health features which are the result of medical determination or services. (3461)

**Milton Paper Co., Inc.**, 124 West 24th St., New York, stipulated that, in the sale of stationery, it will cease and desist from the use of the term "linen" as a brand name or watermark for paper commodities which are not made from linen. (3462)

**Barry Morell Manufacturing Co., Inc.**, 591 Broadway, New York, entered into a stipulation to cease and desist from misbranding men's rayon shirts with labels bearing the descriptive terms as "True-Glo Crepe" or "True-Silko" and "Full Shrunk." (3465)

**Research, Inc.**, 1680 Alton Road, Miami, Fla., has entered into a stipulation to discontinue representing that its "Des-Tex" dry cleaning fluid "mothproofs as it cleans" fabrics to which it is applied, and to cease using the word "mothproof" in any manner implying that the product will render fabrics immune from the attacks of moths. (3459)

**Richards, Boggs & King, Inc.**, Merchandise Mart, Chicago, has entered into a stipulation to cease and desist, in the sale of bowl covers it manufactures from a synthetic material called "Pliofilm," from using the word "odorless" or any other term of similar meaning to describe bowl covers which are not free from odor. (3464)

**Sparks-Withington Co.**, Jackson, Mich., has entered into a stipulation to discontinue certain representations in connection with the sale of "Sparton Sting-Ray Electric Fence Controllers," used for confining livestock. (02969)

## CEASE AND DESIST ORDERS

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

**Houbigant, Inc.**, Cheramy, Inc., and Houbigant Sales Corp., all located at 539 West 45th St., New York, have been ordered to cease and desist from misrepresentation in the sale of perfumes, colognes and other toilet preparations. (3343)

**Parker-Thompson Company**—Orders to cease and desist from selling or otherwise disposing of merchandise by means of lottery schemes have been issued against Albert Rose, trading as Parker-Thompson Co., 1205 I St., N. W., Washington, D. C. (4699), and J. D. Fine, trading as J. D. Fine Candy Co., 222 Northwest Fourth St., Oklahoma City, Okla. (4709)

**Penn-Lub Oil Products Co.**, 85 Gotthart St., Newark, N. J., has been ordered to cease and desist from misrepresentation of reclaimed motor oils it sells to dealers for resale to the public. (4564)



## CONVENTION PROGRAM

Paul V. McNutt, Chairman of the newly appointed War Manpower Commission and Federal Security Administrator, and Archibald MacLeish, Director of the Office of Facts and Figures, are slated to address luncheon meetings of the NAB Convention at Cleveland, May 11-14.

Byron Price, Director of Censorship, will address the opening session on the subject "Radio and the War".

Headlining a convention program packed with meat for practical broadcasters, covering all angles of the wartime aspects of broadcasting, these men, posted in positions of power in relation to radio's all-out war effort, will bring to the convention messages of intense interest to all.

### Program

#### 20TH ANNUAL CONVENTION

National Association of Broadcasters  
Hotel Statler, Cleveland

May 11-14, 1942

#### SUNDAY, MAY 10

12:00 Noon	Sales Managers' Executive and General Committees	Parlor E
12:30 p.m.	Broadcast Music, Inc., Board of Directors Luncheon	Parlor D
2:00 p.m.	Research Committee	Parlor H
	Engineering Committee	Parlor F
	NAB Bureau of Copyrights, Board of Directors	Parlor B
3:00 p.m.	Code Committee	Parlor D
4:00 p.m.	Wages and Hours Committee	Parlor M
	Accounting Committee	Parlor H
7:00 p.m.	NAB Board of Directors Dinner	Lattice Room
8:00 p.m.	Labor Committee	Tavern Room

#### MONDAY, MAY 11

10:30 a.m.	<b>BUSINESS SESSION</b> Neville Miller, Presiding President's Annual Report Announcement of Convention Committees Secretary-Treasurer's Annual Report Proposed By-Law Amendments	Pine-Euclid Room
10:45 a.m.	<b>"RADIO AND THE WAR"</b> Byron Price, Director, Office of Censorship	
	<b>INFORMATIONAL CLINIC</b> J. Harold Ryan, Assistant Director, Office of Censorship Major General A. D. Surles, Director, Bureau of Public Relations, War Department	

*(Continued on page 242)*

#### CLEVELAND HOTEL RESERVATIONS

John Patt, Chairman of the NAB Housing Committee, reports that there are no more rooms or suites available at the Statler Hotel. There are a few rooms left at the Cleveland. Both suites and rooms are still available at the Carter and the Hollenden. If you plan to attend the Convention and have not yet made your reservations, write or wire NAB Housing Committee, 1604 Terminal Tower, Cleveland.



NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NATIONAL 2080

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

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

**PROGRAM**

(Continued from page 241)

Rear Admiral A. J. Hepburn, Director, Office of Public Relations, Navy Department  
 Major General F. G. Beaumont-Nesbitt, British Army Staff  
 Earl J. Glade, Chairman, NAB Code Committee

12:45 p.m. **LUNCHEON** Grand Ball Room  
 Speaker, Archibald MacLeish, Director, Office of Facts and Figures

2:30 p.m. Department of Broadcast Advertising - Sales Managers Pine-Euclid Room  
 "Radio Advertising for Department Stores"  
 Panel: Richard G. Meybohm, Manager, Sales Promotion Division, National Retail Dry Goods Association, New York.  
 Barclay W. Newell, Sales Manager, William Taylor Sons & Company, Cleveland, Ohio  
 Edgar L. Rice, Sales Promotion Manager, A. Polsky Company, Akron, Ohio  
 James W. Petty, Jr., Publicity Director, H. & S. Pogue Company, Cincinnati, Ohio

2:30 p.m. Network Affiliates, Inc. Salle Moderne  
 4:30 p.m. Independent Radio Network Affiliates Parlor E  
 7:00 p.m. NAB War Committee  
 8:00 p.m. Labor Relations Clinic Room 345  
 Panel: Joseph L. Miller, NAB Labor Relations Director

**TUESDAY, MAY 12**

8:30 a.m. **BREAKFAST SESSIONS** Parlor D  
 "WAGES AND HOURS" NAB Labor Relations Department  
 "PROTECTION OF PROPERTY FROM SABOTAGE, FIRE AND THEFT," J. D'Agostino, National Broadcasting Company  
 NAB Engineering Department Parlor A

"WHAT BURNS US UP" Cleveland Ad Club Dining Room  
 Radio Executive Club of New York City  
 NAB Department of Broadcast Advertising

**CENSORSHIP CLINIC** Room 345

Panel: J. Harold Ryan, Assistant Director of Censorship  
 Captain L. P. Lovette, Office of Public Relations, Navy Department  
 Major General A. D. Surles, Director, Bureau Public Relations, War Department  
 Major General F. C. Beaumont-Nesbitt, British Army Staff

**OFF ROUND TABLE** Parlors F, G and H  
 "THE FOUR THEMES,"

William B. Lewis, Assistant Director in Charge of Operations, Office of Facts and Figures  
 Philip Wylie, Office of Facts and Figures  
 "PROGRAM COORDINATION," Douglas Meservy, and Seymour Morris, Office of Facts and Figures

**TIRE PRIORITIES**

NAB Legal Department  
 10:30 a.m. **BUSINESS SESSION** Euclid-Pine Room  
 Neville Miller, Presiding

"PRIORITIES, MEN AND MATERIALS"

"The Selective Service Act," Brigadier General Lewis B. Hershey, Director, Selective Service System  
 "The OPA," Joel Dean, Chief, Fuel Rationing Division, OPA

**DISCUSSION**

12:45 p.m. **LUNCHEON** Grand Ball Room  
 2:30 p.m. **BUSINESS SESSION** Euclid-Pine Room  
 Neville Miller, Presiding  
 "MUSIC"

Panel: Sydney Kaye, Vice President, General Counsel, Broadcast Music, Inc.  
 Merritt E. Tompkins, Vice President, General Manager, Broadcast Music, Inc.  
 Carl Haverlin, Vice President, Station Relations, Broadcast Music, Inc.  
 John Paine, General Manager, American Society of Composers, Authors & Publishers  
 Leonard D. Callahan, General Counsel, SESAC

**OPEN FORUM**

**WARTIME RADIO ADVERTISING** Grand Ball Room  
 Eugene Carr, Chairman, NAB Sales Managers Committee, Presiding

“SELLING WITH SURVEYS”  
 Dr. Harry Dean Wolfe, Director, Bureau Business Research, Kent State University, Kent, Ohio

“SHOOT THE WORKS”  
 Gene Flack, General Sales Department, Loose-Wiles Biscuit Company, Long Island City, New York

OPEN FORUM

4:00 p.m. Clear Channel Broadcasting Service Tavern Room  
 Local Channel Stations Room 345

WEDNESDAY, MAY 13

8:30 a.m. BREAKFAST SESSIONS

“COLLECTIVE BARGAINING” Parlor D  
 NAB Labor Relations Department

“INFORMATION PLEASE” Cleveland Ad Club Dining Room  
 Panel: John Blair, John Blair & Co.  
 H. Preston Peters, Free & Peters  
 Edward Petry, Edward Petry & Co.  
 Joseph Weed, Weed & Co. NAB Department of Broadcast Advertising

“FOREIGN LANGUAGE BROADCASTING” Parlor E  
 Alan Cranston and Lee Falk, Office of Facts and Figures  
 NAB War-time Committee

“THE SELECTIVE SERVICE”  
 Major Ernest M. Culligan, Public Relations Officer, Selective Service System

NAB Legal Department

“MUSIC” ROUND TABLE Tavern Room  
 Merritt Tompkins, BMI

10:30 a.m. BUSINESS SESSION Pine-Euclid Room  
 Neville Miller, Presiding

“THE WAR—A CHALLENGE TO BROADCAST ADVERTISING”  
 Eugene Carr, Chairman, NAB Sales Managers' Executive Committee

“THE BRIDGE TO A NEW DEMOCRACY”  
 Arthur Horrocks, Counsel, Public Relations Department, Goodyear Tire & Rubber Company, Akron, Ohio  
 The Advertising Council  
 Miller McClintock

OPEN FORUM

12:15 LUNCHEON Grand Ball Room  
 Paul V. McNutt, Federal Security Administrator

2:30 p.m. NAB BUSINESS SESSION (Members only) Euclid-Pine Room

Taxation—Ellsworth C. Alvord, NAB Tax Counselor  
 Proposed Amendments to the NAB By-Laws  
 Election of Directors-at-Large  
 Selection of 1943 Convention Site  
 Report of Resolutions Committee

ADJOURNMENT

4:30 p.m. Final Meeting Network Affiliates, Inc. Salle Moderne

7:30 p.m. 20th ANNUAL BANQUET Rainbow Room Hotel Carter

THURSDAY, MAY 14

10:00 a.m. Meeting New NAB Board of Directors Parlor C

10:00 a.m. NAB ANNUAL GOLF TOURNAMENT Mayfield Country Club  
 (The “BROADCASTING MAGAZINE TROPHY”)

NAB LISTENER ACTIVITIES

Mrs. Dorothy Lewis, *Coordinator*

Hotel Statler

Tuesday, May 12

Radio Council of Greater Cleveland. “The Listeners' Stake in American Radio,” Mrs. Walter V. Magee. “Radio's Significant Place in Inter-American Affairs,” Guy Hickock. “Radio Does a Public Service,” Mr. Jennings Pierce. Question Period. Fashion Tea.

Wednesday, May 13

*Breakfast Roundtable:* “The Part that Women's Radio Programs Can Play in Wartime America,” Miss Jane Weaver, Chairman. Group Sessions. “Radio at Home,” Mrs. Dorothy Lewis. “Women in Industry,” Mrs. Harold V. Milligan. “The Broadcaster's Code,” Mr. Earl J. Glade. “The Role of the Listener,” Mrs. Arch Trawick. “Radio Education,” Dr. I. Keith Tyler. “Tuning in on the Home Front,” Miss Mabel G. Flanley.

Luncheon

*Group Sessions:* “Radio Abroad,” Mrs. Dorothy L. Lewis. “Radio in Canada,” Miss Beatrice Belcourt. “British Women in Wartime,” Dr. Winifred C. Cullis. “Radio Serves Our Army,” Mr. Edward M. Kirby. “Industry's Role in a World Offensive,” Charles R. Hook.

PROMOTIONAL DISPLAY JUDGES

Miller McClintock of the Advertising Council; Paul West, President of the Advertising Federation of America; Fred Gamble, Managing Director, American Association of Advertising Agencies; and Douglas Meservey, Assistant Director of Operations of the Office of Facts and Figures, have accepted invitations to serve as a board of judges for the promotional displays.

M. F. (Chick) Allison, WLW, Chairman of the Committee, reports a most lively interest and response on the part of stations and a large display is anticipated.

TIME BUYERS WELCOME

Gene Carr, chairman of the NAB Sales Managers Committee calls upon all sales managers to be sure to convey word to agency time buyers, as well as sponsors, that the convention is open to them and their attendance would be welcome.

The advertising sessions contain topics of unusual interest and speakers fully capable of presenting the topics in a very able manner. Agency people, as well as sponsors, can derive distinct benefit from attending.

## GOLF TOURNAMENT

The annual Golf Tournament with the "Broadcasting Magazine" trophy as the prize, has been scheduled for 10:00 a. m. on Thursday, May 14, at the Mayfield Country Club. This is one of Cleveland's finest courses and promises to test the mettle of the best of golfers. The usual handicap method will be followed. Those who plan to play golf should bring along their clubs because there will be plenty of opportunity.

## CLOTHES

Mid-May in Cleveland is quite pleasant climatically. The days are mildly warm, the nights are cool. Just a warning. Bring along a topcoat for evening wear.

## BIG LEAGUE BASEBALL

The Cleveland Indians play the Detroit Tigers on Sunday, May 10 (double header) and Monday, May 11. The New York Yankees move into League Park on Tuesday and Wednesday and the Washington Senators come on Thursday and Friday. All games, except the Sunday double header which is scheduled for 1:00 p. m. at the big Civic Stadium, which seats 90,000, will be played at 4:00 p. m. at League Park. Box seats at \$1.60, and reserved seats at \$1.35, will be available at the NAB Registration Desk for those desiring to take in any of these games.

## NETWORK CASES ARGUED IN SUPREME COURT

Late Thursday afternoon argument of the CBS and NBC suits against the government opened before the Supreme Court, with Mr. John T. Cahill presenting NBC's case.

## MINIMUM OPERATING SCHEDULE REQUIREMENTS RELAXED

In keeping with its policy to relax broadcast operating rules where demands of the war require, the FCC has adopted a General Order which waives Section 3.71 on minimum operating schedules. In effect the waiver permits the licensee to maintain a minimum schedule of hours best suited to the need of the area concerned. Specifically the rules have been reduced to two-thirds the authorized hours between 6 a. m. and midnight.

It is believed that such relaxation at this time will be of material assistance to licensees, to operating personnel, and will extend the life of equipment and reduce maintenance requirements, but at the same time will not reduce the operating schedule below a reasonable minimum.

This step adds to the Commission's action in Orders 91 and 91-A, which relaxes requirements on operator licenses, and which together tends to relieve the shortage of trained personnel in the broadcast industry.

## NO CEILING ON ADVERTISING

Advertising services, including radio broadcasting, do not come under the price ceilings imposed by OPA's General Maximum Price Regulation released Tuesday.

## GAS RATIONING

Station employees who use their own cars on remotes, as well as stations operating trucks, can get extra gas in those states where gas rationing goes into effect May 15. Stations themselves

and employees using their own cars who are "mechanical or electrical workers or repairmen" (technicians) should apply to their local gasoline rationing boards for an "X" Card. These will be issued by local rationing boards at the time of registration, and are designed to take care of persons with legitimate reasons for not knowing how much gas they will need from week to week.

Announcers, and others than the above using their own cars in their work, are not eligible for "X" Cards, but upon application will be issued "B" Cards. There are three types of "B" Cards,— B-1, B-2 and B-3, each entitling the holder to successively greater quantities of gas; the exact amounts are not yet known at the Fuel Rationing office of the OPA, but they will be greater than the ordinary ration, and will entitle the holder to more or less gas depending upon the nature and extent of his work.

## Priorities

The WPB last Friday issued Preference Rating Order P-129, giving "radio communication," which includes radio broadcasting, an A-3 preference rating for maintenance, repairs and operating supplies. The order will continue in effect until September 30, unless sooner revoked.

Superceding, at least so far as broadcasting is concerned, Preference Rating Order P-100, which carried an A-10 rating, the new order imposes definite limitations on the use of rated materials and the acceptance of deliveries of all materials.

Paragraph (g) of the order reads as follows:

*"(g) Restrictions on Deliveries, Inventory and Use.*

(1) Except as provided in paragraph (g) (3) below, no Operator [broadcast station], who has applied the rating assigned hereby, shall, at any time, accept deliveries of Material (whether or not rated pursuant to this Order) to be used for Maintenance, Repair, Operating Supplies or for other purposes:

(i) Until the dollar value of the Operator's inventory of Material shall have been reduced to a practical working minimum. Such practical working minimum shall in no event exceed 27½% of the dollar value of Material used for all purposes during the calendar year 1940.

(ii) Where the receipt thereof shall increase the dollar value of Operator's inventory of Material to an amount in excess of Normal requirements which in no event shall exceed 27½% of the dollar value of Material used for all purposes during the calendar year 1940.

(2) Except as provided in paragraph (g) (3) below no Operator who has supplied the rating assigned hereby shall, during any calendar quarterly period, use Material for Maintenance, Repair, and Operating Supplies, the aggregate dollar volume of which shall exceed 110% of the aggregate dollar volume of such Material used during the corresponding quarter of 1940, or at the Operator's option 27% of the aggregate dollar volume of such Material used during the calendar year 1940.

(3) (i) Any Operator whose average value of inventory of Material for the five calendar years prior to January 1, 1942, did not exceed \$10,000 shall be exempt from the provisions of paragraph (1) above, subject to the provisions of Priorities Regulation No. 1, as amended.

(ii) From time to time the Director of Industry Operations may determine that certain Operators are exempt in whole or in part from the restrictions contained in paragraphs (1) and (2) above."

In order to apply the preference rating to delivery of material, the station must endorse the following statement on the original and all copies of the purchase order or contract, signed by a responsible official duly designated for such purpose:

"Material for Maintenance, Repair, or Operating Supplies— Rating A-3 under Preference Rating Order P-129 with the terms of which I am familiar.

(Name of Operator or Supplier).

(Signature of Designated Official)".

## New Construction

Following the recommendation of the DCB of April 16, the FCC on Monday adopted a policy to grant no application for an authorization involving the use of any materials to construct or change the transmitting facilities of any standard, television, facsimile, relay or high frequency (FM) broadcast station. The Commission deferred action on the DCB's recommendation as to experimental high frequency and non-commercial educational broadcast stations.

Applications filed to meet the requirements of authorizations heretofore made in the form of conditional grants, and applications requesting an extension of time within which to complete construction under authorizations heretofore made, will not be granted unless it appears that the applicant (1) has made substantial expenditures in connection therewith or actually commenced construction prior to April 27, and (2) has on hand or available substantially all materials and equipment necessary to complete construction.

Construction for the maintenance or existing services, and construction required by the Commission or recommended by the head of a war agency of the Federal Government are not barred by the policy laid down.

The procedure to be followed on applications now pending is to file a formal petition on or before June 1, 1942, embodying a statement of such facts and circumstances as the applicant believes would warrant the granting of the application in the public interest. The filing of such a petition will be construed as an indication of the desire of the applicant to prosecute his application, and if the application is denied it will be designated for hearing. Failure to file the petition will be deemed an abandonment of the application, which will be retired to the Commission's closed files and dismissed without prejudice.

## WINE ADVERTISING

H. R. 5802, sponsored by Representative Frank H. Buck (D-Calif.), was signed April 21 by the President and became effective immediately. The new law prohibits statement of alcoholic content in all wine advertising.

Informal advices from the Treasury are that statements of alcoholic content of wine in radio advertising should be stopped immediately, and such statements in other advertising media should be eliminated as quickly as possible. The new law does not alter regulations requiring statements of alcoholic content on labels.

Treasury decision in circulars covering the new regulations are expected within a few days. Copies will be available at Wine Institute, 85 Second Street, San Francisco. The wine industry greatly appreciates the fine effort of Representative Buck in sponsoring this law.

## Sales

### SALES MANAGERS URGED TO ATTEND CONVENTION

As the jive artists put it, there will be some "solid sending" at Cleveland May 10-14 during the programs of the Sales Managers Division.

All speakers have been told to pull no punches, and that there will be no holds barred. They have been advised that sales managers are not thin skinned, and that they want the real low-down, good or bad.

At the St. Louis convention last year the Sales Managers were characterized by many as the hardest-working group at the meeting. They will have to sustain that reputation this year, because a full program has been arranged, with no "soft spots" scheduled.

Station owners and managers are invited to attend all meetings, but the *attendance of sales managers and salesmen is particularly urged if maximum benefit is to be obtained by their stations.*

Members of the Sales Managers Committee and Executive Committee will meet Sunday, May 10, at 12:00 Noon to consider serious industry sales problems, resolutions, and recommendations to the NAB Board.

Monday's highlight will be a department store clinic at 2:30 P. M., when Richard G. Meybohm, sales promotion manager of the National Retail Dry Goods Association, assisted by a committee of department store experts, will tell the industry why it has not been more successful in developing the rich department store advertising field. This clinic will be based on a national survey just conducted by the NRDGA, the most extensive study of its kind ever made. Questionnaires were sent to 1500 NRDGA members, and each return required 242 separate tabulations, exclusive of any cross-indexing. Thus the minutiae of radio-department store relations have been microscopically studied as never before, and it is the intent of the department store experts not to praise radio for its achievements, but to point out its selling faults in a clinic that is meant to be 100% constructive.

Tuesday morning at 8:30 the sales managers will get more of the same, when the agency time buyers, under the leadership of the Radio Executives Club of New York, will present a show entitled "What Burns Us Up." To build the show, all agencies were invited to submit their "pet radio peeve." The best of these were selected for dramatization by an all-agency cast. John Hymes, chief time buyer for Lord & Thomas and president of the REC, while asking that sales managers be required to check all deadly weapons at the door, insisted that "it's all in fun and we're really trying to be helpful."

Tuesday afternoon's open session at 2:30 will feature talks on "Selling with Surveys" by Dr. Harry Dean Wolfe, Director of the Bureau of Business Research of Kent State University, and on "Shoot the Works," a grass-roots talk on salesmanship by Gene Flack of the Loose-Wiles Biscuit Co. An open forum will follow.

Wednesday morning's 8:30 breakfast session, conducted by national sales representatives, will be "Information Please on Spot Radio," with Chairman Gene Carr keeping the peace between sales managers and John Blair, Free & Peters, Edward Petry and Weed & Co., participants.

The general convention assembly Wednesday morning at 10:30 will be all business with Neville Miller behind the gavel, Gene Carr reporting on NAB Sales Managers activities, Dr. Miller McClintock reporting on The Advertising Council, and Arthur Horrocks, Counsel, Public Relations Department, Goodyear Tire & Rubber Co., preaching some old-time business religion in "The Bridge to a New Democracy."

The golf tournament for the *Broadcasting* trophy has been scheduled for Thursday, and if any sales managers are left on their feet all other aspirants might as well go home. Considerable "smart money," it is said, is being placed on dark horses George Frey and Jack Field.

### LINNEA NELSON WRITES FOR NAB

As part of the NAB campaign to develop more department store business, Linnea Nelson, chief time buyer for the J. Walter Thompson Agency, New York, has written an article on "We Think about Radio," a basic discussion directed to advertising managers of department stores on how to buy radio.

The article will be published in *Broadcasting* magazine, and has also been submitted to several of the leading department store trade magazines. Reprints have been ordered by the NAB for further distribution by member stations, and may be had on request to the Department of Broadcast Advertising.

## MENDENHALL AGAIN?

NAB members have commented on the similarity between letters now being received from The Peabody Co., P. O. Box 38, Mendenhall, Miss., requesting availabilities for a solid perfume, and correspondence received last year from the Mendenhall Manufacturing Co., Mendenhall, Miss., seeking per-inquiry deals on hosiery.

Numerous complaints were received last year from stations handling the Mendenhall account, many of them charging non-payment of bills.

The NAB has written the Peabody Co., asking what, if any, relationship exists between it and the Mendenhall Manufacturing Co. No reply had been received by press time.

## War Zone Business Holding

W. H. "Bud" Stuht, commercial manager of KOMO-KJR, Seattle, an NAB headquarters visitor this week, reports that radio advertising in that area continues to hold up well, with consistent gains in both national spot and local billings. The latter are especially strong, he said. Direct reports from several sales managers in the Pacific coast "war zone" will be heard during the open sessions of the sales managers' programs at the Cleveland convention.

## Real Estate Sponsors Compiled

Another summary table has been prepared from reports sent to the NAB for "The Broadcast Advertising Record," this one on real estate operators who use radio advertising. Free copies may be had by NAB members upon request to the Department of Broadcast Advertising.

## Per-Inquiry and Free Time

**United Advertising Companies**, Chicago, again offer a variety of P-I deals.

**Rogers & Smith Agency**, Dallas, Tex., again are seeking contingent deals for **Naughton Farms**.

**National Association of Dyers and Cleaners**, Silver Springs, Md., are submitting scripts to women's programs through **Mort Friedlander & Associates**, New York, promoting the interests of dry cleaners.

## Labor

### Wage Freezing

Although wages were specifically exempt from Leon Henderson's price-fixing order, it is generally believed from President Roosevelt's two speeches this week that there are to be no more wage or salary increases.

In his broadcast Tuesday night, the President said:

"Do you work for wages? You will have to forego higher wages for your particular job for the duration of the war."

In his message to Congress on Monday, Mr. Roosevelt said:

"In respect to the third item, seeking to stabilize remuneration for work, legislation is not required under present circumstances. I believe that stabilizing the cost of living will mean that wages in general can and should be kept at existing scales.

"Organized labor has voluntarily given up its right to strike during the war. Therefore all stabilization or adjustment of wages will be settled by the War Labor Board machinery which has been generally accepted by industry and labor for the settlement of all disputes.

"All strikes are at a minimum. Existing contracts between employers and employees must, in all fairness, be carried out to the expiration date of those contracts. The existing machinery for labor disputes will, of course, continue to give due considera-

tion to inequalities and the elimination of sub-standards of living. I repeat that all of these processes now in existence will work equitably for the overwhelming proportion of all our workers if we can keep the cost of living down and stabilize their remuneration.

"Most workers in munition industries are working far more than forty hours a week and should continue to be paid at time and a half for overtime. Otherwise, their weekly pay envelopes would be reduced.

"All these policies will guide all government agencies."

## AFL Urges Payroll Deduction for Bonds

AFL President William Green today asked all American Federation of Labor unions and their members to comply promptly with the Government's program for voluntary 10 per cent payroll deductions for the purchase of War Bonds.

In letters to all affiliated organizations, Mr. Green warned that some Government representatives and members of Congress favor legislation for compulsory payroll deductions. He added:

"Labor favors voluntary action and is against compulsory action. I feel sure that if labor will respond and will voluntarily agree to a payroll deduction of 10 per cent of earnings to be invested in War Bonds that compulsory savings legislation will be defeated.

"I appeal to the workers to respond favorably to the recommendations I have herein made."

## COST OF LIVING

The Labor Department reports that the cost of living increased 1.2 per cent between mid-February and mid-March, bringing the mid-March average to 114.3 per cent of the 1935-39 average. Details for various larger cities are available at the NAB.

## EXACT DATE REQUIRED FOR PD-1A FORMS

Stations that use PD-1A forms to secure material must fill in a definite delivery date. J. S. Knowlson, director of industry operations, warned, on April 23, that these forms will not be considered unless an exact delivery date is stated. "Immediately" or "at once" is entirely unsatisfactory.

## MORE MARCH REPORTS RECEIVED

In addition to the WAR reports from stations reported by mail in the envelope with the April form, reports have been received from:

WHEC, Rochester; KOMA, Oklahoma City; KMO, Tacoma; KFBI, Wichita; KGO, San Francisco; KUIN, Grants Pass; WMFR, High Point; WJHO, Opelika; WJAS, Pittsburgh; WTAR, Norfolk; WJZ, New York; KMA, Shenandoah; WHFC, Cicero; WFDF, Flint.

## WWL MEN TEACH RADIO AT LOYOLA

The NAB-ESMDT radio technician training course at Loyola University, New Orleans, is being taught by a faculty of five, three members of which are on the staff of WWL.

Chief Engineer J. D. Bloom teaches radio and communication; and Edward Dutreil, transmitter supervisor, and Francis Jacob, studio supervisor, maintenance and repair. John Daspit and Lawrence Strohmeyer, of the Loyola physics department, assist. The course is scheduled to finish August 7.

## WOWO EXTENDS PUBLIC SERVICE

WOWO, Fort Wayne, has installed permanent lines to Baer Field, U. S. Army Air Base, southwest of the city, in order to extend the scope of its public service to soldiers and civilians. J. B. Conley, general manager, plans an extended series of morale-building programs which will be staged in the air base recreation hall.

## TEACHES TEACHERS TO TEACH

Bob Smith, chief engineer, WOPI, Bristol, Tenn., Va., has four college professors and ten school teachers in the two radio tech-

nician training courses he is teaching under the auspices of Virginia Polytechnic Institute. These men intend to keep out in future training courses after they have passed the examination for a first class ticket.

## SUGGESTS "RADIO SILENCE" FOR "BLACKOUT"

Since nobody knows for sure just where the target areas may be all stations should be interested in the suggestion of Col. Ernest Moon, executive officer, Fourth Interceptor Command.

The Colonel suggests that in order to avoid confusion in the minds of the listening public, the term, "RADIO BLACKOUT", should be eliminated and in its place the term, "RADIO SILENCE", substituted.

In placing the suggestion before broadcasters of the Southern California Broadcasters' Association, Richard F. Connor, co-ordinator, pointed out that on occasion there is a silencing of radio stations by order of the Fourth Interceptor Command when no general Blackout order is issued. Thus, if a silencing of radio stations is referred to as a "RADIO BLACKOUT", the public might be led to believe there was both a "BLACKOUT" and a "RADIO SILENCE", when such might not be the case.

Therefore, says the Coordinator, the suggestion is made that, in the future, when a "RADIO SILENCE" is ordered, it be referred to as a "RADIO SILENCE" in all programs and newscasts.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

### HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, May 4. They are subject to change.

#### Monday, May 4

##### Consolidated Hearings

NEW—Beauford H. Jester, Individually and as Trustee for W. W. Callan, Dewitt T. Hicks, Hilton W. Howell, Wilford W. Naman, Robert G. Levy, Ross M. Sams and Davis Stribling, Waco, Tex.—C. P., 1230 kc.; 250 watts; unlimited time.

NEW—Roy Branham Albaugh, Waco, Tex.—C. P., 1230 kc.; 250 watts; unlimited time.

##### Further Consolidated Hearings

WICA—WICA, Inc., Ashtabula, Ohio.—C. P., 970 kc.; 1 KW night; 5 KW day; unlimited time; DA-night.

WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—C. P., 970 kc.; 5 KW; unlimited time; DA-day and night.

#### Tuesday, May 5

##### Further Hearing

WBRE—Louis G. Baltimore, Wilkes-Barre, Pa.—C. P., 1340 kc.; 100 watts; unlimited time.

#### Wednesday, May 6

##### Further Consolidated Hearings

NEW—Scripps-Howard Radio, Inc., Houston, Tex.—C. P., 1230 kc.; 250 watts; unlimited time.

NEW—Texas Star Broadcasting Co., Houston, Tex.—C. P., 1230 kc.; 250 watts; unlimited time.

NEW—Greater Houston Broadcasting Co., Inc., Houston, Tex.—C. P., 1230 kc.; 250 watts; unlimited time.

#### Thursday, May 7

##### Further Hearing

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—C. P., 1410 kc.; 1 KW; unlimited time; DA-night.

Friday, May 8

Further Hearing

NEW—KNOE, Inc., Monroe, La.—C. P., 1420 kc.; 250 watts; unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

WRGA—Rome Broadcasting Corp., Rome, Ga.—Granted construction permit (B3-P-3478) to change antenna system and move transmitter a distance of approximately 1500 feet.

WCHV—Community Broadcasting Corp. (Assignor), Charles Barham, Jr., and Emmalou W. Barham, d/b as Barham & Barham (Assignee), Charlottesville, Va.—Granted consent to assignment of permit and license (B2-APL-13) of Station WCHV from Community Broadcasting Corp. to Charles Barham, Jr., and Emmalou W. Barham, a partnership doing business as Barham & Barham.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Granted petition for extension to June 30, 1942, inclusive, of effective date of Commission's Order on application for renewal of license (Docket 5430).

WRCA—National Broadcasting Co., Inc., New York City.—Granted modification (B1-MLIB-50) of license to add frequency 15190 kc., subject to the condition that no interference is caused to other international broadcast stations having priority of registration on the same or adjacent frequencies.

WNBI—National Broadcasting Co., Inc., New York City.—Granted modification (B1-MLIB-51) of license to add frequency 15190 kc., subject to the condition that no interference is caused to other international broadcast stations having priority of registration on the same or adjacent frequencies.

### DECISIONS

The Commission has granted Station WGBR, Goldsboro, N. C., permission to reconstruct its station due to fire. In connection with this grant the Commission says:

This is an application of Eastern Carolina Broadcasting Company, Inc., for authority to reconstruct Station WGBR, Goldsboro, North Carolina. The entire station, with the exception of the antenna and ground system, was completely destroyed by fire on March 24, 1942.

The City of Goldsboro, with a population of 17,274 (1940 Census), receives no primary broadcast service except that heretofore provided by Station WGBR. The restoration of this service will require the use of materials for which priority ratings are required and have been obtained. All of the necessary equipment is available to the applicant and will be delivered within the next thirty days with the exception of frequency and modulation monitors, which can be delivered in from four to six weeks.

Under these circumstances and in view of the express provision for repair and maintenance in our Memorandum Opinion of February 23, 1942, we find that public interest, convenience and necessity will be served by the granting of the instant application.

It Therefore Is Ordered, this 24th day of April, 1942, that the application of Eastern Carolina Broadcasting Company, Inc., for construction permit Be, and It Is Hereby, Granted.

A grant permitting Station WSGN, Birmingham, Ala., to increase its power from 1,000 to 5,000 watts has been made with Commissioners Case and Payne dissenting and Commissioner Craven not participating. The Commission says:

This is an application of the Birmingham News Company, licensee of Radio Station WSGN, Birmingham, Alabama, for a permit to increase daytime power from 1 KW to 5 KW. The station is presently authorized to operate on the frequency of 610 kc., with 1 KW, unlimited time.

The application was filed in January of this year. The proposed operation would increase the daytime service area of the station

from 5,470 square miles to 10,700 square miles, extending the daytime service of the station to an additional population of approximately 254,000, a gain of 40% or more in the potential daytime audience. No substantial part of this proposed new service area now has primary service. This application conforms to the Commission's Memorandum Opinion of February 23, 1942, permitting the construction of facilities to serve an area without primary service.

It is further noted that the equipment proposed to be used for the change in operating assignment is already available to applicant; it was procured from another station where a change in equipment has heretofore been authorized.

Upon consideration of the entire matter the Commission finds that the granting of the application will serve the public interest, convenience and necessity.

Broadcast Station KMA, Shenandoah, Iowa, has been granted authority to install a directional antenna, Commissioners Payne and Case dissenting and Commissioner Craven not participating. The Commission has the following to say regarding this grant:

This is an application of May Broadcasting Company, licensee of Station KMA, Shenandoah, Iowa, for authority to install a directional antenna. The operating assignment of KMA under the present license is 960 kc., 1 KW power nighttime, 5 KW power daytime.

The proposed directional antenna is designed to improve and extend the nighttime service of the station through use of its maximum power of 5 KW during nighttime as well as day, and at the same time minimize interference to the services of other stations assigned to the same and adjacent frequencies in this country, as well as in Canada and Mexico. The proposed operation would increase the nighttime service area of the station from 6,740 square miles to 10,700 square miles, extending the service of the station to an additional population of approximately 280,000, a gain of approximately 80% in the potential nighttime audience.

This application was filed in 1940, but action thereon was deferred until November, 1941, pending consideration of other related matters. The application was considered on November 4, 1941, at which time the Commission in effect gave the applicant's proposal conditional approval, directing a conference between engineers for the Commission and the applicant, respectively, for the purpose of arriving at certain modifications in the design of the proposed directional antenna and accordingly the submission of an amended application setting forth the additional engineering data for final approval. Pursuant to the conference, the applicant prepared amendments to its application and submitted the same together with the required engineering data. The Commission finds the amended proposal to be in accord with the conditions approved in the meeting of November 4. It is further noted that the applicant shows that it procured and paid for substantially all of the equipment necessary to make the proposed changes soon after the conference, at which it learned that the Commission had given the matter conditional approval. A petition attached to the application shows that materials were delivered prior to February 11, 1942.

In view of all of the circumstances in this case, the Commission is of the opinion that the amended application should be considered as meeting the requirements of the policy announced in the Memorandum Opinion of February 23, 1942, relating to use of critical materials. In that Opinion, the Commission indicated that where an application had been granted subject to approval of a further application to be filed by the applicant, such further application might be granted if the applicant had, pursuant to the prior grant actually commenced construction or made substantial expenditures for materials or equipment prior to the date of the Opinion. In consideration of all the matters concerned in the case, the Commission finds that the granting of the application will serve public interest and necessity.

### MISCELLANEOUS

Bob Jones College, Inc., Cleveland, Tenn.—Granted motion for leave to amend application for new station so as to specify a new directional antenna design without removing application from hearing docket.

KPAC—Port Arthur College, Port Arthur, Tex.—Granted motion for permission to amend application for modification of license so as to specify a new directional antenna array.

KMP—Eddie Erlbacher, Cape Girardeau, Mo.—Granted petition to amend application for new coastal harbor station so as

to reduce power to 100 watts day and night; dismissed without prejudice petition to reconsider and grant without hearing, and the Commission on its own motion continued hearing now set for April 30 to May 29.

KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—Granted motion for continuance of hearing now set for April 27 and continued same to June 4.

Chattanooga Broadcasting Corp., Chattanooga, Tenn.—Granted motion for dismissal without prejudice application (B3-P-2666) for new station.

Edwin A. Kraft, Kodiak, Alaska.—Granted petition to dismiss without prejudice application for new station (B-P-3279).

Jefferson Broadcasting Corp., Birmingham, Ala.—Granted petition to cancel hearing and dismiss without prejudice application for new station (B3-P-3162).

Utica Broadcasting Co., Inc., Utica, N. Y.—Granted motion to dismiss without prejudice application for new station (B1-P-3206).

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—Granted petition to dismiss without prejudice application for construction permit (B4-P-3077).

WDNC—Durham Radio Corporation, Durham, N. C.—Granted petition to cancel hearing now set for April 29, and to dismiss without prejudice application for construction permit (B3-P-3170).

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—Granted motion to dismiss without prejudice application for construction permit (B2-P-2574).

Cleveland Broadcasting, Inc., Cleveland, Ohio.—Granted leave to dismiss without prejudice application for new station (B2-P-3359).

KDKA—Westinghouse Radio Stations, Inc., Pittsburgh, Pa.—Granted license to cover construction permit which authorized changes in transmitting equipment (B2-L-1649).

KMBC—Midland Broadcasting Co., Kansas City, Kans.—Granted authority to determine operating power by direct measurement (for auxiliary transmitter) (B4-Z-1380).

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Granted authority to determine operating power by direct measurement of antenna input, in connection with special service authorization (B5-Z-1382).

WMC—Memphis Publishing Co., Memphis, Tenn.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1358).

KOAC—Oregon State Agricultural College, Corvallis, Ore.—Granted modification of construction permit, as modified which authorized new transmitter, installation of directional antenna, increase in power, and move of transmitter, for extension of completion date from April 1 to June 1, 1942 (B5-MP-1533).

W39B—The Yankee Network, Inc., Boston, Mass.—Granted modification of construction permit, as modified which authorized new high frequency broadcast station, for extension of commencement and completion dates from October 27, 1941 and April 25, 1942, to April 25, 1942 and 120 days thereafter, respectively (B1-MPH-86).

W6XYZ—Television Productions, Inc., Los Angeles, Calif.—Granted modification of construction permit as modified which authorized new television station, for extension of completion date only, from April 15, 1942, to October 15, 1942 (B5-MPVB-73).

WLAC—J. T. Ward, tr/as WLAC Broadcasting Service, Nashville, Tenn.—Granted modification of construction permit (as modified which authorized installation of new transmitter and directional antenna for night use, increase in power, and move) for extension of completion date from April 1 to June 1, 1942 (B3-MP-1538).

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Granted license to cover construction permit to move old Composite transmitter to site of new main transmitter, to be used as auxiliary transmitter, for emergency use only (B1-L-1643).

WGR—Buffalo Broadcasting Corp., Buffalo, N. Y.—Granted license to cover construction permit to move auxiliary transmitter to site of new main transmitter (B1-L-1635); granted authority to determine operating power by direct method (B1-Z-1369).

KLCN—Fred O. Grimwood, Blytheville, Ark.—Granted license to cover construction permit as modified, to move transmitter, install new transmitter, changes in antenna and increase in power, change in frequency (authority granted upon the express condition that no operation of the station

may occur between local sunset and local sunrise) (B3-L-1645); granted authority to determine operating power by direct measurement of antenna input (B3-Z-1377).

WSBT—The South Bend Tribune, South Bend, Ind.—Granted license to cover construction permit for changes in and move formerly licensed RCA transmitter to new site of main transmitter and use as auxiliary transmitter only (B4-L-1637); granted authority to determine operating power by direct measurement of antenna power (B4-Z-1371).

WNBC—State Broadcasting Corp., New Britain, Conn.—Granted license to cover construction permit which granted increase in night power and changes in directional antenna for day and night use (B1-L-1602); granted authority to determine operating power by direct measurement of antenna input (B1-Z-1335).

WBX—Westinghouse Radio Stations, Inc., Boston, Mass.—Granted license to cover construction permit which authorized changes in transmitting equipment (B1-L-1648).

WFTM—Fort Myers Broadcasting Co., Fort Myers, Fla.—Granted construction permit for move of transmitter approximately 150 feet from temporary building to permanent building same address (B3-P-3432).

WMBG—Havens & Martin, Inc., Richmond, Va.—Granted modification of construction permit which authorized changes in directional antenna system, for extension of completion date from April 12 to May 12, 1942 (B2-MP-1549).

KMPC—KMPC, The Station of the Stars, Inc., Beverly Hills, Calif.—Granted modification of construction permit (as modified, which authorized increase in power, move of transmitter site, install new transmitter and directional antenna for day and night use), for change in type of transmitter proposed, change in towers of proposed directional antenna from self-supporting to guyed, and extension of completion date to 60 days from May 3, 1942 (B5-MP-1513).

George Johnston, Jr., Birmingham, Ala.—Granted petition to dismiss without prejudice application for construction permit for new station (Docket 6147).

WPRP—Julio M. Conesa, Ponce, Puerto Rico.—Continued consolidated hearing now set for April 22 until May 19, 1942, in re applications for construction permit, for modification of construction permit, and for renewal of license (Docket Nos. 5678, 6107, 6105).

## APPLICATIONS FILED AT FCC

### 610 Kilocycles

KFAR—Midnight Sun Broadcasting Co., Fairbanks, Alaska.—Modification of construction permit (B-P-3436, which authorized increase in power from 1 to 5 KW) for approval of transmitter.

### 770 Kilocycles

WJZ—National Broadcasting Co., Inc., New York, N. Y.—Voluntary assignment of construction permit (B1-P-3253) from National Broadcasting Company, Inc., to Blue Network Company, Inc.

WDAE—Tampa Times Co., Tampa, Fla.—Special service authorization to change frequency from 1250 to 770 kc. and operate with present facilities of 5 KW, unlimited hours, directional antenna. Amended to request directional antenna night.

### 1030 Kilocycles

KOB—Albuquerque Broadcasting Co., Albuquerque, N. M.—Extension of special service authorization to operate on 770 kc., unlimited time, using transmitter authorized under construction permit B5-P-2783, for period 5-10-42 to 11-10-42, with increase in power from 25KW-50KW-LS to 50KW.

### 1060 Kilocycles

NEW—John D. Ewing, New Orleans, La.—Construction permit for a new station to be operated on 1060 kc., 50 KW, unlimited time, employing directional antenna at night. Amended to make changes in directional antenna system, and use day and night, and to request 10 KW night and 50 KW day power. Also amended to specify transmitter location on Louisiana Highway No. 1, approximately 0.35 miles North of Violet, La.

### 1080 Kilocycles

KRLD—KRLD Radio Corporation, Dallas, Tex.—Construction permit for changes in directional antenna.

### 1090 Kilocycles

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Special service authorization for changes in directional antenna.

### 1230 Kilocycles

KVCV—Golden Empire Broadcasting Co., Redding, Calif.—Authority to determine operating power by direct measurement of antenna power.

### 1240 Kilocycles

NEW—Walter H. Nelson, Cadillac, Mich.—Construction permit for a new station to be operated on 1240 kc., 250 watts power, unlimited time.

### 1250 Kilocycles

WDAE—Tampa Times Company, Tampa, Fla.—Construction permit to change frequency from 1250 to 770 kc., and make changes in directional antenna and use at night only.

### 1300 Kilocycles

NEW—Confederate Broadcasting Co., Marietta, Ga.—Construction permit for a new broadcast station to be operated on 1300 kc., 250 watts, daytime.

### 1400 Kilocycles

KTUC—Tucson Broadcasting Co., Tucson, Ariz.—License to cover construction permit (B5-P-3284) for new transmitter and antenna and move studio and transmitter. Amended: re antenna ammeter and engineers affidavit.

KTUC—Tucson Broadcasting Co., Tucson, Ariz.—Authority to determine operating power by direct method. Amended: re antenna ammeter and engineers affidavit.

### 1450 Kilocycles

NEW—The Fort Hamilton Broadcasting Co., Hamilton, Ohio.—Construction permit for a new station to be operated on 1450 kc., 250 watts, unlimited time. Amended: to make changes in transmitting equipment.

KWBW—The Nation's Center Broadcasting Co., Inc., Hutchinson, Kans.—Voluntary assignment of license to William Wyse and Stanley Marsh, d/b as The Nation's Center Broadcasting Co.

### 1490 Kilocycles

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Modification of construction permit (B5-P-3150, which authorized increase in power, change in frequency, installation of new equipment and directional antenna for day and night use, and move of transmitter to new site) to request new transmitter, change power from 5 KW to 1 KW and for approval of present site, and for directional antenna night use only.

## FM APPLICATION

W65H—WDRC, Inc., Hartford, Conn.—Modification of construction permit (B1-PH-35) as modified for a new high frequency broadcast station, requesting extension of completion date from 6-14-42 to 12-14-42.

## MISCELLANEOUS APPLICATIONS

KWID—The Associated Broadcasters, Inc., San Francisco, Calif.—Modification of construction permit (B5-PIB-34) as modified for a new international broadcast station, requesting the addition of 7230 kc. operating unlimited time on this frequency and extension of commencement and completion dates from 12-14-41 and 6-14-42 to 30 days after grant and 150 days thereafter, respectively.

W9XMB—The Moody Bible Institute of Chicago, Chicago, Ill.—Modification of construction permit (B4-PST-4) for a new ST station, requesting extension of completion date from 5-16-42 to 11-16-42.

W75C—The Moody Bible Institute of Chicago, Chicago, Ill.—Modification of construction permit (B4-PH-5) as modified, requesting extension of completion date from 5-3-42 to 11-3-42.

KGEL—General Electric Co., near Belmont, Calif.—Modification of license to add the frequencies 7250, 9550 and 15210 ke. to presently licensed frequencies; sharing time on 9550 ke. with WGEA, share on 15210 with WBOS, and operate unlimited time, on 7250 ke.

WRUS—World Wide Broadcasting Corp., Boston, Mass.—Modification of construction permit (B1-PIB-33) for a new international broadcast station, requesting extension of completion date from 5-16-42 to 9-16-42.

NEW—WHEC, Inc., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 30820, 33740, 35820, 37980 ke., 30 watts, Emission A3.

## FEDERAL TRADE COMMISSION DOCKET

*Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.*

### 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:

**Evening Dress Guild, Inc.**—A combination and conspiracy to suppress and lessen competition in the manufacture and sale of popular priced formal evening dresses is alleged in a complaint against Evening Dress Guild, Inc., and its 16 member manufacturers, all of New York City. Offices of the guild are at 152 West 42nd Street. (4751).

**Golden Gate Factory**—Misrepresentation in the sale of water softening devices is alleged in a complaint issued against Elmer R. Haslett and Priscilla Haslett, whose residence address is 33-80th St., Jackson Heights, Queens, New York, and whose last known business address was Sausalito, Calif. The respondents trade as Golden Gate Factory, The Factory of the Golden Gate Farm, Alkali-Trap Co., and Alkali-Trap Manufacturing Co. (4752)

**New York Merchandise Co., Inc.**, 32 West 23rd St., New York, wholesaler of domestic and imported merchandise, is charged, in a complaint, with misrepresentation in the sale of sun glasses. (4754)

**Rohm & Haas Co., Inc.**—A complaint has been issued charging Rohm & Haas Co., Inc., Philadelphia, with misrepresentation in the sale of "Plexiglas," a synthetic plastic material resembling glass. The respondent manufactures "Plexiglas" at its factory in Bristol, Pa., and sells it to manufacturers or fabricators who utilize it in producing various articles which in appearance are imitative of merchandise made of glass. (4750)

**F. A. Stuart Co.**, Marshall, Mich., distributor of "Stuart's Laxative Compound Tablets," and Benson & Dall, Inc., 327 South

La Salle St., Chicago, advertising agency, are charged, in a Federal Trade Commission complaint, with false advertisement of the Stuart Company's preparation. (4753)

### CEASE AND DESIST ORDERS

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

**Freeman's Products**, Howard City, Mich., formerly of Grand Rapids, Mich., has been ordered to discontinue misrepresentations in the sale of a medicinal preparation designated "Freeman's Pyletts." (4615)

**Dr. A. M. Loughney**, 318 Henshaw Building, Oakland, Calif., has been ordered to cease and desist from misrepresentation in the sale of a health regimen consisting of a brochure entitled "Dr. A. M. Loughney's Dependable Guide to Self-Help" and medicinal preparations designated "Anti-Spasm-Oyl" and "Bowelklean." (4531)

**Nu-Tone Laboratories, Inc.**, 115 South Market St., Chicago, radio equipment manufacturer, has been ordered to discontinue misleading representations in the sale of products designated "aerial eliminators" and "line noise eliminators." (4665)

### STIPULATIONS

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

**Beauty House**, 100 Fifth Ave., New York, distributors of "Beauty House" cosmetics, has entered into a stipulation to cease representing as the customary prices of their products prices and values which are fictitious and in excess of the customary prices; to cease quoting a figure purporting to be the regular or actual value of an article but which is in excess of the price for which the same or similar merchandise is sold or may be usually available in the retail market; and to discontinue representing that an advertised offer is unusual or special so long as no price reduction or other trade concession is made therewith. The respondents further agree to cease referring to their blend of face powder as "Hollywood" or otherwise using geographic or cosmetic names signifying an origin, process or formula which the production so denoted does not in fact possess. (3466)

**Electro-Technical Products, Inc.**, 113 East Center St., Nutley, N. J., stipulated to cease certain representations in the sale of fabrics treated with a coating of various mixtures, including formaldehyde or synthetic resin diluted with mineral spirits. The respondent sells these products to purchasers engaged principally in the fabricating from such fabrics of food container covers for bowls, dishes, glass bottles and similar articles. The respondent corporation agrees to cease employing the word "odorless" or any similar term as descriptive of fabrics not actually free from odor. (3469)

**Evansville Mattress & Couch Co., Inc.**, 1500 West Missouri St., Evansville, Ind., mattress and bedding manufacturer, stipulated to cease designating as new, products made in whole or in part of used or second-hand materials, and to discontinue failing clearing and unequivocally to disclose that such products are composed in whole or in part, as the case may be, of used or second-

hand materials. The respondent further agrees to discontinue employing any false, fictitious or misleading price representation which purports to be the retail sales price of the products but which actually is in excess of the price for which they are customarily sold in the retail trade. (3467)

**Farmers' Mail Order House**, 75 Grand St., New York, dealers in wearing apparel, blankets and other merchandise, entered into a stipulation to cease and desist from certain representations in the sale of their products. (02972)

**Marvel Products Co.**, 1573 Milwaukee Ave., Chicago, has entered into a stipulation to cease certain representations in the sale of a line of bowl covers and food bags, sold under the brand

name "Red Seal." The respondent Nicholas agrees to cease using the word "odorless" or other term of similar implication as descriptive of bowl covers, food bags or other articles which are not actually devoid of scent or odor. (3468)

**Schultz, Baujan & Co., Inc.**, Beardstown, Ill., selling poultry and livestock feeds, and Mace Advertising Agency, Inc., Peoria, Ill., which disseminated advertisements on behalf of the products of Schultz, Baujan & Co., Inc., stipulated to cease representing that "Critic Egg Mash" is a superior feed or contains an ingredient that gives it a plus value; that "Critic Growing Mash" develops chicks into profitable layers; that "Honest Starting and Growing Mash" develops robust, producing pullets, or contains adequate amounts of vitamins, minerals or proteins for growth, and that "Honest Broiler Ration" of itself produces fast growth or fat accumulation in the shortest time. (02971)



## Sanders Hearings

Chairman Lea (D.-Calif.), of the House Interstate Commerce Committee, was reported to have told newspapermen after Wednesday's hearing that the day's testimony made him think new legislation was advisable.

Hearings on the Sanders Bill (H. R. 5497) before the House Committee on Interstate and Foreign Commerce were resumed Tuesday with the reappearance of Neville Miller, who, in response to Mr. Sanders' question, testified that personally he was in favor of Sec. 7 of the bill.

Frank E. Mullen, Vice President and General Manager of NBC, illustrating his testimony with slides, gave the Committee a historical review of the accomplishments and structure of radio broadcasting and asked Congress for a clear definition of radio's "rights and duties" as essential to the continued growth and stability of the industry. He endorsed the recommendations of the Federal Communications Bar Association and the NAB's proposals.

On Wednesday, John T. Cahill, NBC Counsel, testified that:

"The principal need in any revision of the 1934 Act is a clear definition of the standard of 'public interest, convenience or necessity.' We advocate a reaffirmation of the clear purpose of the 1934 Act of a denial of control over the business aspects of network broadcasting.

"To the extent necessary, business aspects should continue within the province of the Department of Justice and the Federal Trade Commission. We endorse in principle the changes recommended by the National Association of Broadcasters bearing upon this problem.

"We believe that the principles underlying other amendments recommended by that Association, as well as the procedural changes proposed by the Federal Communications Bar Association, will benefit radio broadcasting and serve the public interest."

He was followed by William S. Paley, CBS President, who also endorsed the principles of the recommendations of the Federal Communications Bar Association and the NAB. Mr. Paley stated that he felt the time has come when Congress as the representatives of the people must express the will of the people as to the kind of radio broadcasting there is to be in this country. Declaring that the core of the problem in connection with the revision of the Communications Act lies in the extent to which the radio licensing authority should have the power to regulate broadcasting beyond the necessary physical requirements, he said:

"It is my sober judgment that regulation by the FCC should stop at physical requirements. There are laws on the books covering the conduct of broadcasters as well as of other business men, and there are governmental departments charged with bringing to the courts for punishment or correction violations of those laws."

Amplifying his reasons for believing the interests of the public would be adequately protected under such regulation, Mr. Paley stated:

"You have, as I have pointed out, public opinion, the measured judgment of the audience, spoken and written criticism, and nearly everywhere in the country the competitive factor to correct evil and to bring about good. Right here I should point out that the competitive factor is becoming a more and more potent one. In the past two years there have been created by the Commission 109 new radio stations. I believe it is reasonable to expect that many more can be created and that with technical improvements present and prospective, the Commission, if it will address itself to the problem, can see that competitive facilities are available in almost every listening area in the country in which there are people willing to operate them.

"There is one other potent weapon to keep any number of broadcasters from going too far wrong. I well know that if enough broadcasters were to defy public opinion, overlook their opportunities to serve the nation in war and in peace, grow greedy or grow callous, the Congress at some time might well feel that the evil was so great that it must step in even at the cost I have tried to picture to you. Even though an amendment to the Constitution were involved, we might bring upon ourselves such a gross and dismal change if we were stupid enough to do it. I believe our record so far justifies a conclusion that we have not done it yet, that we are not likely to do it, and that the history of legislating only against known and otherwise incurable evils may well be followed when you come to deal with a revision or a new enactment of the radio law."

Elmer Davis, CBS news commentator, gave a detailed explanation of news broadcasting over the network and pleaded for continuance of the present system of radio under competitive private operation as the system best calculated to give the public the news as it actually is.

Thursday, the hearings opened with testimony of Dr. Frank N. Stanton, CBS Director of Research, who outlined Columbia's program policies, and submitted charts and other exhibits in support of the growth and public endorsement of network broadcasting under private operation.

Judge John J. Burns, CBS Counsel, explained the impact of the network regulations on network-affiliate contractual relationships.

Stating that the FCC was a licensing agency and not a regulatory agency, he declared that the network regulations were "revolutionary" and beyond the Commission's legal authority.

## Network Argument

Argument before the United States Supreme Court of the network cases against the government opened April 30, with the appearance of John T. Cahill on behalf of NBC. Mr. Cahill stated that the sole question before the court is whether the proper procedure for review of the Commission's order promulgating the Chain Broadcasting Regulations is that provided in Section 402(a) or that provided in Section 402(b) of the Communications Act. Declaring that the order "seems to come squarely" within the provisions of 402(a) as an order promulgating regulations, he pointed out that the order neither granted nor denied a license of any kind nor has any recognizable relationship to any of the orders reviewable under Section 402(b).

Arguing the network's contention that the order is more than a

(Continued on page 254)

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

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

## NETWORK ARGUMENT

(Continued from page 253)

mere declaration of Commission policy, Mr. Cahill pointed to the results of its promulgation upon NBC affiliates. The affiliated stations, he told the court, had either cancelled their contracts with NBC, threatened to cancel them, or earnestly requested modification of the contracts as of the effective date of the order, without regard to the expiration dates of their licenses. This breaking down of the network structure was continuing, he claimed, despite the stay order temporarily restraining enforcement of the regulations until the decision of the case at bar.

An exercise of the Commission's rule making power like that of the Interstate Commerce Commission has always been reviewable, Mr. Cahill stated, under procedure such as provided in Section 402(a) which had been modelled on the provision for review of orders of the Interstate Commerce Commission. The government's contention that such review of the order in question should be denied in the case at bar, he asserted, was based upon "pure verbalism"—that is, upon the fact that the regulations contain the words "no license shall be granted." The mere fact that the regulations are negative in form and are directed in terms to the Commission, he contended, does not affect their reviewability under Section 402(a). In form, purpose and effect, he stated, the regulation is an "order" within the meaning of Section 402(a).

In conclusion, Mr. Cahill stated that to force the networks to wait until some radio station had been denied a license by the Commission before they could question the validity of the order would result in great hardship to the stations and the networks and a great loss to the public.

On May 1, Telford Taylor, General Counsel of the Commission, argued for the government in both the NBC and CBS cases. He outlined the alleged need for regulation of the networks, pointing to the physical limitations in the field of radio. He stated that because of exclusive contracts of affiliation one or more of the networks had to be excluded in the great majority of cities and towns, and that any new network coming into the field would have little or no opportunity to find outlets.

Chief Justice Stone remarked: "These facts go to the merits of the granting or denying of a license application, but are they necessary for a consideration of this jurisdictional question that is before us?"

"The facts are necessary for an understanding of the policy adopted by the Commission and form the crux of the jurisdictional issue," Mr. Taylor replied. Upon being questioned by Mr. Justice Jackson, Mr. Taylor stated that any attack on the unreasonableness of the regulations would have to await their application to a particular situation in a license proceeding reviewable under Section 402(b).

Referring to the rule prohibiting stations from granting option time, the Chief Justice inquired: "Isn't the effect of this rule to force broadcast stations to change their contracts with networks?"

"Irrespective of any disruption of existing contractual relations between the stations and the networks," replied Mr. Taylor, "the question here is one of legal injury."

"Legal injury to the extent that you are denying the network a hearing?" queried the Chief Justice.

"On the contrary," Mr. Taylor said, "we are contending that they must have a further hearing before they can come to the courts questioning the effect of a non-final order. They must have a hearing on some application and a final administrative act before they can bring the case to the courts."

At the conclusion of an hour of Mr. Taylor's argument, Charles E. Hughes, Jr., argued in behalf of CBS. He declared that the regulations, ostensibly directed at the actions of the broadcast stations, were in reality directed at the networks themselves. He contended that the stations had indicated an intention to comply with the regulations, and that as a result the networks would have no opportunity to contest the validity of the order until after they had disintegrated. Pointing out that a hearing was necessary only when the Commission refused an application he stated that if the stations, because of the expense of litigation, or the fear of "incurring the displeasure" of the Commission complied with the regulations there would be no hearings under Section 402(b) and, therefore, no opportunity for the networks to intervene.

"How much weight do you think we should give to the statement of Government's counsel that these regulations were merely a statement of policy rather than an order?" asked the Chief Justice.

"The impression of counsel is at war not only with the statement of the Commission in the regulations but with all subsequent orders issued by the Commission," replied Mr. Hughes.

Mr. Hughes argued that the effect of the order would be ruinous to the network system of nationwide broadcasts and would have considerable adverse effect upon the advertising on which the networks depend for their sole source of revenue.

On the point of the finality of the order in question, Mr. Justice Frankfurter inquired: "By casting the order in the form used, did the Commission evince a finality that satisfied the requirements of 402(a)?"

In reply Mr. Hughes stated: "This is a formal order adopting the regulations covering network broadcasting and indicating an intent not to deviate from the provisions contained therein. It certainly has not only the effect but also the technical requirements of an order within the meaning of 'order' in 402(a)."

As authority for his contention that a third party, here the networks, threatened with injury resulting from an unlawful coercion to breach or amend a contract to the damage of that third party may sue to enjoin the coercion, which in the case at bar, he asserted, was contained in the Commission's order, Mr. Hughes cited the cases of *Truax v. Raich*, 239 U. S. 33, and *Pierce v. Society of Sisters*, 265 U. S. 510.

Following Mr. Hughes appearance, Mr. Taylor concluded his argument and was followed by Louis G. Caldwell on behalf of Mutual. Mr. Caldwell contended that enforcement of the order would not disrupt the national network system but would operate for the benefit of the listening public. In support of his contention that the order is not reviewable under Section 402(a), he asserted that the regulation is a quasi-legislative, rather than a quasi-judicial, decision of the Commission, requiring no notice and hearing, and is therefore not reviewable until action under the regulation had been taken in a licensing proceeding under Section 402(b).

In his opening remarks Mr. Hughes asked the court to stay the operation of the regulations until ten days after their decision was handed down. The Chief Justice remarked that the decision on the motion for stay would be made promptly.

## Sales

### THEATRES SHOULD USE RADIO

In looking for major sources of replacement revenue, radio salesmen in many cities may find theatres to be promising prospects.

Not yet seriously affected by priorities or other wartime curtail-

ments, motion picture exhibitors are among those who can derive considerable benefit from the widespread increase in national income. Their product, moreover, has the blessing of governmental morale agencies since attendance at the theatre provides a wholesome escape from war tension, and because patriotic films paradoxically are themselves, like radio, a great stimulus to civilian morale and to the victory program.

For that reason Volume 2, No. 8 of the "Results from Radio" series of trade studies, mailed to all member stations last week, was devoted to theatre advertising by radio. The outstanding job done by WSAZ in Huntington can, it is believed, be duplicated in hundreds of other cities throughout the country.

Additional ammunition for the radio salesman came to light this week, when a survey conducted by the Motion Picture Service Bureau, based on 508 interviews in greater New York, showed that persons who listen regularly to radio programs after 6 p. m. are also regular movie-goers, whereas those who do not listen to evening radio programs, or who listen rarely, are poor theatre fans.

By all rules of advertising logic, radio is an ideal advertising medium for exhibitors. Like no other medium, radio arouses interest, creates desire, appeals to the emotions, and reaches more people at a lower net cost. (For amplification of these points, cfr. "Manual of Radio Advertising.") The high-rated stars of radio and the box-office champions of the movies are very often the same people, and the two forms of entertainment in many respects are perfectly complementary.

One reason advanced for the sparing use of radio advertising by exhibitors in the past is that theatrical advertising managers often think in terms of "exploitation" rather than paid advertising. Free publicity, stunts and trade-deals often loom large in their program. Most of them have been trained in space-media, in the lavish use of photographs and alliterative headlines. Radio, requiring a newer technique and a cash budget, is sometimes not fully understood or appreciated. The point has also been made that radio suffered from a measure of prejudice because of its competitive function as an entertainment medium, although the Motion Picture Service Bureau survey should do much to dispel that feeling.

All these obstacles can be overcome, as they were in Huntington by WSAZ, if radio salesmen will undertake to learn the problems of the theatrical advertiser and if the program and production staffs of radio stations will assist the theatres in developing effective, economical campaigns.

A related field of entertainment, the circus, presented an even more difficult problem, but by consistent endeavor was finally won over to the advantages of radio advertising. If a successful selling job can be done on the circus, there seems no reason why even greater success cannot be achieved with the movies.

A factor in radio's favor is that priorities and shortages may soon affect some of the materials heretofore used in theatrical advertising. In Australia, for example, the same situation prevailed. Before the war, exhibitors did not use radio, but relied largely on newspaper, outdoor, posters, etc. Soon afterward shortages developed in newsprint, poster stock, engraving metals and other materials. Theatres turned to radio and shortly became one of the more important sources of local radio advertising revenue. There is no shortage of paper stocks yet in the United States, but many advertisers are keeping a worried eye on present sources of supply.

Radio, while not wishing to profit from the misfortunes of war that may befall other media, should nevertheless be alert to sell itself on its own inherent advantages to all logical prospects. On this basis, exhibitors who turn to radio, for any reason, will find it so effective that they will remain for all time in the ranks of satisfied air users.

In the national spot field several producers have shown increasing interest in the airwaves for paid promotion of outstanding features. Although most still remain in the free-time-exploitation class, some encouragement has been noted, as in the case of Paramount.

This week a letter to the NAB from Irving B. Kahn, director of radio promotion for Twentieth Century-Fox, stated:

"No one will dispute the fact that up until four years ago, the radio industry and the motion picture industry were completely at odds. However, since that time, much has taken place to indicate that they can work together, and to the mutual advantage of both.

"Our department has effected any number of national tieups and about a year ago, in an amateurish sort of way, we started in the spot radio field, which exhaustive surveys of our own theatre connections have shown us *is the ultimate outlet of every motion picture theater in a city that has a radio station.*"

Mr. Kahn advocates a program whereby: 1) radio salesmen would learn the problems of theatrical advertising, 2) would stage a thorough local sales campaign among exhibitors, and 3) producers would support this campaign with national spot expenditures and encouragement of radio as a medium for exhibitors.

"Nothing but a closer affiliation can come from this," he wrote. "I might add that in the past year the feeling of theatre operators toward radio advertising has changed from one of complete reluctance to visible attempts to cooperate. . . . In the motion picture industry there is a large potential advertising group; a group which can be sold on spot radio, and if you will try to sell it, we will strongly attempt to help you sell it."

The traditional "summer slump" is now facing exhibitors, whose problems have been further complicated by the adoption of national daylight-saving wartime. Radio thus has a chance to show its advertising effectiveness and its economy, at a time when these two items never meant more to theatre operators.

To supply valuable data for an industry-wide campaign, stations are invited to contribute case histories, program ideas, and suggestions. Such material sent to the NAB Department of Broadcast Advertising will be put in convenient form for the use of all members.

## STATIONS WELCOME WAR BOND COPY

The package of broadcasting material and suggestions recently sent by the Treasury Department to all radio stations, for sale to local sponsors, has met with a warm reception.

Letters received by Vincent F. Callahan indicate that many stations have used this material effectively to secure local sponsors, thus providing some needed revenue and enabling the stations to do an even more effective job of promoting the war program.

The commercial manager of one Mid-Atlantic station reports:

"I personally took the kit out and started canvassing, and on the first day sold 221 Treasury messages at the regular one-minute spot rate; this to give you an idea of how easy to sell these messages it really is. In a short time we hope to be running 100 per week, sponsored. The owners and management of this station sincerely appreciate your cooperation in making these announcements available for sale."

A New England station, reporting similar success, states:

"I believe this is a step in the right direction, for economical conditions due to the curtailment of essentials has reduced our advertising income 75%. I believe that if the plan is taken up by other agencies, a lot of smaller stations will survive, where without some assistance they must close for the duration."

Another station commented that the revenue thus derived "permits us to carry a greater volume of war programs on a sustaining basis."

Mr. Callahan expects to be at Cleveland for the NAB convention where he will be available for consultation with broadcasters and where a supply of extra Treasury broadcasting kits will be on hand.

## PEABODY AND MENDENHALL THE SAME

As indicated in last week's NAB REPORTS, the Peabody Co., of Mendenhall, Miss., is owned by Spurgeon Pickering, who also

owns the Mendenhall Manufacturing Co., according to word received from him in response to an NAB inquiry.

Last year, many stations will recall, the Mendenhall Co. sent out per-inquiry orders on women's hosiery. Some stations, refusing the P-I deals, asked for firm contracts at regular rates, and later reported that their bills were not paid by Pickering.

Now the Peabody Co. is asking for rates and availabilities to advertise a perfume at 25 cents. The original inquiry was signed by "Sam Panicke," which seems to be another name for Spurgeon Pickering.

In his letter to the NAB, Mr. Pickering says: "You can see that I ask for no per-inquiry proposition and I told you last year that I would not ask for any more and the fact of the matter is that I don't want any. I am merely seeking more stations that have a record of pulling mail orders, and with such stations my terms with them will be cash, in advance.

"As you probably know, several stations were squawking last year because I would not pay them. That is, some that I instructed that if they did not pull 4 orders for every advertising dollar to discontinue my announcement. It is a fact that some of these stations did not produce a single order and rendered a bill for \$100 or \$200. According to my way of thinking and doing business I have paid all radio stations that have rendered the service to me.

"I am writing you these things because I am in sympathy with your line of work and in the past we have more or less worked together."

The NAB suggests that Mr. Pickering's "cash in advance" proposal should be accepted by any stations that wish to carry his account.

## KERMIT-RAYMOND SEEKS TRADE

The Kermit-Raymond Corp. of New York, a program producing agency, is reported by NAB members to be seeking a trade deal whereby it will give the station one "Famous Father" transcription per week in exchange for 12 one-minute spots, the spots to be used by the agency in any way it wishes, and for any client. The requested deals are to run for 13 weeks.

That such a deal would be all to the benefit of the agency is obvious after a little simple arithmetic. On the first station reporting the offer, for example, the value of 12 daytime spots, figured at card rates after all discounts, was nearly \$350 per week—for which Kermit-Raymond was willing to give one 15-minute transcription to be used as the station wished.

## Labor

### WAGE AND SALARY INCREASES

What is national policy with regard to wage and salary increases? No one seems to know exactly.

The best summary of the situation as of today (May 7) is contained in the following editorial from the *Baltimore Sun*:

#### NO CLARITY AS YET ON THE WAGE POLICY

Arbitral settlement of a wage controversy in Detroit and the President's telegram to a shipbuilding wage-stabilization conference meeting at Chicago are far from clarifying the Administration's wage program. The Detroit award, made under the terms of the construction agreement negotiated by Mr. Hillman with the AFL building-trades unions, provided wage increases for some of the less well-paid lines but denied wage increases to some of the better-paid lines. Yet in his radio address the President had said in so many words that "you will have to forego higher wages for your particular job for the duration of the war. . . ."

In the telegram to the Chicago shipbuilders' meeting Mr. Roosevelt declared that "the full percentage wage increase for which your contracts call, and to which, by the letter of the law, you are entitled, is irreconcilable with the national policy to control

the cost of living." Inasmuch as these contracts were negotiated by Mr. Hillman's shipbuilding stabilization committee, and inasmuch as the President's message specifically stated that existing contracts must be carried through, the Chicago conferees may be forgiven if they are a little confused.

The President stated in his message that the War Labor Board would handle wage questions. But no clearer statement of wage policy has come from that source. Chairman William H. Davis is arguing, as usual, that each case will have to be decided on its merits. That seems to suggest that some cases may be found to warrant wage increases despite the apparent mandate of the President's words as quoted above.

This Administration, be it remembered, protests again and again that it does not believe in strict principle in labor matters. It has proceeded to date on the assumption that in labor disputes it "cannot ignore the acceptability of any proposed settlement to the particular party which has the greatest economic power to enforce its demands."

Such a policy of opportunism will, of course, have to be abandoned eventually. There are signs that its abandonment may be at hand so far as wages go. But as of now, no more than that can be said.

## WOV CASE

Trial Examiner Earl S. Bellman, of the NLRB, announced his Intermediate Report recommending that Greater New York Broadcasting Corporation, New York City, operator of Station WOV, upon request, bargain collectively with American Communications Association, Local 16 (CIO), as sole collective bargaining agent of its employees.

Finding that the company had in various ways engaged in interference and coercion of its employees in their rights to self-organization, the Trial Examiner recommended that it cease discouraging membership in ACA or any other labor organization of its employees.

The company was also directed to reinstate with back pay 31 employees who went out on strike November 3 and 4, 1940, during bargaining negotiations. Subsequently, the company refused to bargain with the union, alleging that individual members had committed acts of sabotage. The Trial Examiner found that although the company had not refused to bargain collectively prior to the strike, it had done so afterwards. The fact that a strike intervened during negotiations, the Trial Examiner said, although it may have been "unwise and accompanied by wrongful acts," did not absolve the company from its duty to bargain. He held that the company's belief that the strikers had engaged in sabotage was "secondary" in determining the company's course of conduct in its "primary" determination to make good its threat to the strikers of loss of employment and to avoid dealing with the ACA.

## KGFF BUYS BONDS

Joseph W. Lee, KGFF, reports that his entire staff has authorized salary deductions for purchase of war bonds.

## "LIMITS OF CENSORSHIP"

Neville Miller was a contributor to a symposium on "The Limits of Censorship" published in the Spring issue of *The Public Opinion Quarterly*. The entire issue was devoted to various aspects of public opinion and its moulding. It should be of interest to all broadcasters.

## FEDERAL LEGISLATION

### HOUSE JOINT RESOLUTION

H. J. Res. 304 (Celler, D.-N. Y.) INVESTIGATIONS—To authorize the Federal Bureau of Investigation of the Department of Justice, the Military Intelligence Division of the War Department, and the Office of Naval Intelligence of the Navy Department to conduct certain investigations in the interest of prosecution of the war. Referred to Committee on Judiciary. Committed to the Committee of the Whole House on the state of the Union, April 23, 1942. Recommitted to Committee on Judiciary, May 4, 1942.

# IDAHO

Number of Occupied Dwelling Units, Percent Radio Equipped and Number of Dwellings Having Radios by County, and  
Cities of 2500 or More Population—Urban, Rural-Nonfarm and Rural-Farm: 1940\*

County	All Units			Urban Units			Rural-Nonfarm Units			Rural-Farm Units		
	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units
Ada.....	14,423	91.1	13,140	7,866	93.3	7,337	3,600	88.1	3,172	2,957	89.0	2,631
Adams.....	971	74.5	724	.....	.....	.....	510	74.5	380	461	74.6	344
Bannock.....	8,892	90.5	8,048	5,574	94.1	5,244	1,463	88.4	1,293	1,855	81.4	1,511
Bear Lake.....	1,961	94.6	1,855	734	95.4	700	548	94.0	515	679	94.3	640
Benewah.....	2,103	81.7	1,718	.....	.....	.....	1,350	83.5	1,128	753	78.3	590
Bingham.....	4,964	87.2	4,325	1,034	94.3	975	1,340	88.8	1,190	2,590	83.4	2,160
Blaine.....	1,473	82.6	1,216	.....	.....	.....	1,132	83.3	943	341	80.1	273
Boise.....	753	70.4	530	.....	.....	.....	533	70.0	373	220	71.5	157
Bonner.....	4,606	76.4	3,517	1,347	83.0	1,118	1,440	76.9	1,108	1,819	71.0	1,291
Bonneville.....	6,467	89.0	5,757	4,010	89.1	3,571	494	88.6	438	1,963	89.1	1,748
Boundary.....	1,657	81.8	1,355	.....	.....	.....	828	85.4	707	829	78.2	648
Butte.....	504	76.6	386	.....	.....	.....	217	75.6	164	287	77.3	222
Camas.....	369	89.3	330	.....	.....	.....	164	91.9	151	205	87.3	179
Canyon.....	11,225	87.9	9,864	5,675	90.1	5,114	1,229	80.8	993	4,321	87.0	3,757
Caribou.....	630	88.2	555	.....	.....	.....	415	91.2	378	215	82.2	177
Cassia.....	3,488	85.3	2,977	1,399	87.1	1,219	507	85.8	435	1,582	83.6	1,323
Clark.....	276	88.5	244	.....	.....	.....	160	93.5	150	116	81.0	94
Clearwater.....	2,254	78.4	1,766	.....	.....	.....	1,609	78.7	1,266	645	77.6	500
Custer.....	1,008	75.7	764	.....	.....	.....	626	73.1	458	382	80.2	306
Elmore.....	1,549	79.9	1,237	.....	.....	.....	1,066	85.9	916	483	66.5	321
Franklin.....	2,357	93.5	2,203	1,050	95.1	998	338	94.2	318	969	91.5	887
Fremont.....	2,430	86.8	2,109	700	84.6	592	798	88.9	709	932	86.7	808
Gem.....	2,601	84.0	2,186	919	92.4	849	460	78.7	362	1,222	79.8	975
Gooding.....	2,451	82.3	2,018	726	88.6	643	480	87.6	421	1,245	76.6	954
Idaho.....	3,543	78.7	2,790	.....	.....	.....	1,926	77.8	1,498	1,617	79.9	1,292
Jefferson.....	2,522	88.3	2,227	.....	.....	.....	1,099	88.9	977	1,423	87.8	1,250
Jerome.....	2,546	85.5	2,178	931	88.7	826	281	84.1	236	1,334	83.7	1,116
Kootenai.....	6,723	86.2	5,796	3,209	91.9	2,948	1,566	82.3	1,289	1,948	80.0	1,559
Latah.....	5,355	88.9	4,758	1,850	94.7	1,752	1,411	87.8	1,239	2,094	84.4	1,767
Lemhi.....	1,890	73.0	1,381	.....	.....	.....	1,236	71.9	889	654	75.2	492
Lewis.....	1,302	89.0	1,159	.....	.....	.....	750	88.8	666	552	89.4	493
Lincoln.....	1,137	79.5	904	.....	.....	.....	601	84.8	510	536	73.6	394
Madison.....	2,098	89.4	1,876	862	93.8	809	290	84.8	246	946	86.8	821
Minidoka.....	2,563	86.6	2,221	907	85.3	774	371	84.9	315	1,285	88.1	1,132
Nez Perce.....	5,620	88.0	4,948	3,394	90.4	3,069	801	82.9	664	1,425	85.3	1,215
Oneida.....	1,285	90.1	1,159	683	93.9	642	100	88.0	88	502	85.4	429
Owyhee.....	1,526	68.2	1,041	.....	.....	.....	648	71.6	464	878	65.8	577
Payette.....	2,687	85.0	2,285	1,017	87.4	889	563	79.5	448	1,107	85.6	948
Power.....	1,033	82.7	854	.....	.....	.....	551	84.2	464	482	80.9	390
Shoshone.....	6,073	90.4	5,489	2,308	94.1	2,171	3,508	88.7	3,112	257	80.2	206
Teton.....	817	82.2	672	.....	.....	.....	374	86.1	322	443	78.9	350
Twin Falls.....	9,979	89.7	8,948	3,459	90.9	3,145	2,728	87.2	2,378	3,792	90.3	3,425
Valley.....	1,162	78.8	916	.....	.....	.....	827	82.6	683	335	69.5	233
Washington.....	2,454	83.4	2,045	1,120	86.5	968	297	78.6	233	1,037	81.4	844
State Total.....	141,727	86.4	122,471	50,774	91.3	46,353	41,235	84.1	34,689	49,718	83.3	41,429

\* Source: Figures of the number of Occupied Dwelling Units and Percent Radio Equipped published by U. S. Census in the Second Series Housing Report for Idaho.

Figures of the number of Radio Equipped Occupied Dwelling Units calculated by NAB Research Department to project total figures. Census release did not include 4,206 Occupied Dwelling Units because answers to radio question were not obtained in enumeration.

# MONTANA

Number of Occupied Dwelling Units, Percent Radio Equipped and Number of Dwellings Having Radios by County,  
and Cities of 2500 or more Population—Urban, Rural-Nonfarm and Rural-farm: 1940\*

County	All Units			Urban Units			Rural-Nonfarm Units			Rural-Farm Units		
	Units	%	Radio Units	Units	%	Radio Units	Units	%	Radio Units	Units	%	Radio Units
Beaverhead.....	2,321	75.9	1,763	1,003	83.2	834	524	74.6	391	794	67.7	538
Big Horn.....	2,516	79.4	1,999	.....	.....	.....	1,197	78.5	940	1,319	80.3	1,059
Blaine.....	2,443	78.5	1,916	.....	.....	.....	1,264	81.0	1,024	1,179	75.6	892
Broadwater.....	958	77.6	744	.....	.....	.....	605	79.7	482	353	74.2	262
Carbon.....	3,303	82.8	2,737	923	86.9	802	1,051	83.7	880	1,329	79.4	1,055
Carter.....	910	77.9	709	.....	.....	.....	243	75.1	183	667	78.9	526
Cascade.....	12,442	90.6	11,270	9,125	92.9	8,475	1,783	84.9	1,513	1,534	83.6	1,282
Chouteau.....	2,121	86.6	1,837	.....	.....	.....	849	87.1	740	1,272	86.3	1,097
Custer.....	2,958	88.5	2,618	2,152	90.7	1,952	262	88.5	232	544	79.7	434
Daniels.....	1,172	90.1	1,056	.....	.....	.....	523	90.3	472	649	90.0	584
Dawson.....	2,265	90.2	2,041	1,219	95.9	1,170	186	82.8	154	860	83.4	717
Deer Lodge.....	4,062	91.2	3,704	3,314	92.5	3,066	489	86.3	422	259	83.3	216
Fallon.....	930	88.1	819	.....	.....	.....	476	90.7	432	454	85.3	387
Fergus.....	4,037	86.8	3,503	1,741	89.6	1,560	800	82.0	656	1,496	86.0	1,287
Flathead.....	7,111	88.6	6,296	3,359	91.0	3,057	1,726	87.8	1,515	2,026	85.1	1,724
Gallatin.....	5,249	86.8	4,558	2,628	88.9	2,336	1,172	82.6	1,010	1,449	83.6	1,212
Garfield.....	758	77.8	590	.....	.....	.....	238	75.0	179	520	79.1	411
Glacier.....	2,386	75.6	1,805	739	91.7	678	1,127	70.3	792	520	64.3	335
Golden Valley.....	463	86.0	399	.....	.....	.....	198	85.2	169	265	86.6	230
Granite.....	1,143	77.9	890	.....	.....	.....	818	78.4	642	325	76.4	248
Hill.....	3,556	90.0	3,198	1,742	95.1	1,657	680	85.5	581	1,134	84.7	960
Jefferson.....	1,224	82.7	1,013	.....	.....	.....	824	83.3	686	400	81.6	327
Judith Basin.....	1,027	87.5	899	.....	.....	.....	433	87.9	381	594	87.2	518
Lake.....	3,640	83.0	3,022	.....	.....	.....	1,810	84.3	1,527	1,830	81.7	1,495
Lewis and Clark.....	6,745	87.8	5,924	4,885	90.1	4,373	1,258	83.7	1,053	632	78.7	498
Liberty.....	647	85.3	552	.....	.....	.....	252	87.1	220	395	84.1	332
Lincoln.....	2,347	79.4	1,864	.....	.....	.....	1,629	82.4	1,343	718	72.5	521
McCone.....	1,004	85.2	856	.....	.....	.....	296	82.8	245	708	86.2	611
Madison.....	2,136	77.6	1,657	.....	.....	.....	1,244	82.3	1,023	892	71.1	634
Meagher.....	659	82.6	544	.....	.....	.....	388	79.4	308	271	87.2	236
Mineral.....	727	78.3	569	.....	.....	.....	597	79.1	472	130	74.6	97
Missoula.....	8,296	89.2	7,396	5,530	90.8	5,023	1,784	88.3	1,575	982	81.2	798
Musselshell.....	1,677	85.9	1,440	768	92.1	707	538	83.9	451	371	76.0	282
Park.....	3,454	87.9	3,032	1,963	92.3	1,812	691	82.7	572	800	81.0	648
Petroleum.....	333	77.6	259	.....	.....	.....	162	78.8	128	171	76.5	131
Phillips.....	2,304	80.2	1,848	.....	.....	.....	1,258	80.4	1,011	1,046	80.0	837
Pondera.....	1,794	84.2	1,511	.....	.....	.....	883	83.1	733	911	85.4	778
Powder River.....	924	71.4	659	.....	.....	.....	181	81.5	147	743	68.9	512
Powell.....	1,852	82.6	1,530	864	93.1	805	446	73.8	328	542	73.3	397
Prairie.....	647	81.0	525	.....	.....	.....	397	81.0	322	250	81.0	203
Ravalli.....	3,724	81.3	3,028	.....	.....	.....	1,786	84.4	1,507	1,938	78.5	1,521
Richland.....	2,625	86.2	2,264	798	91.4	730	475	85.8	407	1,352	83.4	1,127
Roosevelt.....	2,462	83.0	2,044	.....	.....	.....	1,449	85.5	1,239	1,013	79.5	805
Rosebud.....	1,745	75.0	1,309	.....	.....	.....	990	75.4	746	755	74.5	563
Sanders.....	2,065	76.3	1,575	.....	.....	.....	1,150	77.0	885	915	75.4	690
Sheridan.....	2,011	85.8	1,726	.....	.....	.....	955	87.6	837	1,056	84.2	889
Silver Bow.....	16,594	90.7	15,048	11,881	90.4	10,737	4,448	92.4	4,108	265	76.7	203
Stillwater.....	1,592	85.9	1,368	.....	.....	.....	725	85.3	619	867	86.3	749
Sweet Grass.....	1,109	82.0	908	.....	.....	.....	505	86.8	438	604	77.9	470
Teton.....	1,996	86.6	1,729	.....	.....	.....	873	89.5	782	1,123	84.3	947
Toole.....	1,973	86.4	1,705	719	88.1	633	721	87.9	634	533	82.2	438
Treasure.....	395	80.6	318	.....	.....	.....	145	82.7	120	250	79.4	198
Valley.....	4,096	88.2	3,611	1,077	91.5	986	1,863	87.7	1,634	1,156	85.8	991
Wheatland.....	911	88.1	803	.....	.....	.....	665	89.5	595	246	84.4	208
Wibaux.....	564	86.9	491	.....	.....	.....	209	85.0	178	355	88.1	313
Yellowstone.....	11,542	90.1	10,403	7,748	92.2	7,143	1,480	89.1	1,319	2,314	83.9	1,941
Yellowstone National Park (part).....	18	100.0	18	.....	.....	.....	16	100.0	16	2	100.0	2
State Total.....	159,963	86.2	137,900	64,148	91.3	58,536	49,737	84.4	41,998	46,078	81.1	37,366

\* Source: Figures of the number of Occupied Dwelling Units and Percent Radio Equipped published by U. S. Census in the Second Series Housing Report for Montana.

Figures of the number of Radio Equipped Occupied Dwelling Units calculated by NAB Research Department to project total figures. Census release did not include 3,939 Occupied Dwelling Units because answers to the radio question were not obtained in enumeration.

## IDAHO

### CITIES OF 2500 OR MORE POPULATION

City	County	Units	% Radio	Radio Units
Boise City.....	Ada	7,866	93.3	7,337
Alameda village.....	Bannock	635	94.1	597
Pocatello.....	"	4,939	94.1	4,647
Montpelier.....	Bear Lake	734	95.4	700
Blackfoot.....	Bingham	1,034	94.3	975
Sandpoint.....	Bonner	1,347	83.0	1,118
Idaho Falls.....	Bonneville	4,010	89.1	3,571
Caldwell.....	Canyon	2,154	89.4	1,925
Nampa.....	"	3,521	90.4	3,189
Burley.....	Cassia	1,399	87.1	1,219
Preston.....	Franklin	1,050	95.1	998
St. Anthony.....	Fremont	700	84.6	592
Emmett.....	Gem	919	92.4	849
Gooding city.....	Gooding	726	88.6	643
Jerome city.....	Jerome	931	88.7	826
Coeur d'Alene.....	Kootenai	3,209	91.9	2,948
Moscow.....	Latah	1,850	94.7	1,752
Rexburg.....	Madison	862	93.8	809
Rupert.....	Minidoka	907	85.3	774
Lewistown.....	Nez Perce	3,394	90.4	3,069
Malad City village.....	Oneida	683	93.9	642
Payette city.....	Payette	1,017	87.4	889
Kellogg.....	Shoshone	1,245	94.8	1,180
Wallace.....	"	1,063	93.3	991
Twin Falls city.....	Twin Falls	3,459	90.9	3,145
Weiser.....	Washington	1,120	86.5	968

## MONTANA

### CITIES OF 2500 OR MORE POPULATION

City	County	Units	% Radio	Radio Units
Dillon.....	Beaverhead	1,003	83.2	834
Red Lodge.....	Carbon	923	86.9	802
Great Falls.....	Cascade	9,125	92.9	8,475
Miles City.....	Custer	2,152	90.7	1,952
Glendive.....	Dawson	1,219	95.9	1,170
Anaconda.....	Deer Lodge	3,314	92.5	3,066
Lewistown.....	Fergus	1,741	89.6	1,560
Kalispell.....	Flathead	2,561	90.5	2,318
Whitefish.....	"	798	92.7	739
Bozeman.....	Gallatin	2,628	88.9	2,336
Cut Bank town.....	Glacier	739	91.7	678
Hayre.....	Hill	1,742	95.1	1,657
Helena.....	Lewis & Clark	4,885	90.1	4,373
Missoula city.....	Missoula	5,530	90.8	5,023
Roundup.....	Musselshell	768	92.1	707
Livingston.....	Park	1,963	92.3	1,812
Deer Lodge.....	Powell	864	93.1	805
Sidney.....	Richland	798	91.4	730
Butte.....	Silver Bow	11,881	90.4	10,737
Shelby.....	Toole	719	88.1	633
Glasgow.....	Valley	1,077	91.5	986
Billings.....	Yellowstone	6,971	92.2	6,428
Laurel.....	"	777	92.1	715

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

### HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, May 11. They are subject to change.

**Monday, May 11**

Consolidated Hearing

**KGGM**—New Mexico Broadcasting Co., Albuquerque, N. M.—C. P., 590 kc., 5 KW day, 1 KW night, unlimited, DA-night.  
**KVSF**—New Mexico Broadcasting Co., Santa Fe, N. M.—C. P., 1260 kc., 1 KW, unlimited.  
**WSOO**—Hiawathaland Broadcasting Co., Sault Ste. Marie, Mich.—Renewal of license, 1230 kc., 100 watts night, 250 watts day, unlimited.

**Wednesday, May 13**

Further Consolidated Hearing

**NEW**—Herald Publishing Company, Klamath Falls, Ore.—C. P., 1400 kc., 250 watts, unlimited.  
**NEW**—Dorman Schaeffer, Klamath Falls, Ore.—C. P., 1400 kc., 250 watts, unlimited.

**Thursday, May 14**

Consolidated Hearing

**WJMS**—WJMS, Incorporated, Ironwood, Mich.—Renewal of license, 1450 kc., 250 watts, unlimited.  
**WATW**—WJMS, Incorporated, Ashland, Wisc.—Renewal of license, 1400 kc., 100 watts, unlimited.

**Friday, May 15**

**NEW**—Frequency Broadcasting Corp., Brooklyn, N. Y.—C. P., 45900 kc., 8,500 sq. mi., unlimited.

Further Hearing

**NEW**—Portsmouth Radio Corp., Portsmouth, Va.—C. P., 1490 kc., 250 watts, unlimited.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

**KOB**—Albuquerque Broadcasting Co., Albuquerque, N. M.—Granted application in part for extension of special service authorization to operate with 25 KW night power until September 30, 1942.  
**WJMA**—John & Marcia Arrington, d/b as Arrington & Arrington (Assignors), Earl M. Key (Assignee), Covington, Va.—Granted consent to assignment of license (B2-AL-337) for station WJMA, from John F. and Marcia Arrington to Earl M. Key, for a total consideration of \$15,000.  
**WJMS**—WJMS, Inc., Ashland, Wisc.—Granted petition of WJMS, Inc., licensee of Stations WJMS and WATW, requesting reconsideration and the setting aside of the Commission's Order of December 30, 1941, designating for hearing applications for renewal of licenses; cancelled hearing and granted renewal of licenses for said stations WJMS and WATW.

### DESIGNATED FOR HEARING

**WAAT**—Bremer Broadcasting Corp., Jersey City, N. J.—Designated for hearing application for modification of license (B1-ML-1116) to move main studio from 50 Journal Square, Jersey City, N. J., to 15 Hill Street, Newark, N. J.

### RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the period ending October 1, 1942:

**KGBX**, Springfield, Mo.; **KHSL**, Chico, Cal.; **KTRH**, Houston, Tex.; **KXA** and auxiliary, San Francisco; **WFBM**, Indianapolis; **WFBR** and auxiliary, Baltimore, Md.; **WGBF**, Evansville, Ind.; **WHBF**, Rock Island, Ill., and **WJMA**, Covington, Va.

The following stations were granted renewals of licenses for the period ending August 1, 1944:

**KOIN**, Portland, Ore.; **KPAC**, Port Arthur, Tex.; **KTMS**, Santa Barbara, Cal.; **KRSC**, Seattle, Wash.; **KWSC**, Pullman, Wash.; **WAVE**, Louisville, Ky.; **WDAE**, Tampa, Fla.; **WDBJ** and auxiliary, Roanoke, Va.

**KGU**—Marion A. Mulrony & Advertiser Publishing Co., Ltd., Honolulu, T. H.—Granted renewal of license for the period ending February 1, 1944.

**KFQD**—Anchorage Radio Club, Inc., Anchorage, Alaska.—Granted renewal of license for the period ending June 1, 1944.

**KFYR**—Meyer Broadcasting Co., Bismarck, N. D.—Granted renewal of license for the period ending June 1, 1944.

**KGHL**—Northwestern Auto Supply Co., Inc., Billings, Mont.—Granted renewal of license for the period ending June 1, 1944.

**WRNL**—Richmond Radio Corp., Richmond, Va.—Granted renewal of license for main and auxiliary for the period ending August 1, 1942.

**WSAZ**—WSAZ, Inc., Huntington, W. Va.—Granted renewal of license for the period ending August 1, 1942.

**WSUI**—State University of Iowa, Iowa City, Iowa.—Granted renewal of license for the period ending August 1, 1942.

**W45V**—Evansville On the Air, Inc., Evansville, Ind.—Granted renewal of license for the period ending May 1, 1943.

**W47NV**—The National Life & Accident Insurance Co., Nashville, Tenn.—Granted renewal of license for the period ending May 1, 1943.

**W51C**—Zenith Radio Corp., Chicago, Ill.—Granted renewal of license for the period ending May 1, 1943.

**W2XWE**—WOKO, Inc., Albany, N. Y.—Granted renewal of license for the period ending March 1, 1943.

### MISCELLANEOUS

**WBBM**—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted modification of construction permit which authorized new transmitter, changes in antenna system and move transmitter location, for changes in transmitter, move present antenna to new site specified in construction permit, and extension of completion date to 180 days after grant (B4-MP-1555).

**Florida National Building Corp.**, Miami, Fla.—Granted petition to dismiss without prejudice application for construction permit for new station (Docket 6285).

**Genesee Broadcasting Corp.**, Flint, Mich.; **The WTBS Radio Co.**, Inc., Toledo, Ohio.—Granted joint petition to dismiss without prejudice applications for construction permits for new stations (Docket Nos. 6247 and 6248, respectively).

**Portsmouth Radio Corp.**, Portsmouth, Va.—Granted petition to continue further hearing set for April 28, 1942, in re application for construction permit, until May 15, 1942 (Docket No. 6164).

**Herman Radner**, Dearborn, Mich.—Granted motion to take depositions in re application for new station, and continue hearing to June 17.

**WSO**—Paducah Broadcasting Co., Inc., Henderson, Ky.—Granted motion for continuance of hearing on application for modification of construction permit, to May 7.

**Camden Broadcasting Co.**, Camden, N. J.—Granted motion for continuance of hearing to June 15 on application for a new station.

**WICA**—WICA, Inc., Ashtabula, Ohio.—Granted motion for continuance of hearing to June 10 on application of WICA and of WWSW to operate on frequency 970 kc.

**WMVA**—Martinsville Broadcasting Co., Inc., Martinsville, Va.—Granted license to cover construction permit which author-

ized move of transmitter location, increase in power and new vertical antenna system (B2-L-1651); granted authority to determine operating power by direct measurement of antenna power (B2-Z-1384).

WHP—WHP, Inc., Harrisburg, Pa.—Granted license to cover construction permit for auxiliary transmitter for emergency use only with power of 500 watts (B2-L-1634).

KRSA—The Associated Broadcasters, Inc. (Area of San Francisco).—Granted license to cover construction permit which authorized new relay broadcast station (B5-LRY-261). Also granted license for new special portable-mobile relay broadcast station using already licensed equipment (KRSA) (B5-LRY-260).

WEVD—Debs Memorial Radio Fund, Inc., New York, N. Y.—Granted license to cover construction permit, as modified, for installation of directional antenna system to be employed day and night, installation of new transmitter, increase in power and move of transmitter to new location (B1-L-1647); granted authority to determine operating power by direct measurement of antenna input (B1-Z-1381).

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Granted license to cover construction permit for changes in directional antenna system (B5-L-1652); granted authority to determine operating power by direct measurement of antenna power (B5-Z-1385); this authority is granted upon a temporary basis only, subject to expressed condition.

WCAX—WCAX Broadcasting Corp., Burlington, Vt.—Granted modification of license to change name of licensee from Burlington Daily News, Inc., to WCAX Broadcasting Corp. (B1-ML-1119).

WBAL—WBAL Broadcasting Co., Baltimore, Md.—Granted license to cover construction permit for move of old main transmitter to site of new main transmitter, for emergency use only as auxiliary transmitter (B1-L-1641); granted authority to determine operating power by direct measurement (B1-Z-1375).

WTMA—Atlantic Coast Broadcasting Co., Charleston, S. C.—Granted modification of construction permit as modified, to install new transmitter, directional antenna for night use, change in frequency, increase in power and move transmitter, for extension of completion date from April 21 to May 21, 1942 (B3-MP-1553).

WBWB—Banks of The Wabash, Inc., Portable-Mobile, Area of Terre Haute, Ind.—Granted license to cover construction permit for new relay broadcast station (B4-LRY-262).

WHAE—Courier-Journal and Louisville Times Co., Louisville, Ky.—Granted license to cover construction permit for new relay broadcast station (B2-LRE-380).

KEHC—Topeka Broadcasting Association, Inc., Portable-Mobile, Area of Topeka, Kans.—Granted license to cover construction permit which authorized changes in equipment, frequencies, and increase in power of relay broadcast station (B4-LRY-258).

WORK—York Broadcasting Co., York, Pa.—Granted modification of construction permit for installation of directional antenna system for night use only, for extension of completion date from April 5 to June 30, 1942 (B2-MP-1542).

WJPA—Washington Broadcasting Co., Washington, Pa.—Granted license to cover construction permit as modified for new broadcast station (B2-L-1630); granted authority to determine operating power by direct measurement (B2-Z-1361).

WGAR—WGAR Broadcasting Co., Cleveland, Ohio.—Denied petition for reconsideration and grant of application (B2-P-2692) to change frequency from 1480 to 1220 kc., which was designated for hearing on April 7, 1942, with related applications of WHBC and WADC.

WGNY—WGNY Broadcasting Co., Inc., Newburgh, N. Y.—Denied special service authorization (B1-SSA-13) to operate on 1220 kc. with 1 KW power, unlimited time.

WOAI—Southland Industries, Inc., San Antonio, Tex.—Granted petition to intervene in the hearing on application of The Walmac Co. for a new station in Alice, Tex.

KGGM—New Mexico Broadcasting Co., Albuquerque, N. Mex.—Granted motion for postponement to June 3 of hearing on applications for construction permits of KGGM and KVSF. Granite District Radio Broadcasting Co., Murray, Utah.—Granted request for continuance of hearing on application for new station to June 5.

Portsmouth Radio Corp., Portsmouth, Va.—Granted motion for continuance of hearing on application for new station to June 17.

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Dismissed petition to intervene in the hearing on application of Butler Broadcasting Corp. for a new station in Hamilton, Ohio.

KFRO—Voice of Longview, Longview, Tex.—Granted motion to withdraw without prejudice application for modification of license (B3-MP-872).

KSAN—Golden Gate Broadcasting Corp., San Francisco, Calif.—Granted petition to dismiss without prejudice application for construction permit (B5-P-3113).

WJMS-WATW—WJMS, Inc., Ironwood, Mich.; Ashland, Wis.—Granted modification of licenses (B2-ML-1118 and B4-ML-1120) to change the corporate name of licensee from WJMS, Inc., to Upper Michigan Wisconsin Broadcasting Co., Inc.

Roy B. Albaugh, Waco, Tex.—Granted petition for leave to dismiss without prejudice application for construction permit for new broadcast station (Docket No. 6219).

## APPLICATIONS FILED AT FCC

### 620 Kilocycles

WKAQ—Radio Corporation of Porto Rico, San Juan, P. R.—Construction permit to move transmitter and studio locations from San Juan District and Tanca and Tetuan Sts., San Juan to Sabana Llana, Rio Piedras Municipality and Calle Teuan Esquina Tanca, San Juan, Puerto Rico, respectively.

### 690 Kilocycles

KTSM—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Construction permit to change frequency from 1380 to 690 kc., increase power from 500 watts night, 1 KW day to 1 KW, install directional antenna for day and night use.

### 750 Kilocycles

WHEB—WHEB, Inc., Portsmouth, N. H.—Transfer of control of WHEB, Inc., from R. G. LeTourneau to The LeTourneau Foundation, thru sale of 750 (75%) shares of stock.

### 790 Kilocycles

WEAN—The Yankee Network, Inc., Providence, R. I.—Modification of construction permit (B1-P-3244) which reinstated B1-P-2037 as modified for changes in directional antenna and increase in power, requesting changes in directional antenna and extension of commencement and completion dates from 11-9-41 and 5-9-42 to 10 days after grant and 60 days thereafter, respectively.

WEAN—The Yankee Network, Inc., Providence, R. I.—Modification of construction permit (B1-P-3244) which reinstated construction permit B1-P-2037 as modified for changes in directional antenna and increase in power, requesting extension of completion date from 5-9-42 to 7-8-42.

WTAR—WTAR Radio Corp., Norfolk, Va.—Authority to determine operating power by direct method.

### 950 Kilocycles

KPRC—Houston Printing Corp., Houston, Tex.—Modification of construction permit (B3-P-2791) as modified, for increase in power and installation of directional antenna for night use, requesting extension of completion date from 5-8-42 to 8-7-42.

### 970 Kilocycles

WCSH—Congress Square Hotel Co., Portland, Maine.—Construction permit to install new transmitter.

WFLA—The Tribune Co., Tampa, Fla.—Construction permit to increase power from 1 KW night, 5 KW day to 5 KW and make changes in directional antenna night.

### 1030 Kilocycles

KARM—KARM, The George Harm Station, Fresno, Calif.—Modification of license to change frequency from 1430 to 1030 kc.

KOB—Albuquerque Broadcasting Co., Albuquerque, N. M.—Modification of construction permit (B5-P-2783) as modified for new equipment and increase in power, requesting extension of completion date from 6-1-42 to 8-1-42.

### 1180 Kilocycles

WLDS—Hobart Stephenson, Milton Edge and Edgar J. Korsmeyer, d/b as Stephenson, Edge and Korsmeyer, Jacksonville, Ill.—Authority to determine operating power by direct method.

### 1240 Kilocycles

WJW—WJW, Inc., Akron, Ohio.—Modification of construction permit (B2-P-3263) for new transmitter, directional antenna, increase in power, change frequency and move transmitter, requesting changes in directional antenna, change transmitter location and extension of commencement and completion dates from 3-20-42 and 9-20-42 to 60 days after grant and 180 days thereafter, respectively.

### 1250 Kilocycles

KPAC—Port Arthur College, Port Arthur, Tex.—Modification of license to increase power from 500 watts to 1 KW using directional antenna at night. Amended: re changes in directional antenna.

### 1280 Kilocycles

KOBH—Black Hills Broadcast Co. of Rapid City, Rapid City, S. Dak.—Construction permit to change frequency from 1400 to 1280 kc. (contingent on WTCN's changing to 710 kc.), increase power from 250 watts to 1 KW night, 5 KW, install new transmitter and vertical antenna. Facilities WTCN requested. Amended to request 610 kc., change type of transmitter, increase power to 5 KW, install directional antenna for day and night use, move transmitter and omit request for facilities of WTCN.

### 1340 Kilocycles

WGTM—WGTM, Inc., Wilson, N. C.—Authority to install automatic frequency control equipment.

### 1350 Kilocycles

WORK—York Broadcasting Co., York, Pa.—Modification of construction permit (B2-P-3205) for installation of directional antenna for night use, requesting authority to install new transmitter and extension of commencement and completion dates to 10 days after grant and 20 days thereafter, respectively.

### 1380 Kilocycles

KTSM—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Special service authorization to operate on 690 kc. for period ending 8-1-42.

### 1400 Kilocycles

WBNY—Roy L. Albertson, Buffalo, N. Y.—Modification of license to change hours of operation from specified to unlimited (hours relinquished by Station WSVS).

WGBR—Eastern Carolina Broadcasting Co., Goldsboro, N. C.—Construction permit to rebuild station after destruction by fire and move studio.

KWON—Bartlesville Broadcasting Co., Bartlesville, Okla.—License to cover construction permit (B3-P-3282) for a new broadcast station.

KWON—Bartlesville Broadcasting Co., Bartlesville, Okla.—Authority to determine operating power by direct method.

WBTM—Piedmont Broadcasting Corp., Danville, Va.—Authority to determine operating power by direct method.

### 1450 Kilocycles

WHIT—Coastal Broadcasting Co., New Bern, N. C.—License to cover construction permit (B3-P-3239) as modified for a new broadcast station.

WHIT—Coastal Broadcasting Co., New Bern, N. C.—Authority to determine operating power by direct method.

## FM APPLICATIONS

W95NJ—Bremer Broadcasting Corp., Jersey City, N. J.—Modification of construction permit (B1-PH-72) which au-

thorized new high frequency broadcast station, requesting move of transmitter location and extension of commencement and completion dates from 3-27-42 and 9-27-42 to 60 days after grant and 180 days thereafter, respectively.

W71NY—Bamberger Broadcasting Service, Inc., New York, N. Y.—Modification of construction permit (B1-PH-46) as modified for a new high frequency broadcast station, requesting extension of commencement and completion dates from 12-12-41 and 6-12-42 to 6-12-42 and 12-12-42, respectively.

W31NY—Edwin H. Armstrong, Alpine, N. J.—Modification of construction permit (B1PH-82) as modified for a new high frequency broadcast station, requesting extension of completion date from 5-4-42 to 11-4-42.

## MISCELLANEOUS APPLICATIONS

WNRB—The National Life and Accident Insurance Co., Nashville, Tenn.—License to cover construction permit (B3-PRE-422) for a new relay broadcast station.

WMWB—Harmon LeRoy Stevens and Herman LeRoy Stevens, d/b as Port Huron Broadcasting Co., Portable-Mobile.—License to cover construction permit (B2-PRY-255) for a new relay broadcast station.

## FEDERAL TRADE COMMISSION DOCKET

*Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.*

## 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.

**Charboy Products, Inc.**, Red Bank, N. J., is charged, in a complaint, with misrepresentation in the sale of "Cuprolid," a medicinal preparation. (4756)

**Stayner Corporation**—A complaint has been issued against Stayner Corp., San Francisco, and its advertising representative, Erwin, Wasey & Co. of the Pacific Coast, 333 Montgomery St., San Francisco. Stayner Corp., which maintains a plant in Berkeley, Calif., is engaged in compounding a preparation known as "Minra." (4757)

**Zonite Products Corp.**, 370 Lexington Ave., New York, and its advertising representative, H. W. Kastor & Sons Advertising Co., Inc., Chicago, are charged in a complaint with disseminating false advertisements concerning two feminine hygiene products designated "Zonite Liquid" and "Zonitors." Zonite corporation operates a factory in New Brunswick, N. J. (4755)

## CEASE AND DESIST ORDERS

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

**Wineholt Co.** and as Mervin Wineholt Co., Woodbine, Pa., has been ordered to cease and desist from misrepresentations in the sale of merchandise. (4691)

## STIPULATIONS

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

**Automatic Gas Equipment Co.**, 2216 Commerce St., Dallas, Texas, engaged in the sale of butane gas systems, stipulated that they will discontinue the use in advertising matter of any picture of a plant or factory, either alone or with the word "manufacturers," to imply that they own and operate, or directly control, the building displayed in such advertising. They also agree to cease using the word "manufacturers" or any word of similar import to describe the nature of their business with respect to the tank or any other designated part of their gas systems which is not manufactured by them. (3473)

**Fabric Products Manufacturing Co.**, 557 West Jackson Blvd., Chicago, manufacturers of bowl covers and food bags designated "Frigerettes," stipulated that they will discontinue use of the word "odorless" or any other term of similar meaning as descriptive of their products which are not actually devoid of odor. (3472)

**Jean Jordeau, Inc.**, South Orange, N. J., stipulated that, in the sale of "Jordeau Waterless Shampoo," it will discontinue referring to the preparation as "waterless"; stop representing by expressions such as "Eliminates dandruff" that the product is a competent treatment or an effective remedy for dandruff, and cease advertising that use of the shampoo is a competent treatment for or an adequate preventive of colds. (3476)

**Mohawk Bedding Co.**, 3159 West Roosevelt Road, Chicago, has entered into a stipulation to cease and desist, in connection with the sale of "Health Rest" mattresses, from the use in radio or other advertising of any price figure which purports to be the regular retail price of a mattress, but which actually is in excess of the price at which it is customarily sold in the usual course of business; of any purported price representation, in connection with a suggested retail price of less amount, to imply that the price of the mattress has been reduced; of the phrase "selling for a limited time only" or any phrase of similar implication in referring to the advertised offer of a mattress, so as to imply that the offer is a special one or is for a fixed period of time only; and of the words "makers of" or the phrase "Direct from factory to you," the effect of which tends to convey the impression that the respondent manufactures the mattresses he sells or that he owns and operates or absolutely controls the factory in which they are made. (3474)

**Muscle-Rub Co., Inc.**, and Herman H. Kronberg, trading as Muscle-Rub Co., 1631 Vine St., Philadelphia, has entered into a stipulation to cease certain representations in the advertisement and sale of their rubefacient preparation "Muscle-Rub." The respondents agree to cease representing that Muscle-Rub is a new discovery or is effective in the relief of pain due to rheumatism, lumbago, neuritis, sciatica, neuralgia or lameness, or possesses any therapeutic value in excess of affording temporary relief as a mild counterirritant rub in those cases of minor pain or discomfort where use of a counterirritant rub is indicated. (02973)

**National Hog Remedy Co.**, Raleigh, N. C., stipulated that he will cease and desist from representing that his preparation designated "National Hog Remedy" is of benefit in remedying or curing hogs of any sickness in excess of such benefit as may result from the action the preparation may have as a tonic, mineral supplement and appetizer. The respondent further agrees to discontinue use of the word "remedy" or any word of similar meaning as part of the name of his organization or to describe his preparation, and to cease publishing any advertisement relating to any tests conducted at the experiment station of North Carolina State College which fails to reveal all facts material in the light of the representation, including when such tests were made or reported and the particular feed used during the tests. (02974)

**Southern Broadcasting Stations, Inc.**, Atlanta, in the sale of the facilities of its radio station, WGST, for advertising purposes, agrees under a stipulation entered into, to discontinue representing that WGST has more listeners than any other radio station in Atlanta, unless such is a fact; and that the station's power is 5,000 watts, unless such power is actually authorized for use and used by the station during its entire broadcasting period or unless it is clearly explained that such power is authorized and used only during certain specified hours. (02975)

**United Wire Goods Manufacturing Co., Inc.**, Garnerville, N. Y., dealer in house furnishings and hardware products, entered into a stipulation to cease and desist from using the word "stainless" in any manner to imply that the knives and forks so designated are made of stainless steel, and from representing that such products have been rendered resistant to corrosion by an alleged stainless plate process. (3471)

**P. E. Walker & Co.**, R. R. 13, Portland, Oreg., engaged in the sale of home medicinal remedies, entered into a stipulation to cease and desist from representing that the preparation designated "Walker's Indian Herbs" will cure or be of any value in the treatment of diabetes, or that its continued use will enable a patient to gradually consume less insulin; and that the preparation called "Walker's Health Tonic" will be of value for stomach troubles and ulcers generally, clean the blood, restore action to the liver and kidneys and remove gravel or gall stones, or serve other than as a bitter stomachic, a mild laxative and a diuretic. (3477)

**John P. Kenston & Co.**, Secaucus, N. J., has entered into a stipulation to cease and desist from representing that the addition of its "Wenston's Motor Life Gas Tonic" to low grade gasoline will augment its power to that of high grade gasoline; that the addition of the preparation to gasoline will increase the volatility thereof, assuring easier starting and better running of a car in cold weather; that its use will add 50 per cent of any appreciable amount to the life of the motor, or prevent carbon and thereby effect appreciable reduction of engine friction or any increase in power economy. (3475)

## FTC CASE DISMISSED

The Federal Trade Commission dismissed its complaint which had charged the Electric Storage Battery Co., Philadelphia, and its subsidiary, Willard Storage Battery Co., Cleveland, with acquisition of the capital stock of the Grant Storage Battery Co., Minneapolis, in violation of Section 7 of the Clayton Act.

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## The President

The radio industry has passed some real milestones during the past twelve months and we can review our activities with pride and satisfaction.

The highlights of the year were our many activities in connection with the war, our successful conclusion of the present phase of our music copyright controversy, the defeat of a discriminatory tax on radio and the start of what we hope will be a successful effort to secure a long needed revision of the radio law.

### National War Activities

Our principal job has been to help our government in every way possible to win this war, and to accomplish this objective the entire broadcasting industry has gladly devoted its time and energy. It is not necessary here to review the many ways in which the stations and the networks have cooperated with all government agencies. Details of these activities are well known to all broadcasters. Our activities have met with approval of the public and with sincere appreciation on the part of all government agencies. I believe broadcasters have taken a part in the national war activities which has already done much to enhance the position of radio in public opinion. The coming months will undoubtedly bring many changes in our normal life, many problems unknown and unthought of today. All these changes will offer a new opportunity to broadcasters to continue their record of wholehearted, enthusiastic cooperation in all phases of the national war program.

### Music Copyright

This past year saw the conclusion of the present phase of the music copyright controversy. A competitive market of music has been created and the door of opportunity to the young author and composer has been opened. The complete solution of this problem will require our continued attention over a period of years but we have the satisfaction of knowing that we have finally solved a problem which has vexed broadcasters for two decades. Not only will the broadcasters save a sum conservatively estimated at over \$40,000,000 during the term of the present contract, but the fact that the industry was able to unite and intelligently solve this problem will pay additional dividends in the future. The broadcasters by enthusiastically signing the new eight year contracts with BMI have shown a determination to maintain a competitive market of music and to continue their interest in the music question so as to reach a permanent solution. This augurs well for the future.

### Taxation

Last summer, the House Ways and Means Committee recommended a tax on the gross receipts of broadcasting, amounting to a gross of \$12,500,000 and a net tax of \$4,500,000. Broadcasters are now paying heavy taxes and are willing to pay their just proportion of the necessarily heavy taxes needed to pay the cost of this war. But they are opposed to any tax such as the one proposed which unfairly discriminates against radio. We immediately registered a protest against the tax, and, thanks to the splendid cooperation received from the entire industry, the tax was finally eliminated from the law.

Again this year at recent hearings, the proposal of the same tax was made and again the NAB has appeared in opposition. We have every reason to believe we shall be successful. This is but one more problem to which the NAB shall continue to give its undivided attention.

## Legislation

It long has been the opinion of many that a revision of the present Communications Act was badly needed. Shortly after the close of the convention last year, the Senate Interstate Commerce Committee held hearings on a resolution introduced by Senator Wallace White of Maine. Recently the House Interstate and Foreign Commerce Committee has commenced hearings on the Sanders Bill. Your Association has taken an active part in both hearings and it is hoped that prior to next annual convention, we shall be able to report success in our efforts to secure a needed revision to the Communications Act.

## Self Regulation

The past year saw the industry once again take the leadership in solving some of our problems by means of self regulation. Not only did the Code Committee continue actively the work of interpreting the Code, but with the coming of the war, new principles were outlined for the handling of war news which met with the approval of both the industry and the public. Realizing that government as a rule undertakes no services or regulation unless private agencies have proved themselves incapable or unwilling, the industry has wisely adopted a policy to continue its activities in the field of self regulation. New phases of the war will undoubtedly bring new problems. I am sure with the continued cooperation of the broadcasters we shall solve them.

## Membership, District Meetings

In spite of the unsettled times, our members have remained loyal, are continuously making greater use of the services of our Staff, and are taking a more active part in the work of the Association.

The series of District meetings held last fall was extremely successful. The attendance was unusually good and we were also able to hold joint meetings with many civic clubs throughout the country which afforded opportunities to tell the story of radio in a way which we believe will accomplish much good.

We also continued our cooperation with the ANA, the AAAA, the RMA, the AFA, the NRDGA and many other organizations. Mrs. Dorothy Lewis again made an extensive tour with very excellent results. Assistance was given to many conferences such as the Ohio State Broadcast Engineering Conference, the Institute for Education by Radio, and regional conferences in many parts of the country. Closer working cooperation was established with the Canadian Broadcasters Association to our mutual advantage and every effort was made to be of assistance to every group interested in any way in broadcasting.

To the members of the Board of Directors, of the Executive Committee and to those who served on the various NAB Committees, we wish to extend our sincere appreciation for the time so generously given to the work of the Association. It would have been impossible to carry on our work without the assistance which has been so graciously and generously given the Association by the entire membership.

## Public Relations

Over a year ago, we lent to the War Department our Director of Public Relations, Edward M. Kirby. His duties as Chief of the Radio Section, Bureau of Public Relations, War Department, have prevented him from continuing the excellent work which he had inaugurated while with the NAB. We are happy that Mr. Kirby's work with the War Department has merited a commission as a Lieutenant Colonel and regret that he will not be available to carry on our public relations activities. We propose to develop the activities of this department. Complete plans for a well-rounded public relations program will be announced in the near future.

## The Staff

The past year has seen increasing demands made upon the members of the Staff, especially in connection with war activities. Various members of the Staff have served on committees of the Defense Communications Board, of the Office of Facts and Figures, the Coordinator of Information, and other Government agencies. All members of the Staff have given liberally of their time in assisting all Government departments. Detailed information concerning the activities of the Staff members is contained in the reports of the various departments. I commend these reports to your careful study.

## Conclusion

What of the future? Radio today stands higher in public esteem than ever before. Its record of constructive, aggressive cooperation in the Government's war program is one of which we can all be proud. We have progressed far enough to have tested our policies and they have proved to be wise and sound and a credit to the experience, the ability and the patriotism of the industry. Undoubtedly, there are difficult days ahead, but we are sure that radio will continue as a privately owned, competitively operated business, and will emerge from the war with a record of public service which will bring out in clearer outline than ever before the advantages of the American System of Broadcasting and the importance to a nation of a radio which is free and untrammelled, subject only to the will of the people it serves.

Respectfully submitted,

NEVILLE MILLER,  
*President.*

May 1, 1942.

### Secretary-Treasurer's Office

The twelve months which have intervened since the St. Louis convention have brought to the administrative staff at NAB some very trying problems. That period has been crowded with unusual developments, especially in the field of radio and the war effort. The administrative staff has been kept extremely busy in maintaining normal services to its members and in discharging the responsibility incident to the developments.

Almost immediately upon return from St. Louis, NAB plunged into an extended series of hearings before the Senate Interstate Commerce Committee on the White Resolution calling for an investigation of the radio industry and the administration of the FCC Act, with the view to amendment. This action was taken pursuant to a resolution adopted by the membership directing that everything possible be done to bring about the passage of this resolution. This work with the Senate Interstate Commerce Committee took us well into the summer months.

On the heels of this came the problems incident to the final negotiation with ASCAP, culminating in the fall with the approval by the networks of the contracts and their submission to the industry for consideration.

Throughout the year the staff had been called upon for ever expanding work connected with the national defense effort. With Pearl Harbor our work was greatly increased when we undertook the task of acting as liaison between the various agencies of government directly responsible for the conduct of the war and all of the radio industry. Within 24 hours after war was declared there was compiled and sent to every broadcaster in the country the first of our War Service Bulletins. Since then 11 of these Bulletins have been issued. They dealt for the most part with the handling of war news and the dangers incident to certain types of programs which offered an opening for propaganda.

The soundness of the recommendations made by NAB were proved when some six weeks after the war broke the Office of Censorship was created. It was found that very little by way of additional suggestions beyond those made in the NAB War Bulletins was required. The broadcasting industry wholeheartedly cooperated with the result that the transition to a wartime basis was accomplished with very little friction or disturbance.

Throughout the year the staff, in addition to carrying on this tremendously increased burden, has continued to serve the membership. It has replied to a vast number of inquiries; attended

a total of 24 District meetings held throughout the year; greatly expanded its Broadcast Advertising activities, as is shown in the report of that Department; watched and assisted very materially in labor problems; participated in hearings on proposed legislation; conducted normal research activity in addition to that incident to war requirements; performed a great deal of service for individual stations in connection with the Selective Service Act, as will be shown by the report of the Legal Department; set up training courses for technicians as will be shown by the Promotion Department report.

#### HEADQUARTERS PERSONNEL

The increased activities at NAB have placed a burden on the staff and the clerical force, but this additional work has been handled without any increase in the number of employees, in fact, with a decrease. The list of employees below will show that as compared with the 29 full and part-time employees listed in our annual report, we had only 23 employees on May 1, 1942.

We have been working in a disturbed atmosphere here in Washington. The demand for clerical work by the government departments has made it extremely difficult to hold our present staff together and to secure replacements. The staff has been most loyal and cooperative and many of them have foregone government jobs at better remuneration in order to stick to their work here at NAB. For this we are extremely grateful.

There have been three changes in the NAB staff during the year. J. Robert Myers, Assistant Director of Research, resigned on February 1st to become Chief Statistician for NBC. Edward M. Kirby, NAB Director of Public Relations who has for the past fourteen months been on loan to the War Department, resigned effective May 1st to accept a commission as Lieutenant Colonel in charge of the Radio Branch of the Department of Public Relations of the War Department. Lynn C. Smeby, NAB Director of Engineering, resigned to become Civilian Consultant in Air Communications for the Signal Corps. Up to the time of writing this report, no replacements for these three positions had been made.

A complete roster of NAB Headquarters employees follows:

#### Staff Members

Neville Miller, President  
C. E. Arney, Jr., Assistant to the President  
Joseph L. Miller, Director of Labor Relations  
Frank E. Pellegrin, Director of Broadcast Advertising  
Paul F. Peter, Director of Research  
Russell P. Place, Counsel

Everett E. Revercomb, Auditor  
 Helen H. Schaefer, Research Assistant  
 Arthur Stringer, Director of Circulation and Promotion and  
 Secretary NAB War Committee

**Secretarial, Clerical and Part Time**

Charles H. Dodge, Clerk  
 Kathryn B. Donahue, Bookkeeper  
 Geraldine M. Finnegan, Stenographer  
 Jane A. Fry, Stenographer  
 Ethel M. John, Switchboard Operator  
 Loretta J. Kealy, Stenographer  
 Lynne M. Lamm, Reporter  
 Mary G. Lucas, File Clerk  
 Hester M. Love, Stenographer  
 George A. Many, Clerk  
 Helen J. Morris, Stenographer  
 Ella P. Nelson, Secretary  
 Mildred M. Ramsay, Secretary  
 George C. Stuart, Clerk

District	NAB Members	
	May 1, 1941	May 1, 1942
3	28	27
4	53	54
5	43	47
6	30	30
7	26	22
8	27	21
9	33	25
10	37	34
11	24	25
12	19	19
13	24	23
14	26	23
15	24	21
16	23	23
17	33	31
FM	6	6
Associate	21	19
<b>Total</b>	<b>547</b>	<b>525</b>

**MEMBERSHIP**

We are pleased to report that the membership of the National Association of Broadcasters as of May 1, 1942, stands at 525, composed of 506 active members and 19 associate members. Included in the active members are 6 FM stations. The following tables show detailed analyses of the membership:

**NAB Membership by Dues Classification**

Class	NAB Members	
	May 1, 1941	May 1, 1942
A	108	94
B	82	67
C	76	84
D	54	47
E	49	58
F	27	28
G	21	28
H	38	30
I	16	22
J	16	9
K	4	11
L	...	5
M	9	6
N	...	3
O	4	7
P	2	6
Q	2	1
NBC	10	*
CBS	8	*
Associate	21	19
<b>Total</b>	<b>547</b>	<b>525</b>

\* M & O Stations now classified separately according to individual station income.

**NAB Membership by NAB Districts**

District	NAB Members	
	May 1, 1941	May 1, 1942
1	38	41
2	32	34

**NAB Membership by Network Affiliation**

	NAB Members	Percent Membership
Total Network Affiliates	537	368 68.5%
BLUE	178	122 68.5%
CBS	124	101 81.5%
MBS	205	119 58.0%
NBC	135	104 77.0%
Less Duplicates *	—105	—78
Independents	387	131 33.9%
<b>Total NAB Membership</b>	<b>924</b>	<b>499 54.0%</b>
High Frequency Educational	1	
Frequency Modulation (Operating Com.)	4	
Frequency Modulation (CP Commercial)	1	
Frequency Modulation (Experimental)	1	
Associate Members	19	
<b>Total NAB Membership</b>	<b>525</b>	
* Duplicates:		
BLUE & MBS	20	13 NAB Members
BLUE & NBC	57	43 " "
BLUE-MBS-NBC	9	7 " "
MBS & CBS	6	5 " "
MBS & NBC	4	3 " "

**FINANCIAL**

The NAB financial records have, as in past years, been audited by independent certified public accountants and a copy of their report has been submitted to each NAB Director. A copy of this report will be gladly sent to any member requesting it.

There is shown below a statement of income and expense for the twelve months ending March 31, 1942.

**NATIONAL ASSOCIATION OF BROADCASTERS**

**Statement of Income and Expenses**

**For the Period April 1, 1941, to March 31, 1942**

*Income*

Cash on Hand, April 1, 1941.....	\$ 27,514.32	
(As reported at last convention)		
Receipts during period.....	350,104.83	
	<hr/>	\$377,619.15

*Expense*

Annual Convention.....	14,002.87	
Board of Directors Meetings.....	8,172.40	
Committee Expenses.....	7,667.64	
Dues and Publications.....	1,092.47	
Furniture and Fixtures.....	586.81	
Legal and Accounting Fees.....	4,158.11	
Legislative Investigations.....	50,585.21	
Miscellaneous.....	10,854.50	
NAB Reports.....	14,190.08	
NAB-RMA Expenses.....	8,327.23	
Office Supplies.....	3,872.10	
Postage.....	3,964.20	
President's Expenses.....	1,856.65	
Printing.....	18,857.71	
Radio Council on Children's Programs.....	3,290.00	
Rent.....	8,744.97	
Salaries.....	126,022.65	
Tabulations.....	2,741.01	
Taxes.....	3,276.56	
Tax Fees.....	11,946.15	
Telephone and Telegraph.....	6,650.36	
Travel.....	11,948.50	
	<hr/>	322,808.18
		<hr/>
		\$ 54,810.97
Add: Accounts Payable, March 31, 1942.....	5,118.90	
	<hr/>	
Cash on Hand, March 31, 1942.....	\$ 59,929.87	

Respectfully submitted,

C. E. ARNEY, JR.,  
*Assistant to the President.*

**Engineering Department**

Since the last Annual Report issued in May, 1941, the engineering activity of NAB has been almost entirely pointed towards the war effort. Fully 80 per cent of the time and effort has been devoted to the solution of wartime broadcasting problems and to the furtherance of the war effort in other directions.

**DEFENSE COMMUNICATIONS BOARD**

As Neville Miller's alternate and technical adviser on Domestic Broadcasting Committee IV of DCB and the chairman of Subcommittee I thereof, and as alternate on Communications Liaison Committee for Civilian Defense—Committee XII of DCB—much of the time has been taken up in working with these groups on the many and varied problems. In addition, the duties as the broadcasters' priorities representative to the Priorities Liaison Committee—Committee XIII of DCB—has taken much time.

The deliberations of these Committees are confidential and we can only say that we have been one of the "working" members of these Committees and have devoted a great deal of time to matters that have and will accrue to the credit of Domestic Broadcasting.

**TECHNICIAN TRAINING PROGRAM**

We have served as Mr. Arthur Stringer's right hand man in carrying out the Technician Training Program and have aided in the formation of plans for that project, serving as one of the five members of the group led by Professor W. L. Everitt of Ohio State in making up the course outline. This course outline was subsequently officially okayed and adopted by the Signal Corps.

**PRIORITIES**

During the past year we have been actively engaged in aiding the industry to secure sufficient repair and maintenance materials and were partly instrumental in obtaining the Defense Priority Rating of A-10 for the industry.

**BROADCAST ENGINEERING CONFERENCE**

Cooperating with Professor W. L. Everitt material aid was rendered in staging the Fifth Ohio State Broadcast Engineering Conference. Except for one session, the Conference was entirely devoted to wartime subjects.

**RECORDING STANDARDS**

The work of the Recording and Reproducing Standards Committee progressed rapidly up to wartime. Sixteen of the most important items were standardized. These sixteen standards were officially adopted by the NAB Board of Directors.

The Committee is still working, however, at a much slower rate. It is expected that a number of additional standards will be formulated by about June. It is expected that the Committee will then suspend deliberation for the duration of the war.

**ENGINEERING HANDBOOK**

Revision material for the handbook was prepared and distributed to the membership in January.

**GENERAL**

Many individual members have been aided in solving their individual problems.

In carrying out engineering work in connection with the war effort, a host of the industry's engineers have given the finest of cooperation and aid. This we gratefully acknowledge.

Joint meetings of the Executive Engineering and the Engineering Committees were held in St. Louis on May 12, 1941; in Detroit, June 26; New York City, October 23, 1941, and Columbus, Ohio, February 23, 1942. The June 26 and October 23 meetings were with the Recording and Reproducing Standards Committee.

**EXECUTIVE ENGINEERING COMMITTEE  
1941-42**

- Paul A. Loyet—Chairman, WHO
- Paul deMars—Yankee Network
- Porter Houston—WCBM
- E. K. Cohan—CBS
- O. B. Hanson—NBC
- Lynne C. Smeby—NAB—ex-officio

## ENGINEERING COMMITTEE

1941-42

Paul A. Loyet—Chairman, WHO	J. M. Hetland—WDAY
Franklin M. Doolittle—WDRC	Karl Troeglen—WIBW
John V. L. Hogan—WQXR	W. G. Egerton—KTSA
James Schultz—WCAE	Eugene G. Pack—KSL
Scott Helt—WIS	Royal V. Howard—KSFO
John C. Bell—WBRC	L. H. Bowman—KNX
J. H. DeWitt—WSM	James B. Hatfield—KIRO
R. Morris Pierce—WGAR	E. K. Cohan—CBS
Walter Hoffman—WWJ	O. B. Hanson—NBC
Thomas L. Rowe—WLS	L. C. Smeby—NAB—ex-officio

Respectfully submitted,

LYNNE C. SMEBY,  
*Director of Engineering.*

## Legal Department

Outstanding among the problems dealt with by the NAB this past year were the bills introduced in Congress to amend the Communications Act of 1934 and the two attempts by the International Allied Printing Trades Council to saddle broadcasters with a discriminatory time-sales tax. Also of paramount importance to broadcasters were the successful fights waged by the NAB to secure nationwide daylight-saving time and to retain the average-earnings basis for computing the Excess Profits Tax. Still pending on the Congressional front is Executive Resolution "E" for adherence to the International Copyright Convention; although vigorously opposed by the NAB and all others interested in copyright, the State Department is persistently advocating adherence to the Convention and the problem is still before the industry. Protracted negotiations with ASCAP resulted last fall in local station contracts immeasurably more advantageous to stations than those offered by ASCAP in the spring. A host of knotty problems grew out of the National Defense program and later the war effort. Highlighted among these were matters involving priorities, selective service and rationing of tires and gasoline. The Code Committee has been faced with many vexing problems having to do with the controversial public issues section of the Code, particularly with reference to the isolationist-interventionist debate that went on prior to Pearl Harbor. Subsequent to the declaration of war the Code Committee promptly tackled the question of the handling of war news. For the NAB Legal Department, as for broadcasters individually, the past year has been crowded with much that was not routine.

### PROPOSED AMENDMENT OF COMMUNICATIONS ACT

Properly to report the activities and concerns of the Legal Department for the last NAB year it is desirable to begin with the promulgation by the FCC of the Chain Broadcasting Regulations on May 2, 1941, just prior to the St. Louis Convention. Stemming therefrom were the introduction of a resolution (S. Res. 113) by Senator Wallace White of Maine calling for an investigation by the Senate of the effect of the regulations and for amendment of the Communications Act, and the introduction of bills by Representative Sanders of Louisiana (H. R. 5497) and Senator White (S. 1806) to amend the Communications Act.

At St. Louis, the NAB membership voted unanimously to sup-

port the White resolution and seek amendment of the Communications Act of 1934. Pursuant to that vote Neville Miller, President, testified before the Senate Interstate Commerce Committee in favor of adoption of the resolution. Hearings, which were well attended by broadcasters, lasted nearly three weeks and were recessed on June 20 subject to the call of the Chair. They have not been resumed. Hearings on Senator White's bill have not been scheduled.

Early in September, in pursuance of the mandate of the resolution adopted by the Convention, NAB sought hearings on the Sanders bill in the House. An analysis of both the Sanders and White bills was prepared and promptly circulated to the membership. The House Committee on Interstate and Foreign Commerce scheduled hearings on the Sanders bill to begin April 14, 1942. First witnesses to testify were the representatives of the Federal Communications Bar Association.

They were followed by the appearance of Mr. Miller who testified in support of the proposed changes in administrative organization, procedure and judicial review as advocated by the Federal Communications Bar Association. In addition, NAB proposed three amendments: (1) to provide for declaratory rulings on administrative action; (2) to prohibit the imposition by the Commission of unauthorized penalties and sanctions; and (3) to enact the language of the Sanders Brothers case prohibiting government supervisory control of programs, of business management and of policy of radio stations.

The hearings were recessed until May 5 when Mr. Miller is expected to return to the stand for questioning by Representative Sanders, following which NBC and CBS will present their testimony. It is expected that the hearings will be in recess during the NAB Convention in Cleveland.

On February 2, 1942, Representative Cox (D-Ga.) introduced a resolution (H. Res. 426) calling for an investigation of the FCC by a select committee of the House. Hearings before the Rules Committee in March, at which Chairman Fly testified, were suspended after two days.

### RADIO TIME-SALES TAX

On July 23, 1941, the House Ways and Means Committee wrote into the revenue bill an unjust and discriminatory provision to tax radio time sales, imposing an estimated net annual burden on the industry of about \$4,500,000. The provision was backed by the International Allied Printing Trades Council. It passed the House and was vigorously opposed by the NAB at the hearings on the bill before the Senate Finance Committee which opened on August 8. Ellsworth C. Alvord, NAB special tax counsel, appeared in opposition to the tax in behalf of NAB. Important elements of the advertising industry and labor supported the NAB position. On August 27, Chairman George (D-Ga.) announced that the Senate Finance Committee had eliminated the radio time-sales tax from the bill. The provision was finally dropped from the bill in conference.

Upon announcing the deletion of the radio tax Senator George stated that the Committee had instructed the Treasury and a subcommittee to study a possible franchise tax. Such a tax has not been proposed as yet.

In April, 1942, again advocating a discriminatory tax on radio time sales, Mr. John B. Haggerty, representing the International Allied Printing Trades Council, appeared before the Ways and Means Committee. On April 17, Mr. Alvord appeared for NAB in opposition. The IBEW supported the NAB by filing a statement in opposition to the tax. As of April 30, 1942, the Ways and Means Committee was still in Executive Session considering the revenue bill of 1942.

## EXCESS PROFITS TAX

Following appearance of J. Robert Myers, NAB Assistant Director of Research, who testified in favor of retaining the average-earnings basis for computing the excess profits tax, the House Ways and Means Committee on June 4, 1941, rejected the Treasury Department's request that the average-earnings basis be eliminated. We are glad to report that the Treasury, in its 1942 recommendations, did not recommend the elimination of the average-earnings basis.

## TERMINATION OF GOVERNMENT CONTROL

In late December, 1941, counsel appeared before the Senate Committee on Interstate Commerce on H. R. 6231 and advocated amendment of Section 606 of the Communications Act to require that radio facilities, if taken over by the government, be returned six months after the close of the war as provided in the bill under consideration for the taking over of wire communications. Although this amendment would have treated radio exactly the same as wire facilities were treated in the bill as it passed the House, and was later enacted, Chairman Fly opposed the suggestion in the interest of saving time and the NAB's suggestions were not adopted.

## INTERNATIONAL COPYRIGHT CONVENTION

There is still pending before the Senate of the United States Executive Resolution "E," the adoption of which by the Senate would result in making the United States a party to the International Copyright Convention without prior revision of our own law. The adoption of this resolution has been consistently opposed by the NAB and entry into the Convention during war times would have more than normally disastrous results to broadcasting because a very large volume of the great European musical works of the past fifty years, now in the public domain, would thereby become wholly unavailable for broadcasting use. To the astonishment of your Association, the Department of State, even since Pearl Harbor, has continued to press for the adoption of this resolution which would, among other things, put the United States into a new treaty relationship with Germany and with Japan. The Department of State has also advocated amendments to the Buenos Aires Convention which governs our relationships with many of the South American countries and the effect of these amendments, if adopted, would be, among other things, to extend copyright to South American phonograph recordings thus making them unavailable for broadcasting use. These matters are at present the subject matter of discussion between subcommittees of the American Bar Association, and the views of the NAB have been presented and are still being presented throughout these conferences with the result that no adverse action has up to this time at least been taken and the likelihood of preventing such action appears great.

## LIQUOR ADVERTISING

In March Representative Rankin (D-Miss.) introduced a bill (H. R. 6785) to prohibit the advertising of alcoholic beverages over the radio. Now pending before the House Committee on Interstate and Foreign Commerce, no hearings have been scheduled. Like the Johnson Bill (S. 517) for the same purpose, reintroduced at this session, it will be opposed.

## STATE LEGISLATION

In the closing days of the 1941 session of the Florida Legislature a bill was enacted purporting to abolish any asserted common law rights to collect royalties on the recorded performances em-

bodied in phonograph records and electrical transcriptions once they are sold in commerce for use in Florida. Florida also amended its libel law by giving a radio station the right to require the submission of written script 24 hours before the time of broadcast; such submission of the script frees the station from liability for any libelous or slanderous utterances broadcast which were not contained in the script.

In 1942 Legislatures of eight states met in regular session. In Kentucky two bills to ban the sale of alcoholic beverages advertised over the radio died in their respective branches. NAB cooperated with Kentucky broadcasters in their efforts to defeat these bills. Mississippi enacted an anti-sabotage law with particular reference to communications facilities. NAB Legislative Contacts in the various states have been most cooperative at all times.

In New York the activities of the New York State Legislative Committee led to the passage of two measures beneficial to radio. An NAB-sponsored bill, permitting a corporation engaged in broadcasting to prohibit or restrict the transferability of its stock to aliens, is now on the Governor's desk. A new child labor law was amended, at the request of the NAB, to permit children under 16 to participate in broadcasting for not more than two hours a week where the performance is of a non-professional character and occurs outside school hours, and to authorize the granting of permission by the proper authorities for professional appearances of children in series of radio performances.

Nationwide daylight-saving time which NAB strenuously advocated, went into effect on February 9 as "War Time." This spring bills were introduced in New York, New Jersey and Pennsylvania to advance War Time an extra hour in those states. NAB voiced vigorous opposition to these measures in behalf of the industry. The New York and Pennsylvania bills were defeated, and Governor Edison has publicly stated that he will veto the New Jersey bill if passed.

## LITIGATION

Notable in the field of litigation were the decisions of the United States Supreme Court on May 26, 1941, sustaining the anti-monopoly provisions of the so-called anti-ASCAP laws on the statute books of Florida and Nebraska.

The power of the FCC to issue subpoenas in an investigation seeking information applicable to the legislative standards set up in the Communications Act was upheld on January 26, 1942, by the United States Court of Appeals for the District of Columbia in the Stahlman case. The court negated the Commission's authority to require witnesses whom it summons to bare their records, relevant or irrelevant, in the hope that something will turn up, or to invade the privacy protected by the Fourth Amendment. The court flatly stated that the Commission has no power to ban ownership of radio stations by newspapers as such.

On February 20, 1942, the United States District Court for the Southern District of New York ruled against the networks in their suit against the Government. The decision was not on the merits of the case—the powers of the FCC—but on the question of the court's jurisdiction. The court, however, stayed operation of the network regulations, and on March 9, CBS and NBC appealed to the United States Supreme Court. Argument of the cases began on April 30.

The Supreme Court on April 6, 1942, affirmed the power of the United States Court of Appeals for the District of Columbia to stay orders of the FCC pending determination of appeals to that court from Commission orders. The question was raised on certification by a divided Court of Appeals after Scripps-Howard Radio, Inc., licensee of Station WCOP, had appealed from the Commission's denial of its petition to vacate an order

granting, without hearing, Station WCOL a CP for change of frequency and increase of power.

### ASCAP

During the summer and fall of 1941, negotiations with ASCAP were in progress. NAB was instrumental in securing local station contracts much more advantageous to stations than those offered by ASCAP immediately prior to the St. Louis Convention.

### NEWSPAPER-RADIO HEARINGS

On July 23, 1941, the FCC opened hearings on Orders No. 79 and 79A to investigate whether newspapers should be licensed to operate radio stations. The Newspaper-Radio Committee, which had been organized in April, 1941, for the purpose of presenting to the Commission a point of view representative of newspapers interested in the broadcasting industry, retained Judge Thomas Thacher and Sydney M. Kaye as counsel. The protracted hearings have not as yet been concluded.

### CODE COMMITTEE

Right up until Pearl Harbor, considerable time was required by Counsel, as Secretary of the Code Compliance Committee, in assisting in the interpretation of the controversial public issues section of the Code, chiefly in connection with the isolationist-interventionist issue. Since the first of the year the Code Committee has met twice; notable in its work was the promulgation of recommendations with reference to news broadcasts in war time, made in collaboration with other elements of the industry and government officials.

### MISCELLANEOUS

Throughout the year national defense and war have been uppermost in the minds of the NAB staff in their thinking and work. The Legal Department has maintained close contact with Selective Service Headquarters in an effort to assist stations to secure temporary deferment of engineers subject to the draft wherever it would be difficult, if not impossible, to replace them. Close contact with the WPB on priorities and the OPA on tire regulations has been maintained.

Correspondence with stations and their attorneys on numerous matters, assistance to staff and general office work have consumed considerable time.

Respectfully submitted,

RUSSELL P. PLACE,

*Counsel.*

May 1, 1942.

## Labor Relations Department

The broadcasting industry's progressive labor policy has successfully stood the test of another year.

It has been a difficult year in the field of labor relations. With our country preparing for war, and at war, everyone has been called upon to make sacrifices. When sacrifice is the order of the day, everyone tends to think that he is doing his share, or more—but how about the other fellow? That is human. Labor relations are human relations. Hence, it could be expected that management, generally, would question whether labor has done its share. On the other hand, labor has questioned whether management has done its share.

Skyrocketing taxes and cost of living, an increasing shortage of labor, and the necessity for uninterrupted production were enough factors in themselves to make a difficult labor relations problem for the country in 1941-42. To this was added a heated debate on the so-called "social gains" of the past decade, and on the nature of the proper relationship between trade unions and employers. The debate has been heated and endless.

National labor policy, at the moment, seems to be about as follows:

1. Labor voluntarily has surrendered the right to strike, in the interest of uninterrupted production for war.
2. All issues unsettled by direct negotiation must be arbitrated.
3. The relationship between management and unions ("closed shop") and wage rates are among the issues subject to arbitration, although wages are not to be increased unless they are "sub-standard" or make for "inequalities."
4. The "social gains" remain.

During the heat of all the debate on these issues, the broadcasting industry, by and large, has had another year of peaceful relationship with labor. Strikes have been few. Mutual understanding of each other's problems has increased. As the industry's income has increased, wages and salaries have risen steadily.

The NAB again proposes to continue its current labor policy through the year to come. Members will be kept advised of trends and developments in the field of labor relations. They will be informed of any changes in labor laws that affect their operations. They may call upon the labor relations director for direct assistance with their individual or collective labor problems. They will find available at the NAB a growing fund of information useful in collective bargaining. The labor relations director will continue his efforts to preserve and foster the general goodwill between the industry and the labor movement, and will count on the continued assistance of the entire membership in this work.

Following is a topical review of labor developments related to the industry since the St. Louis convention in May, 1941.

### RADIO'S PAYROLL

The latest Federal Communications Commission report, for the week of October 13, 1940, shows that the broadcasting industry paid its 19,326 full time employees an average of \$41.50. This figure compared with \$41.08 for the week of October 15, 1939. Executives were not included. Nor do these figures include the highly paid program stars and directors whose fees or salaries come from advertisers or advertising agencies.

The salary trend in radio has been steadily upward since the Fall of 1940. The \$41.50 average noted above probably would be nearly 10 per cent higher today—near the top among the nation's industries.

### STRIKES

There has been only one actual strike since Pearl Harbor in the entire broadcasting industry. It lasted less than two hours. Technicians at a mid-western station were involved. Wages was the issue.

### WAGNER ACT

Generally speaking, the broadcasting industry's record for compliance with the Wagner Act continues to be much better than average. As the requirements of the Act and the technique of collective bargaining are better understood, violations will disappear.

The Labor Relations Board has not found a single station guilty of any violations during the past year, although two examiners reports finding violation are now before the Board for consideration. In both cases the stations were alleged to have interfered with their technicians' right to organize. Neither of these stations belongs to the NAB. We point this out, not to insinuate that

membership in the NAB per se makes a station simple as far as its labor relations are concerned. But we do wish to point out that consultation with the NAB Labor Relations Department has saved many a station from getting into "Labor Board trouble."

## FREEDOM OF SPEECH

One of the questions frequently asked by broadcasters concerns the extent to which they can discuss labor unions with their employees. The Supreme Court held in *NLRB vs. Virginia Electric and Power Co.* (December 22, 1941) that an employer could discuss unions all he pleased, as long as he did not accompany his discussion with any action which constituted the discrimination, coercion or intimidation forbidden by the Wagner Act.

## WAGE AND HOUR ACT

Soon after we went into the war, a new campaign to scrap, or drastically amend, the Wage and Hour Act began. One of radio's best known news commentators was among the first to raise the hue and cry. As a result, your director had to spend considerable time explaining to both labor unions and government officials that the commentator's views were not necessarily those of the broadcasting industry.

Those who wanted to have the Act changed based their arguments largely on the "restrictions" which the Act places on the length of time employees may work. Those opposed to any change argued that there was no restriction on the work week, only a requirement for premium payments after 40 hours of work each week.

When President Roosevelt made his wage stabilization radio talk, Congress decided to drop discussion of amendment, at least for the time being.

The drive for repeal or drastic revision of the Act has seriously hurt the chances for any moderate amendments for some time. At some future time the NAB might well consider reviving a proposal, once suggested by the House Labor Committee, for exemption of all employees making \$200 or more a month.

Late in the Spring, the *Belo Case* finally was argued before the Supreme Court. The employer in that case made individual contracts with his employees, specifying their "regular hourly rate" and overtime rate, then guaranteeing them a minimum weekly overall salary, to be paid whether or not their regular time plus overtime equalled the amount of that overall salary. The "regular hourly rate" was well above the 30-cent minimum required by the Act.

The Wage and Hour Division of the U. S. Labor Department contended that this constituted evasion of the Act. Any employer who proposed to hire an employee at more than the minimum wage for a week's work could then hire the employee technically at the minimum wage with a guarantee of enough overtime to make up the difference. This would have the effect of virtually eliminating any penalty on overtime. Nevertheless, both a federal district court and a circuit court of appeals upheld the company's position.

Application of the Act to the broadcasting industry continues to raise numerous questions. A good share of your director's time is devoted to getting the answers. Precedent and previous experience provides some of these. Others must be obtained from the proper authorities. Unfortunately, crowded conditions in Washington this year made it necessary for the government to transfer the Wage and Hour Division to New York City. This has made it a little more difficult for your director to obtain information promptly.

"The Wage and Hour Act: Its Application to the Broadcasting Industry," first published in June, 1940, and revised in July, 1941, continues to be one of the NAB's most popular publications within the industry. Another revision this year is contemplated.

Talent fees constitute the only remaining problem of outstanding importance to the industry under the Wage and Hour Act as it stands. The Wage and Hour Division contends that all talent fees should be added to a staff announcer's salary in determining overtime rates. The NAB contends that, in many cases, the broadcasting station is not the employer when talent fees are paid to announcers. Just recently, the Wage and Hour Administrator agreed to review this entire matter on the basis of facts to be supplied by the NAB.

## LABOR ON THE AIR

Labor on the air has become almost altogether a local problem. Both the American Federation of Labor and the Congress of Industrial Organizations express themselves as quite satisfied with the national coverage situation. Their leaders made a total of 74 appearances on national network programs in 1941. And they now have a regular weekly program on NBC.

Some individual stations seem to be reluctant, however, to allow any labor leader ever to discuss local labor problems on the air. Naturally, labor leaders sometimes want more time than is available in keeping with proper program balance. But to bar labor altogether from the air locally violates the spirit of the NAB Code of Program Standards.

We believe a great majority of stations are giving labor a fair share of time locally. Regular local labor programs are steadily increasing in number.

For instance, Station WGFB at Evansville, Indiana, has just started a new labor series. We reprint the following announcement from the local Evansville labor paper to show how a local labor program can be worked out apparently to the satisfaction of all concerned.

"Exclusively labor news for a five-minute period, Monday through Saturday at 6:25 p. m., will go on the air over radio station WGBF, beginning Monday, May 4, according to an announcement made by Clarence Leich, manager of Evansville-on-the-Air, Inc. The program will go on as a public service feature of the station and was worked out through a series of conferences between the management and representatives of the AFL, CIO and Railroad Brotherhood Unions.

"Labor news of a national scope will be provided the radio station through 'Labor,' the official Railroad Brotherhood's weekly publication; the A. F. of L. News Service, the C. I. O. Union News Service, and the Federated Press. Local labor news will be provided through officials and press representatives of city central organizations and local unions.

"The policy agreed upon by the management and union representatives to govern the broadcast as outlined by Mr. Leich, representing station WGBF, is as follows:

"The broadcast is not to be an instrument of propaganda either for or against labor generally, nor is it to be used either directly or indirectly to advance or retard the cause of any faction or factions in organized labor. It is our desire to have factual news obtained from reliable news sources, both nationally and locally.

"We will expect any one providing news for the broadcast to exercise great care to give us exact information and to be in a position to substantiate any claims made. It will be our purpose to state the exact issue in any controversy handled in the broadcast.

"It should be understood that any news source must be judged on the basis of day to day reliability, and when it is found to be inaccurate or unreliable, it will be discontinued.

"It should be understood that if labor wants the facts presented when it proves to be advantageous to labor, it must be willing to give the facts in instances where they prove to be unfavorable. Labor should be prepared to accept full responsibility

for any statements made by officers or other persons authorized to release publicity.

"The committee urges all bona fide labor unions in Evansville to give the broadcast and those handling it their fullest cooperation and to advise their members to make it a point to listen to radio station WGBF Monday through Saturday at 6:25 p. m."

The services of the NAB Labor Relations Director are always available to any station which is having difficulty about local labor programs.

### "MAKE WORK" PRACTICES

The spotlight on efforts to outlaw the "make work" practices of certain labor unions has shifted from Thurman Arnold's offices in the Justice Department to Congress.

The Supreme Court, in the New York teamsters' case, gave Mr. Arnold the old one-two. Hard hit by the court's previous rulings that labor unions could not be prosecuted for forcing unnecessary employment under the Sherman Act, Mr. Arnold went after the New York teamsters under the Anti-Racketeering Act. Nothing doing, said the Court.

The Court's opinion revived congressional discussion of enactment of legislation specifically to forbid labor unions from forcing unnecessary employment. Hearings on the Walter and Monroney Bills were started by the House Judiciary Committee.

It appears probable at this time, however, that neither of these bills will be enacted for some time to come. Both the American Federation of Labor and the Congress of Industrial Organizations are opposed to them.

How this situation will affect the relationship of the broadcasting industry and the American Federation of Musicians remains to be seen.

### WSIX CASE

Station WSIX, Nashville, lost its affiliation with the Mutual Broadcasting System this spring after the station and the American Federation of Musicians were unable to come to terms on the amount of money the station should spend for staff musicians.

When efforts to arrange a compromise failed, the A. F. of M. notified MBS that the station must be removed from the network, or the musicians would strike both sustaining and commercial musical programs on the network. MBS stopped service to WSIX.

### TIME SALES TAX

Twice during the past year, organized labor has come to the broadcasting industry's defense when the industry was threatened with discriminatory tax legislation in Congress. There is no better evidence of labor's high regard for the industry's progressive labor policy.

Both the American Federation of Labor and the Congress of Industrial Organizations assisted the NAB last summer in killing the time sales tax proposed by the printing trades unions. William Hushing, legislative representative of the A. F. of L., appeared personally before the Senate Finance Committee to oppose the tax.

Those individual unions most directly interested in radio likewise contributed invaluable assistance. These were the International Brotherhood of Electrical Workers, the American Federation of Radio Artists and the American Federation of Musicians.

These same unions renewed their support of the industry's position when the printing trades unions renewed their request for the penalty tax on radio this spring.

### SOCIAL SECURITY

Of importance to the industry is the *Griff Williams Case* soon to be appealed to the Supreme Court by the American Federation of Musicians. A Circuit Court of Appeals held that the

leader of an orchestra, under certain circumstances, and not the "house," was responsible for payment of social security taxes for the orchestra members.

### CONTRACT POOL

The Labor Relations Department maintains a pool of labor contracts, information from which is available to members for their use in collective bargaining. Those stations which have made use of this information have found it to be invaluable. Unfortunately it is not as large as it should be. This situation should be remedied during the coming year.

### COST OF LIVING

Likewise invaluable in labor negotiations are up-to-date cost of living figures. During the past year we have added the data compiled monthly by the National Industrial Conference Board to the U. S. Department of Labor statistics.

### PUBLICATIONS

During the past year, your director has revised "The Wage and Hour Act: How It Affects a Broadcasting Station." This popular pamphlet will be revised again during 1942.

A new publication, "Working for Radio," will be available at the Cleveland convention. It likewise will be available to member stations in quantity lots for distribution to boys and girls looking for jobs in radio.

### ABTU ABOLISHED

The International Brotherhood of Electrical Workers discontinued its Associated Broadcast Technicians Unit arrangement of organization in the industry on March 1, 1942. All broadcast technician members of the IBEW, except on the West Coast, are now in local unions composed exclusively of broadcast men. These local unions are supervised directly from the international office of IBEW in Washington. On May 1, 1942, there were 39 such locals.

### CONCLUSION

Not only the leaders of organized labor but also government officials dealing with labor problems have highly commended the broadcasting industry's labor policy.

A few excerpts from comments on your director's 1941 report may prove interesting.

William Green, president, the American Federation of Labor—

"You deserve great credit for the skillful way in which you have handled difficult labor situations over a long period of time. I have been very happy over the fact that a fine degree of cooperation and a splendid reciprocal relationship has existed between management and labor in the radio broadcasting industry."

James B. Carey, secretary, Congress of Industrial Organizations—

"It seems you have done a splendid job . . ."

L. Metcalfe Walling, Wage and Hour Administrator—

"I think your record is almost unique among industries where controversy is more to be expected than otherwise because of the very nature of the case."

Daniel W. Tracy, Assistant Secretary of Labor—

"A good job well done."

Dozens of others of a similar nature were received. For these, your director must thank not only the writers, but also the entire broadcasting industry for its wholehearted cooperation.

Respectfully submitted,

JOSEPH L. MILLER,  
Director of Labor Relations.

May 1, 1942.

# Research Department

The NAB Research Department reports material progress in its work since the St. Louis Convention, held in May, 1941. At convention time last year, the personnel of the department, in addition to the director, consisted of two assistants, Mr. J. Robert Myers and Mrs. Helen H. Schaefer, a secretary and six clerical employees. A number of personnel changes have occurred since that time. Mr. J. Robert Myers resigned February 1st to accept a position as Chief Statistician at the National Broadcasting Company. The position vacated by Mr. Myers has not been filled. Upon the resignation of the secretary, Miss Loretta J. Kealy, formerly with Radio Station KOIL in Omaha, Nebraska, was engaged to fill that office. There was a large turnover in the clerical force, due to the employment situation in Washington wherein government salary offers have been consistently higher than those of the Association.

Effective May 1, 1942, the clerical force was released coincident with discontinuance of the "Broadcast Advertising Record." At the March 19th meeting of the Board of Directors, the Board Finance Committee included in its recommendation for reductions in the proposed 1942 budget, the elimination of the "Broadcast Advertising Record." The Finance Committee was careful to point out that its action in no way questioned the value of the "Broadcast Advertising Record" and recommended dropping the appropriation for its continuance after consulting with the Research Department as to the practicability of allowing some outside agency to continue its operation. The Board approved the recommendation of its Finance Committee.

During the past year, most of the time of the Research Department in man hours was devoted to the "Broadcast Advertising Record." Mrs. Helen H. Schaefer was in active charge with the force of three typists and three clerks to handle the work.

## BROADCAST ADVERTISING RECORD

At convention time last year, the name "Broadcasting Advertising Record" was just being announced, and its first issue, for January, 1941, had just been released. Since that time, the Research Department has published thirteen issues, and it is hoped that the fourteenth—March, 1942—will be available at convention time. Cooperation in the "Record" has been good, and the Research Department is indebted to some 212 stations which have been constant cooperators throughout the undertaking. There were 227 stations cooperating in the January, 1941 issue of the "Record." Since that time, the number of stations included in each issue was as follows:

January, 1941	227
February	228
March	242
April	243
May	243
June	243
July	240
August	234
September	231
October	230
November	226
December	220
January, 1942	213
February	212

The decline in the number of cooperators beginning with July was caused, first, by the speed-up in tabulation and printing in an effort to minimize the time lag between the close of the month

of report and the issuance of the "Record." In successive months after the July report was released October 17, the August report was released October 21; the September report, November 15; and the October report, December 9, when it was felt that the objective of current reports had been essentially attained. During this period of speed-up, no effort was made to promote the "Broadcasting Advertising Record" in soliciting new station co-operators because the "Record" was then operated on a minimum budget and funds were not available to handle any greatly increased volume in tabulation. As a matter of fact, it was necessary to obtain a deficiency appropriation of approximately \$1,500 from the Board of Directors to complete the year, 1941.

Numerous letters from cooperating stations on the subject of "Broadcast Advertising Record" were received during the year, 1941, in which were contained constructive criticism. The suggestions for improvement were reviewed by the NAB Research Committee. This committee is composed as follows:

Roger W. Clipp, Chairman, Station WFIL  
 John McCormack, Station KWKH  
 C. Glover DeLaney, Station WTHT  
 Dr. Frank N. Stanton, Columbia Broadcasting System  
 Barry T. Rumble, National Broadcasting Company

The Committee also reviewed suggestions by the Department of Broadcast Advertising and the Sales Managers Executive Committee. With this able counsel, it was possible in publishing the January, 1942, "Record" to incorporate several real improvements.

The first of the improvements was a simplification of the report. Previously, the classifications of clients were set up under two major heads, "Retail" and "General." Both of these were eliminated. The concensus was that national spot and local business were of transcending importance in the business of broadcasting, and although the terms, "Retail" and "General," are employed in the newspaper business, their application was not direct enough to be of real value to broadcasters. It was also pointed out that for practical purposes, local business in radio is synonymous with retail business in newspapers, and the same relationship exists between national spot business and general advertising.

The new tabulation provides one consolidated classification of advertising clients' business, which is applied uniformly to local, national spot, regional network and national network advertising. No classifications were omitted in this consolidation, but in some cases, classifications were added to give further detail where experience indicated the need for such. The arrangement in the January, 1942 and subsequent "Records" is Table I for local business, Table II for national spot business, with the breakdown for both into five city size groups. Table III is a consolidation of local, national spot, regional network and national network business.

The second improvement was made in the procedure of stations reporting. Prior to January, the forms used, known as "write-back" forms, listed the previous month's accounts in the same classification order as included in the "Record." The work of the reporting station was merely to correct, by "closing out" those accounts which did not carry over into the current month; listing the number of times broadcast during the month for those accounts which did carry over into the current month. It was pointed out that this procedure rendered a service to stations, but that the work involved in calculating the number of units within each classification of business to be posted in the "Record" each month was a considerable burden on stations. To render this additional service, a procedure was evolved wherein one of the two copies of the write-back form furnished to stations carried the label of the previous month and contained the figure of the number of times each account was broadcast for the month and

the total number of units involved. With this simple addition, it is then possible for each station to establish direct comparison with the figures in the "Record" for the average station. Numerous letters have been received from stations expressing approval of both of the improvements.

The Research Department has been working with the "Record" figures, attempting to evolve a procedure for projecting industry total estimates. It is recognized that the stations cooperating do not constitute a representative sample. Attempts have been made to select from those stations a set of 85 which would agree with the criteria set up by Dr. Paul Lazarsfeld, Director of the Office of Radio Research at Columbia University. It was found that certain classifications of stations were not cooperating, and no sample matching was possible. Rough projections have been made, and have been released, because they are useful within limitations. The figures themselves are not reliable, but the relationship of figures from month to month and year to year are reliable and significant. The projection of total units of advertising placed with the broadcasting industry by month is as follows:

Program Units			
	1940	1941	1942
January		6,500,000	7,879,000
February		5,992,000	7,291,000
March		6,847,000	
April		6,753,000	
May		7,003,000	
June		6,802,000	
July		6,717,000	
August		6,697,000	
September	6,217,000	6,717,000	
October	7,764,000	8,140,000	
November	6,875,000	7,858,000	
December	6,776,000	8,242,000	

Announcement Units			
	1940	1941	1942
January		997,000	1,151,000
February		1,001,000	1,094,000
March		1,161,000	
April		1,287,000	
May		1,264,000	
June		1,159,000	
July		1,119,000	
August		1,122,000	
September	1,022,000	1,207,000	
October	1,256,000	1,373,000	
November	1,139,000	1,351,000	
December	1,177,000	1,469,000	

To get a clear conception of trend of the above monthly figures, twelve-month moving totals were calculated. These are figures for the year closing at the end of each month. They properly account for seasonal activity and are of particular value for the purpose of forecasting. The twelve-month moving totals calculated through February, 1942, are as follows:

Year Ending	Program Units	Announcement Units
August, 1941	80,943,000	13,705,000
September 1941	81,442,000	13,889,000
October, 1941	81,818,000	14,006,000
November, 1941	82,801,000	14,219,000
December, 1941	84,267,000	14,511,000
January, 1942	85,646,000	14,664,000
February, 1942	86,944,000	14,756,000

To give some conception of the source of radio business, the breakdown of twelve-month moving totals at the close of February, 1942, was as follows:

	Program Units	Announcement Units
Local	25,076,000	8,496,000
National Spot	25,770,000	5,716,000
Regional Network	5,090,000	544,000
National Network	31,008,000	0
Total	86,944,000	14,756,000

Similar analysis for each classification of business has been planned. However, the pressure of work involved in compiling the monthly reports, and more recently in closing out the entire operation, has held up this work. It is still hoped that it can be done as rapidly as possible after the Cleveland convention. Progress, however, is apt to be slow because of personnel limitations.

The NAB Research Committee and the Research Department are striving now to make satisfactory arrangements with an outside organization to continue, in some form, the valuable service embodied in the "Broadcast Advertising Record". It is hoped that an announcement can be made at an early date as to what organization will undertake the service. It is also hoped that stations will support the undertaking for two important reasons; first, in self interest, to keep this sales-aid available for the station's own use; and second, to continue to provide the general industry data so vital in the operation of the NAB Department of Broadcast Advertising.

### CENSUS OF 1940

The NAB Research Department has continued its contact with the Bureau of the Census during the past year, and every effort has been made to encourage the Census Bureau to release the radio figures developed from the Housing Census. To date, six state reports have been made, in which are contained radio figures by county in detail of urban, rural-nonfarm and rural-farm ownership. In addition, preliminary figures of state totals have been released for thirty states and the District of Columbia. The latter were published in a special release of the Census Bureau. The six individual state reports were contained in the "Second Housing Series General Characteristics" Census Bureau publication. These "Series Two" reports will be published by state as they are completed. The usual procedure of the Census Bureau has been to release small states first and the large population states last. Individuals in the Bureau of the Census estimate that "Series Two" reports for all states will not be completed prior to January 1st of next year.

After consultation with the NAB Research Committee, discussions have been held with Census people in an effort to work out some means whereby the radio figures can be made available at an earlier date. It is apparent now that Census officials realize that there exists a real need for the radio data by the industry and various government departments concerned with war operations, and that earlier releases are advisable. The Research Department is informed that preliminary figures of radio families at the 1940 Census date will be released by state, in detail by county totals, with separate figures of rural-farm and rural-non-farm, and radio ownership figures for cities of 25,000 population or more. It was indicated at the time of the last contact with the Bureau that approximately 17 states are completed and can be released as soon as preliminary releases can be prepared. It is thought that most of the state preliminary releases can be completed prior to the end of June and the remainder prior to the end of July.

When the Bureau of the Census released the first radio ownership data, it was disclosed that the figures of radio ownership were not complete due to the fact that the radio question in the Housing Census form was not answered for all occupied dwelling units. For the state of Nevada, the first state released, 1,113 occupied dwelling units were not covered by answers to the radio question. The preliminary figures for 30 states and the District of Columbia contain 297,369 occupied dwelling units with no answer to the radio question. The Research Department has therefore followed the procedure of projecting total figures. The method employed in projection has been discussed with the Census

Bureau, and although official sanction cannot be given, it is evident that reliable results are obtained. The method has also been reviewed by the NAB Research Committee and approved.

A considerable amount of work will be involved in handling the preliminary releases for publication. Since the figures of urban ownership will not be given for each county, they must be obtained by calculation. After this step is completed, projection will be made of each figure to estimate totals, each category by county of urban, rural-nonfarm and rural-farm. The same procedure will be followed by cities of 25,000 population or more. The state estimates will be published in the NAB Reports as rapidly as they become available, and when all states are complete, it is proposed by the Research Committee that the Research Department compile and publish a radio data market book, including figures by state, county, and principal cities of population, homes, radio ownership, retail sales and any other data decided upon as of material value.

Estimated state totals of the number of occupied dwelling units, percent equipped with radio, and the number of dwellings with radios for 30 states and the District of Columbia follow:

	Occupied Dwelling Units	% Radio	Radio Units
<b>NEW ENGLAND</b>			
Maine .....	218,968	86.5	189,321
New Hampshire .....	132,936	90.0	119,664
Vermont .....	92,435	88.6	81,905
Rhode Island .....	187,706	95.7	179,652
Connecticut .....	448,682	95.7	429,236
<b>WEST NORTH CENTRAL</b>			
Iowa .....	701,824	90.2	633,180
North Dakota .....	152,043	88.4	134,422
South Dakota .....	165,428	84.6	139,883
Nebraska .....	360,744	84.7	305,660
Kansas .....	511,109	83.0	424,396
<b>SOUTH ATLANTIC</b>			
Delaware .....	70,541	87.0	61,380
District of Columbia .....	173,445	93.7	162,446
Virginia .....	627,532	67.1	421,148
West Virginia .....	444,815	75.1	334,267
North Carolina .....	789,659	61.8	487,581
South Carolina .....	434,968	49.6	215,740
Florida .....	519,887	64.8	336,791
<b>EAST SOUTH CENTRAL</b>			
Alabama .....	673,815	49.4	333,229
Mississippi .....	534,956	39.9	213,353
<b>WEST SOUTH CENTRAL</b>			
Arkansas .....	495,825	50.9	252,266
Louisiana .....	592,528	53.3	315,292
Oklahoma .....	610,481	68.8	420,253
<b>MOUNTAIN</b>			
Montana .....	159,926	86.2	137,900
Idaho .....	141,727	86.4	122,471
Wyoming .....	69,374	84.4	58,531
Colorado .....	316,000	84.5	267,280
New Mexico .....	129,475	53.2	68,950
Arizona .....	131,133	69.0	90,408
Utah .....	139,487	92.4	128,944
Nevada .....	33,291	81.4	27,119
<b>PACIFIC</b>			
Oregon .....	337,492	88.7	299,255

### STATION COVERAGE

The NAB Research Committee, in its meeting April 10, discussed the subject of station coverage, and it appears that the proposal of the AAAA Time Buyers Committee, which would employ signal strength and audience mail analysis, will receive its endorsement in broad outline. Coverage claims would be presented

separately for day and night. Day and night maps would contain the results of signal strength studies and audience mail.

1. **SIGNAL STRENGTH:** Day signal strength contours would contain the minimum of the half-millivolt line. Other contour lines which may be included are twenty-five, ten, two and one-tenth millivolts per meter.

Night signal strength map will set forth a contour line showing the point of interference as the minimum requirement, and may also include the other millivolt lines. Clear channel stations will show sky-wave contours where half-millivolt signal is available 50% of the time.

All signal strength material presented is to be described accurately in terms of the NAB Engineering Recommendations on the conducting of signal strength surveys, and in conformance with the FCC Rules and Regulations on the subject.

2. **AUDIENCE MAIL:** Cumulative audience mail will be used for the purpose of coverage calculations. Some minimum of the volume of mail will be prescribed. Separate calculations for day and night coverage will be made.

Mail response will be related to 1940 Census figures of radio families to produce an index of response per thousand radio families.

The home county, or specifically the county in which the station's principal studios are located, will be used as the base for analyzing audience response indexes by county.

Primary coverage will consist of those counties having audience response indexes 25% or greater than the home county.

Secondary coverage will consist of those counties having an index of audience response 5% to 25% of the home county index.

The format of coverage presentation has not yet been evolved. However, particular emphasis will be given to the descriptive matter required to assure proper understanding or interpretation of the material presented. It is the hope of the Research Committee that a recommendation on method will be available for its consideration when it meets in Cleveland May 10th.

### RADIO TAX

The inclusion of the Radio Tax in the House Bill of 1941, providing for a levy on the time sales of radio stations and networks, commanded NAB attention. The Research Director was called upon to serve on the special committees appointed to handle the matter, and after Ellsworth C. Alvord was retained as tax counsel for the Association, the Research Department collaborated in the collection of information needed in preparing the NAB tax case presented by Mr. Alvord before the Senate Finance Committee hearings on the subject. The Radio Tax was eliminated in the Senate Tax Bill and was not reinstated in conference.

It will be recalled that the statements of John B. Haggerty, President of the Allied Printing Trades Union, before the House Ways and Means Committee, had been credited as being the principal reason for the inclusion of a radio tax.

On September 18, the NAB Labor Relations Department sent an inquiry to all stations asking the amount spent in union print shops during the first six months of 1941. The NAB Research Department tabulated the results of the 441 stations replying. The study showed that radio stations, for the first six months of the year, 1941, placed directly with the union print shops some half-million dollars worth of business.

Last December, Mr. Haggerty prepared a long report on the subject of the Radio Tax for his association and distributed copies to members of Congress and apparently to a large mailing list. The NAB Research Department made a study of his report and developed factual information needed in refuting his claims. The Department also assisted in collecting the factual material needed for the statement of Mr. Alvord and the memorandum he submitted to the House Ways and Means Committee April 17th. Mr. Alvord's appearance followed the appearance of John B. Haggerty on April 14 when he asked the House Ways and Means

Committee to levy a tax averaging from five to fifteen per cent on radio time sales. To date, no radio tax is included in the 1942 Tax Bill as it is being drafted.

### NAPA QUESTIONNAIRE

On June 26, the NAB Research Department sent a questionnaire to all broadcast stations in the state of Pennsylvania, requesting information as to the contractual relations each had with the National Association of Performing Artists (NAPA). The survey was made at the request of various stations in the state, and was confined to the state of Pennsylvania because NAPA operation was centered there as a result of the Pennsylvania Supreme Court decision in the Waring vs. WDAS case. The questionnaire was sent to 44 radio stations and replies were received from 41. Follow-up letters were sent out September 8 and September 24 in an effort to get full response and also to obtain permission to use the material in a report of survey findings addressed to the stations of Pennsylvania. The proposed report was prepared and mailed October 20, 1941, to the 41 cooperating stations.

### RADIO WAR EFFORT

Stations have been asked to submit monthly reports of the announcements and programs broadcast in behalf of the war effort. The reports, known as "Defense Broadcast Reports", were started before the United States entered the war and have served an important function in the NAB effort to aid our government and the industry in effectively using radio in national defense activity. The value of the report has increased manifold since our war declaration.

The NAB Research Department has analyzed the reports as a service to Mr. Arthur Stringer to whom the reports are addressed. In addition to Mr. Stringer's use of the analysis, the information has been employed in connection with the tax cases before the Congress, and the many conferences which have been held with Army, Navy, Marine Corps, Coast Guard and government departments.

The number of stations submitting defense broadcast reports is as follows:

1941—July	257	1942—January	493
August	366	February	438
September	373	March	439
October	363		
November	350		
December	459		

Analyses of the reports have been published for the months of September, December, January and March and have been printed in the NAB Reports.

### OFFICE OF FACTS AND FIGURES

The Office of Facts and Figures has looked to the NAB for assistance in setting up its service to the war effort in the matter of coordinating governmental use of broadcasting. Considerable time of the Research Department has been devoted to the development of information required by OFF and also in rendering an advisory service to that government office, in matters of research.

On March 4, the Research Department, in consultation with the Research people of OFF, prepared a questionnaire on Radio War Activities which was sent to a carefully selected sample of thirty stations. The questionnaire was designed to develop information on the number of requests received by stations for broadcast service from offices of the armed forces, government agencies and other organizations (quasi-governmental and local) having connection with the war effort. A weekly schedule of such requests was asked, together with a record of the disposition of such, during the week of survey and also the number of requests fulfilled during

the week of survey, which had been received prior to the week. A supplemental questionnaire was attached asking questions as to the experience of stations in the matter of handling the requests as a management function.

Twenty-seven of the thirty stations submitted replies to the questionnaire originally sent out March 4 over the joint signatures of Neville Miller for the NAB, and John Shepard, 3rd, for the Broadcasters Victory Council. Both Mr. Miller and Mr. Shepard followed up immediately with personal letters to each of the thirty stations asking full cooperation. By April 1st, reports had been received from twenty-three stations. On April 1st a wire, signed by the Research Director, was sent to the remaining seven stations. By April 8, reports had been received from twenty-five stations, and wires were sent to the remaining five by Neville Miller. Three stations refused cooperation in this matter which is considered to be of singular importance to the industry.

The Research Department is working with the Research people of the OFF in tabulating the results, and it is hoped that the information will not be too seriously impaired by the absence of replies from three stations in the thirty-station sample.

The OFF is now launching a research program which challenges the research profession. The research desired is designed to determine the effect of the radio war effort on the public. Naturally the results which will be gathered will reflect not only the effectiveness of radio in reaching the public, but will also disclose public reaction to the entire war effort; the policy of the government in its war operation, the degree of acceptance by the people of the many efforts of government, in enlistment to the armed forces, in soliciting funds, in asking conservation of scarce materials, etc. The NAB Research Director was asked by Dr. Frank N. Stanton, who is in charge of Research for the Office of Facts & Figures, to serve with a group of outstanding people in the field of radio research, who are consulting with him on the project.

### SELECTIVE SERVICE QUESTIONNAIRE

On May 9, 1941, just prior to the St. Louis convention, the Research Department sent a questionnaire to all broadcasting stations, requesting information as to the number of radio engineers, their status with respect to the Selective Service Act and Reserve Corps, and the availability of replacements for vacancies for any reason. By June 20, completed questionnaires had been received from 507 of the 836 standard broadcast stations which were in operation May 1. This represented a return of 61%. On June 20, the Research Department completed a report on "The Effect of National Defense Activities on Technical Personnel of the Broadcast Industry", which was presented to National Headquarters, Selective Service System as evidence of the critical shortage of radio engineers existing in the industry at that time. The report contained an analysis of the selective service classification of the 3,085 engineers employed by the 507 stations reporting. The selective service classification at that time was in accordance with the first Selective Service Act, 1940, which applied to ages 21 through 35.

A Selective Service Board turned over the report to the Department of Labor for study. A series of conferences were held between the Research Department and the Department of Labor, and on July 11 a revised report was prepared to incorporate the change resulting from Congressional revision in the Selective Service Act, dropping the upper age limit from 35 to 27. It is understood that the report of the Labor Department to the Selective Service Board, as a result of its study, was favorable to the industry.

### SALES ORGANIZATION QUESTIONNAIRE

On October 24, 1941, the Research Director sent a questionnaire to all station managers, asking information as to the organization

of the sales department of stations. It will be recalled that at the 1939 NAB Convention in Atlantic City, Dr. Herman S. Hettinger of the Wharton School of Finance, University of Pennsylvania, presented the results of such a study which had been made under his direction by one of the University students during that year. The interest manifested at that time led the NAB to publish and distribute to members a report of the study which was prepared by Dr. Hettinger in collaboration with the Research Department.

The original study was based on a small sample and was therefore limited in scope. Numerous requests received from stations for information on Sales Organization, the number of salesmen employed, method of compensation, etc. led to the consideration of a revision of the original study. After discussion with Dr. Hettinger, a senior student at the Wharton School, William G. Owen, volunteered to undertake the revision as an academic project and prepare a report to serve as his thesis, required for degree. The proposal was presented to the Sales Managers Executive Committee and it endorsed the plan. Frank E. Pellegrin, Dr. Hettinger and your Research Director counseled Mr. Owen in developing the questionnaires.

On October 24, the questionnaires were sent to the Sales Managers of all stations. By December 5, completed questionnaires had been received from 260 stations, and on that day, follow-up was sent, urging those stations which had not submitted reports to do so. A total of 364 completed questionnaires have been turned over to Mr. Owen. This compares very favorably with the 88 stations contained in the sample of the 1939 study. It is expected that Mr. Owen's report will be informative and useful to the broadcasting industry.

On January 27, a second part of the Sales Organization survey was sent to all station sales managers. This questionnaire developed information necessary to round out the picture of sales organization. It asked information concerning the supporting functions for selling; research promotion, sales presentations and merchandising. To date, 183 of these questionnaires have been received and turned over to Mr. Owen for tabulation.

It is hoped that some preliminary data from the survey will be available at the Cleveland convention, and it is expected that the finished report will be turned over to NAB in June and that it can be sent to cooperating stations as soon thereafter as it can be printed.

### NEWS PROGRAM QUESTIONNAIRE

The concern of the U. S. Committee on War Information over the handling of news broadcasts commanded the attention of the industry. The Broadcasters Victory Council prepared a list of suggestions on the handling of news broadcasts which was submitted to the Committee on War Information. A meeting of the NAB Code Committee was called to tackle the problem. The Broadcasters Victory Council was represented at the Code Committee meeting and conferences were held with the Committee on War Information. As a result of the meeting which was held February 6, the NAB Research Department was asked to conduct a survey on News and News-type programs.

On February 14, 1942, a questionnaire was sent to a pre-selected sample of 270 stations. The questionnaire was composed of two parts. Part One dealt with station policy on the handling of News and News-type programs, and Part Two asked information as to the amount of revenue from the sale of news programs

and tie-in announcements; a separate figure on revenue from spot announcements sold adjacent to News programs; and a schedule of all News-type programs broadcast during the week of February 8 through 14 inclusive.

On February 25, a follow-up was sent to those stations which had not yet replied. On March 10, a selective follow-up was sent by wire to nine stations in an effort to complete a scientifically selected sample of 85 commercial stations prepared for NAB by Dr. Paul S. Lazarsfeld, Director of the Office of Radio Research of Columbia University.

A tabulation of the survey has been completed and a report of findings is being prepared for the NAB Code Committee and will be submitted at its meeting to be held in Cleveland May 10, 1942.

### STATION ANALYSIS

As of May 1, 1942, standard broadcast stations of the United States and its possessions number 924. Analysis of these by class of station is presented in the following table, together with the count of NAB members within each classification. These classifications agree with those used by the Federal Communications Commission. The analysis is made from a master station file maintained by the Research Department.

	Stations as of May 1, 1942	NAB Membership May 1, 1942
Clear Channel:		
Unlimited (50kw) .....	43	37
Part-time (50kw) .....	5	4
Unlimited (5 to 25kw) .....	19	16
Part-time (5 to 25kw) .....	5	3
Regional Channel:		
Unlimited .....	254	180
Limited and Day .....	45	23
Part-time .....	23	8
Local Channel:		
Unlimited .....	419	204
Day and Part-time .....	36	9
	849	481
Non-Commercial .....	34	4
Territorial .....	14	6
Construction Permits .....	27	5
	924	499
High Frequency Educational .....		1
Frequency Modulation (Operating Commercial) .....		4
Frequency Modulation (CP Commercial) ..		1
"                    (Experimental) ..		1
Total NAB Stations .....		506

A second analysis of broadcasting stations is presented in the following table in detail by population of metropolitan districts or cities in which stations are located. The information presented shows the total number of stations in each of nine city size classifications as of May 1, 1942, together with the number of NAB member stations at the same date. The nine city size classifications agree with those used by the FCC in their financial analysis. This tabulation is also taken from the NAB Research Department station file.

Metropolitan Districts (1940 Census)	Operating Commercial Stations Continental U. S.		Non-Commercial Stations		Territorial Stations		Construction Permit Stations		Total Stations	
	Total	NAB	Total	NAB	Total	NAB	Total	NAB	Total	NAB
2,500,000 and over.....	66	32	5	1	0	0	2	1	73	33
1,000,000 to 2,500,000.....	51	34	1	0	0	0	1	0	53	34
500,000 to 1,000,000.....	52	36	2	0	0	0	0	0	54	36
250,000 to 500,000.....	97	64	4	2	1	0	5	0	107	66
100,000 to 250,000.....	125	89	2	0	7	5	6	1	140	96
50,000 to 100,000.....	48	30	1	0	1	0	4	3	54	33
City and Town										
25,000 to 50,000.....	124	78	1	0	0	0	1	0	126	78
10,000 to 25,000.....	194	92	9	0	0	0	6	0	209	91
Less than 10,000.....	92	29	9	1	5	1	2	0	108	31
	849	484	34	4	14	6	27	5	924	499
High Frequency Educational.....								1 (NC)		1
Frequency Modulation.....	4)									
Frequency Modulation (Experi- mental).....	1)							1		6
Total NAB Stations.....										506

### GENERAL RESEARCH ACTIVITY

The specific projects mentioned in the foregoing paragraphs constitute the larger, time-consuming jobs undertaken by the Research Department. In addition to these, there has been the normal work of the department in serving the various other NAB Departments with the information required in the regular handling of their work; the rendering of research counsel and development of industry information to fulfill the requests received from members; and representation of the Association in matters of research in the fields of advertising, general business and before the public.

Your Research Director feels that the Association has advanced in matters of research during the past year. The Research Department has enjoyed its work with the industry and is looking forward to further progress during the coming year.

Respectfully submitted,

PAUL F. PETER, *Director of Research.*

May 1, 1942.

## Promotion Department

The formal declaration of war found broadcasters prepared for action.

They had been on maneuvers for many months—ever since July 23, 1940, when the Civil Service Commission sought assistance in recruiting skilled workers for the Army and Navy armament production. The million mark was passed last January.

Broadcasting today is an integral part of the nation's war effort. It unites men on the battle front with the folks on the home front. It recruits men for the Army, Navy, Marine Corps, Coast Guard and Civil Service; sells war bonds and stamps by the billions. It informs, entertains and delivers the news; fosters conservation, improves our health and does a hundred and one other jobs, all at no cost to the government or the American people.

### THAT LITTLE COMMERCIAL

Ability to perform these varied services is due to one little word, "commercial," a fact that's getting noised about. Not long ago a letter was received in Washington from a detachment on foreign duty, unable, because of location, to get American programs. The writer for the group ended with this plaintive wail:—"If we could only hear some programs with good old American commercials."

### NO SHORTAGE OF RECEIVERS

As long as there are radio programs, it is anticipated that there will be facilities for hearing them despite the discontinuance of home radio set manufacturing. And by January 1, 1943 it is expected that the total receiver count will have made another high with over 60,000,000 sets in use. As long as the present supply of many millions lasts, new sets will be available throughout the country. They may be purchased without restrictions.

Because of the multitude of services which radio is now rendering and will render in the days to come, it is inconceivable that Federal provision will not be made for an adequate supply of replacement parts. If a severe shortage of servicemen should develop, American ingenuity would necessarily be called upon to evolve an entirely new technique in set servicing.

The broadcasting industry has a duty to the country of maintaining essential radio circulation. This now involves transmission of programs by 924 stations and radio reception in 30,600,000 homes, in 9,000,000 radio-equipped automobiles and in institutions, places of business, etc., which brought the total receiver sets in use to 56,000,000 last January 1. Continued contact with government, manufacturers and the radio trade will be required.

### RADIO'S WAR EFFORT

Station war effort has been magnificent from the beginning. War Effort Broadcast reports are received voluntarily from stations each month. From this material the NAB Research Department calculates the number of program units of local origina-

tion devoted to the promotion of war tasks common to most stations. Not included are units in sponsored or sustaining network programs. Since the industry's patriotism is not for sale, these program units are never evaluated on a dollars and cents basis. The consolidated report for all stations for March, 1942 follows as Exhibit A.

## EXHIBIT A

### RADIO'S WAR EFFORT FOR MARCH, 1942

	Manpower	No. of Broadcasts
<b>ARMY</b>		
Live spots .....		35,680
15 Minutes—et .....		2,680
15 Minutes—live .....		120
10 Minutes .....		20
5 Minutes .....		20
<b>NAVY</b>		
Live spots .....		37,870
15 Minutes—et .....		1,370
15 Minutes—live .....		460
10 Minutes .....		10
5 Minutes .....		120
30 Minutes—et .....		370
<b>MARINE CORPS</b>		
Live spots .....		31,450
15 Minute scripts .....		1,050
15 Minutes—et .....		1,160
<b>COAST GUARD</b>		
Live spots .....		22,040
15 Minutes—et .....		110
<b>U. S. CIVIL SERVICE</b>		
Live spots .....		25,300
15 Minutes—live .....		40

### War Financing

<b>U. S. TREASURY</b>		
Live spots .....		141,780
15 Minutes—et .....		6,070

### Morale

#### "You Can't Do Business with Hitler"—WPB

15 Minutes—et .....	2,780
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#### Other Government Agencies Which Secured Time

Live Spot .....	43,870
2 Minutes—live .....	120
3 Minutes—live .....	300
5 Minutes—et .....	960
5 Minutes—live .....	2,810
10 Minutes—live .....	730
15 Minutes—live .....	8,060
15 Minutes—et .....	1,990
25 Minutes .....	10
30 Minutes—et .....	60
30 Minutes—live .....	690
45 Minutes .....	90
60 Minutes .....	40

## STRONG SUPPORT FOR FIGHTERS

Coordination of recruiting announcements for the Army, Navy, Marine Corps, Coast Guard and Civil Service through this office continues by request of these departments.

Col. H. N. Gilbert, Army recruiting chief, with whom the department began Army cooperation, has a new assignment. Before

taking his new post in April Col. Gilbert sent the following letter of appreciation for transmittal to broadcast executives.

"I am winding up my ball of yarn after six interesting years of work here. I'm taking this opportunity to express to you and the National Association of Broadcasters my appreciation for the cooperation and wholehearted assistance that has been given the Army Recruiting and Induction Service during my time as its chief. That assistance has been of great value and contributed greatly to our success."

## NAB WAR COMMITTEE

The NAB War Committee came into being on July 16, 1941 as the NAB National Defense Committee. It consists of:

John E. Fetzer, WKZO, Kalamazoo, Mich., Chairman  
 \*H. Vernon Anderson, WJBO, Baton Rouge, La.  
 Harry C. Butcher, CBS, Washington, D. C.  
 Leo J. Fitzpatrick, WJR, Detroit, Mich.  
 A. J. Fletcher, WRAL, Raleigh, N. C.  
 Ben Ludy, WIBW, Topeka, Kansas  
 Frank M. Russell, NBC, Washington, D. C.

\*Now in service.

At its initial meeting the committee envisioned an impending critical shortage of radio technicians for the armed forces and industry. Deciding to foster remedial measures the committee approved a broad plan whereby this department would undertake the establishment of radio technician training courses.

The Army Signal Corps and the Navy's Bureau of Navigation officially asked the NAB War Committee to institute technician training courses. Both approved the statement to educators that the need for such men was urgent and that the number that could be used was practically unlimited.

## ENLISTED RESERVE CORPS

Since investigation showed that the armed services, broadcasting and industry had already absorbed all available radio-manpower, there was but one thing to do. That was to begin with "green" men and teach them the fundamentals of radio.

After having acquired basic knowledge, students going into the armed services would be prepared for intensive, in-service training which would finally qualify them for various communications tasks.

Large numbers of 1-A students and others are now enlisting in the Enlisted Reserve Corps. This permits them to remain undisturbed at their jobs and at their studies as long as satisfactory grades are maintained. Those not qualified for military service, by one reason or another, will afford relief to industry upon completion of their studies. The precise date will vary from city to city, depending upon the starting time.

The course outline which is being followed throughout the United States was prepared by Dr. W. L. Everitt, professor of electrical engineering in charge of communication, Ohio State University, Columbus; Carl E. Howe, associate professor of physics, Oberlin College, Oberlin; Richard H. Howe, assistant professor of physics, Denison University, and secretary-treasurer, The Ohio Section of the American Physical Society, Granville; Carl Smith, Cleveland, chief engineer, radio stations WHK, WCLE and WHKC; Lynne C. Smeby, director of engineering, National Association of Broadcasters. Two of the authors, Dr. Everitt and Mr. Smeby, are now on full time duty at the Signal Corps.

Among the colleges and universities responding to the appeal to teach "Fundamentals of Radio" to "green" men are those shown in Exhibit B.

EXHIBIT B

COLLEGES AND UNIVERSITIES GIVING RADIO TECHNICIAN TRAINING COURSES

- ALABAMA  
Alabama Polytechnic Institute
- ARIZONA  
University of Arizona
- ARKANSAS  
University of Arkansas
- CALIFORNIA  
(south)  
California Institute of Technology  
(north)  
Stanford University  
University of Santa Clara
- COLORADO  
Colorado School of Mines  
University of Colorado  
University of Denver  
Colorado College  
Colorado State College of A. & M. Arts  
Colorado State Teachers College  
Mesa Junior College  
Pueblo Junior College
- CONNECTICUT  
Bridgeport Engineering Institute  
New London Junior College  
University of Connecticut  
Yale University
- DELAWARE  
University of Delaware
- FLORIDA  
Orlando Junior College  
University of Florida  
University of Tampa
- GEORGIA  
Georgia School of Technology
- IDAHO  
University of Idaho
- ILLINOIS  
Illinois Institute of Technology  
Northwestern University  
University of Chicago  
University of Illinois  
Bradley Polytechnic Institute  
Illinois State Normal University  
Southern Illinois Normal University  
DePaul University  
St. Procopius College
- INDIANA  
Purdue University  
Rose Polytechnic Institute  
University of Notre Dame
- IOWA  
(east)  
The State University of Iowa  
Burlington Junior College  
Coe College  
Iowa State Teachers College  
Loras College  
Luther College  
St. Ambrose College  
(west)  
Iowa State College  
Drake University  
Fort Dodge Junior College  
Graceland College  
Grand View College  
Mason City  
Morningside College
- KANSAS  
University of Kansas  
Rockhurst College (Mo.)  
St. Benedict's College
- KENTUCKY  
Speed Scientific School, University of Louisville  
University of Kentucky  
Western Ky. State Teachers College
- LOUISIANA  
Louisiana Polytechnic Institute
- Louisiana State University  
Loyola University  
Southwestern Louisiana Institute  
Tulane University
- MAINE  
University of Maine  
Bates College
- MARYLAND AND DISTRICT OF COLUMBIA  
Catholic University  
George Washington University  
Howard University  
Johns Hopkins University  
University of Maryland
- MASSACHUSETTS  
Boston University  
Lowell Textile Institute  
Massachusetts State College  
Northeastern University  
Franklin Technical Institute  
Rindge Technical School  
Smith College  
Wellesley College  
Worcester Polytechnic Institute with Holy Cross College
- MICHIGAN  
Detroit Institute of Technology  
Michigan State College  
Flint Junior College  
Grand Rapids Junior College  
Kalamazoo College  
University of Detroit  
Wayne University
- MINNESOTA  
University of Minnesota  
College of St. Thomas  
Duluth Junior College  
Macalester College  
Moorhead State Teachers College  
Rochester Junior College  
Winona State Teachers College
- MISSISSIPPI  
Mississippi State College
- MISSOURI  
University of Missouri  
Washington University  
Drury College
- MONTANA  
Montana State College
- NEW HAMPSHIRE  
University of New Hampshire
- NEW JERSEY  
Rutgers University
- NEW MEXICO  
University of New Mexico
- NEW YORK  
(upper)  
Alfred University  
Clarkson College of Technology  
Franklin Academy  
St. Lawrence University  
State Normal School—Plattsburg  
Cornell University  
Niagara University  
Syracuse University  
Hartwich College  
Hobart College  
State Normal School—Oswego  
Utica Free Academy  
Union College  
University of Buffalo  
University of Rochester  
Vassar College
- NEW YORK  
(metropolitan)  
City College  
Manhattan College  
New York University
- NORTH CAROLINA  
N. C. State College
- NORTH DAKOTA  
University of North Dakota
- OHIO  
Case School of Applied Science  
Baldwin-Wallace College  
College of Wooster  
John Carroll University  
Oberlin College  
Fenn College  
Miami University—*self sponsored*  
Ohio Northern University  
Bluffton College  
Findlay College  
Ohio State University  
Ashland College  
Capital University  
Denison University  
Kent State University  
Mt. Union College  
Ohio Wesleyan University  
Otterhein College  
Ohio University  
University of Akron  
University of Cincinnati  
University of Dayton—*self sponsored*  
Wilmington College  
University of Toledo  
Bowling Green State University  
Defiance College  
Heidelberg College  
Western Reserve University
- OKLAHOMA  
University of Oklahoma  
Oklahoma Baptist University  
Oklahoma City Junior College
- OREGON  
Oregon State College
- PENNSYLVANIA  
(east)  
Haverford College  
Temple University  
Villanova College  
(west)  
Bucknell University  
Pennsylvania State College  
University of Pittsburgh
- RHODE ISLAND  
Brown University
- SOUTH CAROLINA  
Clemson College  
The Citadel  
University of South Carolina
- SOUTH DAKOTA  
South Dakota State College
- TENNESSEE  
University of Tennessee  
State Teachers College—Johnson City  
University of Chattanooga  
Vanderbilt University
- TEXAS  
A. & M. College of Texas  
Kilgore College  
Port Arthur College  
Tyler Commercial College  
Southern Methodist University  
Austin College  
East Texas State Teachers College  
Texas College of Arts and Industries  
Texas Technological College  
Abilene Christian College  
Amarillo College  
University of Texas  
College of Marshall  
Edinburg Junior College  
St. Mary's University  
San Antonio Junior College  
Texarkana Junior College  
Texas Christian University

UTAH  
University of Utah  
Brigham Young University  
Carbon College  
Weber College

VIRGINIA  
University of Richmond  
Virginia Military Institute  
Virginia Polytechnic Institute

WASHINGTON  
State College of Washington  
University of Washington

WEST VIRGINIA  
West Virginia University  
Marietta College—Ohio  
Marshall College

WISCONSIN  
University of Wisconsin  
Beloit College

Lawrence College  
Milton College  
St. Norbert College  
State Teachers College—Eau Claire  
State Teachers College—La Crosse  
State Teachers College—Oshkosh  
State Teachers College—Stevens Point

WYOMING  
University of Wyoming  
PUERTO RICO  
University of Puerto Rico, Rio Piedras

The plan of educational organization to implement the radio training program was suggested by Dean R. A. Seaton, director, Engineering, Science and Management Defense Training, functioning in the U. S. Office of Education. This office, in turn, is administered by Paul V. McNutt, head of the Federal Security Agency, who is to address the NAB convention.

State educators suggested by ESMDT Regional Advisers were named State Coordinators by the NAB war committee and there were matching appointments of broadcasters as Industry Representatives. These men are listed below in Exhibit C.

### EXHIBIT C

#### STATE ORGANIZATION, RADIO TRAINING PROGRAM

State Coordinator—Top Line  
Industry Representative Indicated by \*

##### ALABAMA

J. E. Hannum, Asst. Dean of Engineering, Alabama Polytechnic Institute, Auburn  
\* Howard E. Pill, WSFA, Montgomery

##### ARIZONA

Prof. O. H. Polk, University of Arizona, Tucson  
\* Richard O. Lewis, KTAR, Phoenix

##### ARKANSAS

C. A. VerBeck, Director ESMDT, University of Arkansas, Fayetteville  
\* G. E. Zimmerman, KARK, Little Rock

##### CALIF. (north)

S. B. Morris, Dean of Engineering, Stanford University, Palo Alto, ESMDT Regional Adviser; Dean George L. Sullivan, Institutional Representative, ESMDT, College of Engineering, University of Santa Clara, Santa Clara; Prof. M. P. O'Brien, Institutional Representative, ESMDT, University of California, Defense Training Office, Berkeley. No northern Calif. coordinator  
\* Howard Lane, KFBK, Sacramento

##### (south)

R. W. Sorensen, Prof. of Electrical Engineering, Calif. Institute of Technology, Pasadena  
\* John Austin Driscoll, KRKD, Los Angeles

##### COLORADO

M. F. Coolbaugh, President, Colorado School of Mines, Golden  
\* Eugene P. O'Fallon, KFEL, Denver

##### CONNECTICUT

J. H. Lampe, Dean of Engineering, The University of Connecticut, Storrs  
\* F. M. Doolittle, WDRC, Hartford

##### DELAWARE

W. T. Spivey, ESMDT Regional Adviser, Region 8, Drexel Institute of Technology, Philadelphia  
\* J. Gorman Walsh, WDEL, Wilmington

##### FLORIDA

Joseph Weil, Dean of Engineering, University of Florida, Gainesville  
\* Garland Powell, WRUF, Gainesville

##### GEORGIA

Dr. R. L. Sweigert, Georgia School of Technology, Atlanta  
\* Don Ioset, WAGA, Atlanta

##### IDAHO

J. E. Buchanan, Dean of Engineering, University of Idaho, Moscow  
\* Frank E. Hurt, KFXD, Nampa

##### ILLINOIS

Henry T. Heald, President, Illinois Institute of Technology, Chicago  
\* W. E. Hutchinson, WAAF, Chicago

##### INDIANA

Donald B. Prentice, President, Rose Polytechnic Institute, Terre Haute  
\* Martin L. Leich, WBOW, Terre Haute

##### IOWA (east)

F. M. Dawson, Dean of Engineering, State University of Iowa, Iowa City

##### (west)

T. R. Agg, Dean of Engineering, Iowa State College, Ames  
\* F. C. Eighmey, KGLO, Mason City (east and west)

##### KANSAS

Guy V. Keeler, Director ESMDT, University of Kansas, Lawrence  
\* Ben Ludy, WIBW, Topeka

##### KENTUCKY

F. L. Wilkinson, Jr., Dean, Speed Scientific School, University of Louisville  
\* Nathan Lord, WAVE, Louisville

##### LOUISIANA

Dean Vorhees, University of Louisiana, Baton Rouge  
\* H. Vernon Anderson

##### MAINE

Prof. B. C. Kent, University of Maine, Orono  
\* George F. Kelley, WCSH, Portland

##### MARYLAND

S. S. Steinberg, Dean of Engineering, University of Maryland, College Park  
\* L. Waters Milbourne, WCAO, Baltimore

##### MASSACHUSETTS

Prof. R. D. Douglass, Massachusetts Institute of Technology, Cambridge  
\* E. E. Hill, WTAG, Worcester

##### MICHIGAN

H. B. Dirks, Dean of Engineering, Michigan State College, East Lansing  
\* William Alfs, WJR, Detroit

##### MINNESOTA

Prof. C. A. Koepke, University of Minnesota, Minneapolis  
\* Earl II. Gammons, WCCO, Minneapolis

## MISSISSIPPI

L. L. Patterson, Mississippi State College, State College  
\* Wiley P. Harris, WJD $\bar{X}$ , Jackson

## MISSOURI

A. S. Langsdorf, Dean of Engineering, Washington University,  
St. Louis  
\* George Burback, KSD, St. Louis

## MONTANA

William M. Cobleigh, Dean of Engineering, Montana State Col-  
lege, Bozeman  
\* A. J. Mosby, KGVO, Missoula

## NEBRASKA

O. J. Ferguson, Dean of Engineering, University of Nebraska,  
Lincoln  
\* Don Searle, KOIL, Omaha

## NEVADA

Stanley G. Palmer, Dean of Engineering, University of Nevada,  
Reno  
\* Jack Winston, KOH, Reno

## NEW HAMPSHIRE

L. W. Hitchcock, Acting Dean, School of Technology, Univ. of  
N. H., Durham  
\* Bert George, WHEB, Portsmouth

## NEW JERSEY

Dr. A. R. Cullimore, President, Newark College of Engineering

## NEW MEXICO

M. E. Farris, Dean of Engineering, University of N. M., Albu-  
querque  
\* George S. Johnson, KOB, Albuquerque

## NEW YORK (upper)

Dean S. C. Hollister, College of Engineering, Cornell University,  
Ithaca  
\* Col. Harry C. Wilder, WSYR, Syracuse

## (metro)

Albert B. Newman, Dean of Engineering, College of the City of  
New York

## NORTH CAROLINA

Prof. Edward W. Ruggles, State College Extension Division,  
Raleigh  
\* A. J. Fletcher, WRAL, Raleigh

## NORTH DAKOTA

L. C. Harrington, Dean of Engineering, University of North  
Dakota, Grand Forks  
\* E. C. Reineke, WDAY, Fargo

## OHIO (north)

Prof. H. E. Nold, Director, ESMDT, Ohio State University,  
Columbus

## (south)

Robert C. Gowdy, Dean of Engineering, University of Cincinnati  
\* John F. Patt, WGAR, Cleveland (north and south)

## OKLAHOMA

R. V. James, Director ESMDT, University of Oklahoma, Norman  
\* William C. Gillespie, KTUL, Tulsa

## OREGON

R. H. Dearborn, Dean of Engineering, Oregon State College, Cor-  
vallis  
\* Frank L. Hill, KORE, Eugene

## PENN. (east)

W. T. Spivey, Drexel Institute of Technology, Philadelphia  
(west)

Dr. Herbert L. Spencer, President, Pennsylvania College for  
Women, Pittsburgh  
\* A. K. Redmond, WHP, Harrisburg (east and west)

## RHODE ISLAND

Prof. F. N. Tompkins, Brown University, Providence  
\* John J. Boyle, WJAR, Providence

## SOUTH CAROLINA

Prof. Robert Sumwalt, University of South Carolina, Columbia  
\* G. Richard Shafto, WIS, Columbia

## SOUTH DAKOTA

Dean H. B. Blodgett, South Dakota State College, Brookings  
\* Morton Henkin, KSOO, Sioux Falls

## TENNESSEE

N. W. Dougherty, Dean of Engineering, University of Tennessee,  
Knoxville  
\* J. T. Ward, WLAC, Nashville

## TEXAS

W. R. Woolrich, Dean of Engineering, University of Texas, Austin  
\* George Cranston, KGKO, Forth Worth

## UTAH

A. LeRoy Taylor, Dean of Engineering, University of Utah, Salt  
Lake City  
\* Earl Glade, KSL, Salt Lake City

## VERMONT

Prof. E. R. McKee, University of Vermont, Burlington

## VIRGINIA

Earl B. Norris, Dean of Engineering, V P I School of Engineering,  
Blacksburg  
\* C. T. Lucy, WRVA, Richmond

## WASHINGTON (east)

R. D. Sloan, Vice Dean of Engineering, State College of Wash-  
ington, Pullman  
\* Louis Wasmer, KHG, Spokane

## (west)

E. A. Loew, Dean of Engineering, University of Washington,  
Seattle  
\* Robert E. Priebe, KRSC, Seattle

## WEST VIRGINIA

R. P. Davis, Dean of Engineering, West Virginia University,  
Morgantown  
\* George C. Blackwell, WBLK, Clarksburg

## WISCONSIN

F. Ellis Johnson, Dean of Engineering, University of Wisconsin,  
Madison  
\* Edwin C. Allen, WIBA, Madison

## WYOMING

Ralph D. Goodrich, Dean of Engineering, University of Wyoming,  
Laramie  
\* William C. Grove, KFBC, Cheyenne

## DISTRICT OF COLUMBIA

S. S. Steinberg, Dean of Engineering, University of Maryland,  
College Park

## 20,000 STUDENTS IN TRAINING

The 20,000 radio technician training students are enrolled in at least 764 classes set up in 45 states and Puerto Rico by approved engineering schools. Broadcasters discontinued recruiting on February 19 upon notification that funds were exhausted.

The facilities of many liberal arts colleges were brought into the picture through sponsorship of courses in such institutions by engineering schools. The latter are established as principal contractors by the law under which ESMDT operates.

To expedite the setting up of training courses in states with large numbers of educational institutions, industry representatives called special meetings of educators. The first, held in Columbus,

Ohio, December 20, 1941, was called by Industry Representative John F. Patt, WGAR, Cleveland. It resulted in an outstanding program of cooperation between broadcasters and educators, which is already proving itself.

Next followed a meeting of upper New York educators in Syracuse, called by Industry Representative Col. Harry C. Wilder, WSYR, January 3, 1942; with a meeting of metropolitan New York educators next day in New York City.

This session was also attended by New Jersey educators. Parker H. Daggett, dean of engineering, Rutgers University, and M. A. Chaffee, associate director ESMDT, Rutgers promised a minimum of 100 courses in New Jersey. These courses with over 2,000 students were established in the record time of three weeks.

W. T. Spivey, state coordinator for eastern Pennsylvania and Delaware, arranged for a meeting of educators in Philadelphia on January 15.

A meeting of Massachusetts educators, called by E. E. Hill, WTAG, Worcester, industry representative, and promoted by Roy C. Harlow, Yankee Network, and Harold E. Fellows, WEEL, was also held in Boston on February 7. It was attended by 21 of the 23 Massachusetts stations. These organization sessions were attended by the Director and Lynne C. Smeby, director of engineering. Lieut. Comdr. Lewis Lee of the Bureau of Navigation made the trip to Syracuse and New York City.

Technical men from broadcast stations are sharing the teaching load that descended on the formal educators. The number of men so engaged should increase in the future since adequately trained teaching personnel is a bottleneck. Stations are also helping by contributing classroom space and equipment resulting in lower costs to the government. This was pointed out in a letter from Prof. Sorensen, California Institute of Technology, southern California coordinator.

"... You will be interested to know that we have been able to show a considerable reduction in cost... some saving has been made because certain high schools and Columbia Broadcasting System are contributing space rent free; and some of the high schools are paying part of the instructors' salaries as their contribution.

"In this connection, may I say that I am sure you would be delighted if you could go with me as I visit the classes and note the fine calibre and sincere purpose of the young men taking the course. Already a considerable number have applied for enlistment in the Signal Corps Reserve."

The tabulation in Exhibit D includes most of the broadcast engineers and engineers in allied lines engaged in teaching radio courses. An equally large number assisted in organizing classes.

## EXHIBIT D

### RADIO MEN TEACHING RADIO CLASSES

#### ALABAMA

Vernon Story, WHMA, Anniston; Francis J. Murphree, WSGN, Birmingham; Thomas J. Kelley, WAPI, Birmingham; Paul Cram, WSGN, Birmingham; G. P. Hamann, WBRC, Birmingham; Therald E. Cody, CAA, Dothan; John H. Tharp, WJBY, Gadsden; Wilton H. Pollard, WBHP, Huntsville; Harold L. Mitchell, Mitchell Radio Service, Mobile; Sgt. Joseph W. Perry, U. S. Army, Maxwell Field; Homer Ray Johnson, WCOV, Montgomery; Clifford I. Shelkofsky, WSFA, Montgomery; Raymond T. Garlington, Ala. Power Co., Selma; Frank Bobulski, U. S. Army; William Dale Fritz, U. S. Army; Aubra E. Tilley, Coosa River Ord.

#### ARKANSAS

Ewing Canaday, KELD, El Dorado; Jewell Warren, KFFA, Helena; Harrison C. Mondy, KLRA, Little Rock; John L. Thompson, KOTN, Pine Bluff; Hugh Lineback, KUOA, Siloam Springs; Bob Pinson, KWFC, Hot Springs.

#### CALIFORNIA

Jerome Beranek, CBS, Hollywood; William Rambo, KIEM, Eureka; Alvor Olson, KIEM, Eureka; Ralph Kennedy, KQW, San Jose.

#### COLORADO

George Anderson, KOA, Denver; Byron Brummer, Mt. States Tel. & Tel. Co., Denver; William Stanley Neal, KOA, Denver; Joseph H. Rohrer, KOA, Denver; George Pogue, KFKA, Greeley; Kenneth Cooper, KPDG, Greeley (Police); William Bilsborrow, KFKA, Greeley; Philip Gundy, KGHF, Pueblo; Robert Littlejohn, Pub. Serv. Co., Grand Junction.

#### CONNECTICUT

Kirby B. Austin, Gen. Elec., Bridgeport; Henry Geist, NBC, Bridgeport; Robert N. Ferry, WTIC, Hartford; Merman Goodstine, WNBC, Hartford; Kenneth A. McLeod, WDRC, Hartford; Edwin R. Sanders, WTIC, Hartford; Carleton F. Noyes, WTIC, Hartford; John C. Moore, Jr., WNLC, New London; F. E. Handy, Am. Radio Rel. Lea., W. Hartford; George Grammer, Am. Radio Rel. Lea., W. Hartford; Sidney Warner, State Police, Hartford.

#### GEORGIA

James Hudson, WLAG, La Grange; R. A. Starr, WRGA, Rome; Charlie C. Williams, WRGA, Rome.

#### IDAHO

Ver Cox, KTFI, Twin Falls; H. W. Toedtemeier, KIDO, Boise.

#### ILLINOIS

E. L. Plotts, WBBM, Chicago; Joseph F. Novy, WBBM, Chicago; F. E. Leslie, WGN, Chicago; A. G. Bodch, Underwriters Labs., Chicago; Leonard H. Horn, Underwriters Labs., Chicago; George J. Maki, WIND, Chicago; Verner Hansen, Underwriters Labs., Chicago; Paul J. Moore, NBC, Chicago; George M. Ives, WMAQ, Chicago; Raymond G. Wells, Underwriters Labs., Chicago; Harold S. Renne, Underwriters Labs., Chicago; G. R. Dickson, WDAN, Danville; T. C. Cameron, WROK, Rockford; M. H. Nelson, WROK, Rockford; A. J. Ebel, WILL, Urbana.

#### INDIANA

Fay Gehres, WGBF, Evansville; Alva Smith, WOWO, Ft. Wayne; Charles Sprague, WOWO, Ft. Wayne; Paul Luecke, WOWO, Ft. Wayne; Bruce Ratts, WOWO, Ft. Wayne; Glenn Thayer, WOWO, Ft. Wayne; Thomas Copeland, WOWO, Ft. Wayne; Millard Gannon, RCA Mfg. Co., Indianapolis; Herbert Edson, Jr., WISH, Indianapolis; Keron C. Morrical, RCA Mfg. Co., Indianapolis; John Boyers, WHAS, Louisville, Ky.; D. D. Summerford, WHAS, Louisville, Ky.; Bernard Holtman, WAVE, Louisville, Ky.; R. Townsley, WBAA, Lafayette; Louis Williams, WHAS, Louisville, Ky.; Joseph Fox, WHAS, Louisville, Ky.; Walter Quinn, WHAS, Louisville, Ky.; Roy R. Robinson, Ind. & Mich. Elec., Notre Dame; Roy R. Ryan, Ind. & Mich. Elec., Notre Dame; Claude Harris, WAOV, Vincennes; Curtis VanHoy, Public Service Co., Vincennes; James Doyle, Public Service Co., Vincennes; Austin Curry, Ind. St. Police, Indianapolis; J. Leonard Montgomery, P. R. Mallory & Co., Indianapolis; Leonard Tulauskas, P. R. Mallory & Co., Indianapolis.

#### IOWA

Gilbert Andrew, KROS, Clinton; David G. Sinclair, KVFD, Fort Dodge; Carl Menzer, WSUI, Iowa City; Leo W. Born, KGLO, Mason City; Wayne Hatchett, KBIZ, Ottumwa; Eugene Peak, KFJB, Marshalltown; Walter M. Ely, KMA, Shenandoah; Alvin H. Smith, KSCJ, Sioux City.

#### \*KENTUCKY

Clarence Weaver, WCMI, Ashland; O. W. Towner, WHAS, Louisville; W. N. Smith, WHAS, Louisville; L. G. Hewett, WHAS, Louisville; William Blanton, WHAS, Louisville; J. C. Gardner, WAVE, Louisville; Bruce Heick, WHAS, Louisville; C. R. Waxler, Ken-Rad Tube & Lamp, Owensboro.

\* Other Louisville engineers listed under Indiana.

LOUISIANA

Francis Jacob, WWL, New Orleans; Edward Dutrell, WWL, New Orleans; J. D. Bloom, WWL, New Orleans; O. L. Morgan, KMLB, Monroe.

MAINE

Jack Atwood, WRDO, Augusta; Leslie Hall, WCOU, Lewiston; Rodger W. Horgkins, WGAN, Portland.

MARYLAND

Daniel O. Hunter, WRC, Washington, D. C.

DETROIT

L. R. Conrath, Power Equipment Co., Detroit; Stanley C. Polk, Philco Transitone Div., Detroit; Kenneth Stecker, Stecker Elec., Detroit; F. A. McPhillips, WJR, Detroit; L. R. McDonald, Mich. Bell Tel., Detroit; C. W. Jones, WJR, Detroit; Carl Lee, WKZO, Kalamazoo.

MINNESOTA

Julius Hetland, WDAY, Fargo, N. D.; Maurice Reutter, KWNO, Winona.

MISSOURI

L. A. Mollman, Union Elec., St. Louis; J. S. Malsbary, Wagner Elec., St. Louis; T. L. Jones, S. W. Bell Tel., St. Louis.

NEW JERSEY

Herbert J. Carlin, Westinghouse Elec., Newark; Robert W. Clark, NBC, New York City; Francis M. Cotter, WHOM, Jersey City; Harry F. Dart, Westinghouse Elec., Bloomfield; Earl R. Englund, Bell Tel. Labs., Holmdel; Christopher J. Franks, Boonton Radio Corp., Boonton; Edwin A. Goldberg, RCA Labs., Camden; Cornelius R. Guinee, Cornell Dubilier, Plainfield; Cecil E. Haller, RCA Mfg. Co., Harrison; Arthur W. Hankins, Jersey Cen. Pr. & Lt., Asbury Park; Fred W. Huff, RCA Mfg. Co., New York City; Robert B. Janes, RCA Mfg. Co., Harrison; Dwayne W. Jensen, RCA Mfg. Co., Camden; Ernest R. Jervis, Tung-Sol Lamp Works, Newark; Eugene O. Keizer, RCA Mfg. Co., Camden; Harry Kihn, RCA Mfg. Co., Camden; Lawrence L. Lyford, Jersey Cen. Pr. & Lt., Asbury Park; Earl C. McMahon, Public Serv., Jersey City; Henry A. Nearing, Public Serv., Jersey City; Edward G. Outlaw, Public Serv., Elizabeth; Ambrose J. Petzinger, Westinghouse Elec., Newark; Robert Reed, Jersey Cen. Pr. & Lt., Asbury Park; Robert E. Shelby, NBC, New York City; Cyrus D. Samuelson, WOR, New York City; Walter L. Shepard, Cornell Dubilier, Plainfield; Glenn Sheppard, RCA Mfg. Co., Harrison; Theodore W. Stauber, Am. Transformer Co., Newark; Eugene V. Thatcher, Western Elec., Kearny; Milton S. Umbenhauer, Atlantic City Elec., Atlantic City; John E. C. Valentine, Bakelite Corp., Bound Brook; Vincent S. Wagner, Ajex Electrothermic, Trenton; Allen A. Walsh, NBC, New York City; Arthur K. Wing, Jr., RCA Mfg. Co., Harrison; Winfield G. Bjornson, Cornell Dubilier, Plainfield; Theodore J. Cain, RCA Communications, New Brunswick; Russell K. Forsyth, RCA Communications, New Brunswick; John E. Fox, Westinghouse Elec., Bloomfield; Rolf K. Hansen, Federal Tel. Co., Newark; Donal P. Heritage, Signal Corps Labs., Ft. Monmouth; William A. Huber, Signal Corps Labs., Ft. Monmouth; William M. Robinson, Cornell Dubilier, Plainfield; Marion T. Whiting, Public Serv., Irvington; Anthony S. Rura, Western Elec., Kearny; Elmer M. Adkins, Jersey Cen. Pr. & Lt., Asbury Park; Albert L. Ayres, N. J. Bell Tel., Trenton; Fred L. Bartman, Westinghouse Lamp, Bloomfield; John F. Betz, Public Serv., Irvington; Herbert J. Carlin, Westinghouse Elec., Newark; Austin C. Fort, Jersey Cent. Pr. & Lt., Morristown; Edmund Osterland, Ballentine Labs., Boonton; Dolph Wappler, Public Serv., Newark.

NEW YORK

Michael Yonkovig, WWNY, Watertown; Jack Nazha, WMFF, Plattsburg; John Burke, WKIP, Poughkeepsie; Karl B. Hoffman, WKBW-WGR, Buffalo; Edwin Fleischmann, Buffalo Niagara Elec., Buffalo; George E. James, Gen. Elec., Schenectady; Edwin J. Jackson, Gen. Elec., Schenectady; Sidney Godet, Gen. Elec., Schenectady; Armand Belle Isle, WSYR, Syracuse; Robert Murphy, WSYR, Syracuse; William Ott, N. Y. Tel. Co., Syracuse; Paul F. O'Neill, Cent. N. Y. Pr. Corp., Syracuse; Clyde B. Utter, Utter Elec. Co., Oneonta; Everett A. Wilson, N. Y. St. Gas & Elec., Geneva.

NORTH CAROLINA

E. P. Mallard, WSOC, Charlotte; Robert Van Sleen, WQNZ, Gastonia; E. S. Long, WHKY, Hickory; Robert Moore, WMFR, High Point; R. A. Dunlea, WMFD, Wilmington.

NORTH DAKOTA

E. J. O'Brien, KFJM, Grand Forks.

OHIO

J. S. Maxon, Triplette Elec. Instr., Bluffton; James Hollis, WLW, Cincinnati; F. G. Everett, WTAM, Cleveland; W. G. Hutton, WGAR, Cleveland; Jos. Dobosy, WHK-WCLE, Cleveland; G. R. Frost, Ohio Bell Tel., Cleveland; K. S. Sherman, WGAR, Cleveland; R. Ostrander, WHK-WCLE, Cleveland; J. S. Hill, WHK-WCLE, Cleveland; Marion Snedeker, WHK-WCLE, Cleveland; Dean Christian, Brush Dev. Co., Cleveland; J. T. Vaughn, Elec. Controller, Cleveland; R. C. Higgy, WOSU, Columbus; D. E. Fritz, Westinghouse Elec., Lima; Marvin Myers, WPAY, Portsmouth; W. M. Stringfellow, WSPD, Toledo; Ed. Goon, WSPD, Toledo; W. V. Gorton, Westinghouse Elec., Toledo; Maurice Meyers, WPAY, Portsmouth; James L. Hollis, WLW, Cincinnati; Lester Nafzger, WBNS, Columbus; William Hutton, WTAM, Cleveland; Price Fish, WHK, Cleveland.

OKLAHOMA

Duane W. Hoisington, KBIX, Muskogee; Jack Grant, Radio Club, Ardmore.

PENNSYLVANIA

R. G. Hayes, Penn. Edison Co., Altoona; S. F. Harkins, Bell Tel. of Pa., Altoona; Clifford Gorsuch, WISR, Butler; Herbert M. Wallace, Penn. Pr. & Lt., Hazleton; W. H. Eckert, Westinghouse Elec., Pittsburgh; H. R. Kaiser, WWSW, Pittsburgh; D. A. Ferguson, Wilkes-B.-Wyo. Valley Airport.

RHODE ISLAND

H. H. Tilley, WEAN, Providence.

SOUTH CAROLINA

DeLeon Finklea, Finklea Radio Supply, Florence.

TEXAS

M. F. Noster, S. W. Bell Tel., Corpus Christi; Roy Flynn, KRLD, Dallas; Olin Brown, WFAA, Dallas; D. W. Tucker, WRR, Dallas; Cecil Ross, Graybar Elec., Dallas.

UTAH

J. W. Christensen, KSL, Salt Lake City; S. W. Pixton, Mt. States Tel. & Tel., Salt Lake City.

VIRGINIA

W. L. Braum, WSVA, Harrisonburg; Julius L. Grether, WTAR, Norfolk; W. R. Selden, WRNL, Richmond; Lieut. W. W. McLain, Norfolk; Robert H. Smith, WOPI, Bristol, Tenn.-Va.

WASHINGTON

Melvin Herr, KOMO-KJR, Seattle; E. C. Carter, KIT, Walla Walla; James Johnson, Northern Radio, Seattle.

WEST VIRGINIA

A. J. Ginkel, WJLS, Beckley; P. T. Flanagan, WHIS, Bluefield; Odes Walker, WCHS, Charleston; Conrad S. Slemans, WBLK, Clarksburg; John L. Yarnes, WLOG, Logan; W. A. Sodaro, WPAR, Parkersburg; Louis Tulchin, WBRW, Welch; Glenn G. Boundy, WWVA, Wheeling.

WISCONSIN

Thorwald Jorgensen, Police Radio, Chippewa Falls; Paul W. Holton, WCLO, Janesville; John H. Stiehl, WHA, Madison; Norman Hahn, WIBA, Madison; W. E. Duben, WOMT, Manitowoc; Ross Hansch, WIBU, Poynette; Francis L. Dechant, WRJN, Racine; G. L. Davidson, WRJN, Racine; R. S. Pearson, WJMC, Rice Lake; Herbert J. Mayer, WHBL, Sheboygan; Randolph Luukinen, WDSM, Superior-Duluth.

## WYOMING

Paul Huber, KFDN, Casper; William C. Grove, KFBC, Cheyenne; Lyle C. Tyler, KPOW, Powell; R. F. Crossthwaite, KWYO, Sheridan.

### ARMY AND NAVY RADIO NEEDS WOMEN

As an indication of the urgent need for radio people there are civilian jobs for women now open in the Army and Navy. The latter requires women amateur operators in one classification; and women with degrees in electrical engineering or physics in another.

The Army Signal Corps will employ skilled women code operators.

Respectfully submitted,

ARTHUR STRINGER,  
*Director of Promotion.*

May 1, 1942.

## Coordinator of Listener Activities

During 1941-42, as part of NAB Public Relations Division, Mrs. Dorothy Lewis increased her activities both as Vice-President of the Radio Council on Children's Programs and as a representative of NAB. In April, Mrs. Lewis was appointed "Coordinator of Listener Activities."

Among the organizations addressed by her have been—American Library Association; Nebraska Federation of Women's Clubs; Association for Education by Radio; Regional Conferences and Annual Congress of the National Society of New England Women; Southern California Federation of Women's Clubs; Boston Federation of Women's Clubs; Audio-Visual Conference at Baylor University; New York Times Conference—"Children in War Time"; General Federation of Women's Clubs Radio Department; FREC Conference on Children's Programs; Radio Councils in Cleveland, Minnesota, Portland, Oregon, Nashville, Cedar Rapids, Seattle, Birmingham, Davenport, Rockford, Schenectady, Fresno, Louisville, Philadelphia, Western Massachusetts, Salt Lake City and NAB District Meeting at Dallas, Texas.

During 20,000 miles of travel through 27 states 50 radio conferences were held under the title "Radio in the Community" at which representatives of all club civic and educational groups attended. Thirty thousand copies of "Broadcasting to the Youth of America" were distributed. Effort was made to have radio's many sided story told by leading broadcasters and those laymen using radio locally. These conferences were a "first" in radio history and indicate potentialities for all stations and communities along this line of approach.

A number of resolutions and recommendations were passed by state groups calling for full and open hearings by Congress on all issues pertaining to FCC regulations and rules imposed on the radio industry.

A large correspondence and administrative work has developed as a result of past promotion. The result is a growing understanding on the part of the listeners to their responsibility and comprehension of radio's great contribution and problems. Several handbooks "Radio Patterns for Public Relations" are in process of creation.

Broadcasters had occasion to cooperate with local councils in Minnesota and Omaha during the past year. Several broadcasters have addressed state and national meetings of lay organizations.

A very favorable generous press help the promotion of these activities.

One direct result of Radio Council development is the series of meetings held at the 1942 Cleveland NAB Convention. Outstanding speakers addressed an audience composed of broadcasters and listeners, guests of NAB and the Radio Council of greater Cleveland. This event makes another "first" in radio history and indicates a trend toward the day when the listener element in American radio will be dignified and become an integral part of its democratic process.

Respectfully submitted,

(MRS.) DOROTHY LEWIS,  
*Coordinator of Listener Activities.*

May 1, 1942.

## Department of Broadcast Advertising

Activities of the Broadcast Advertising Department during the past year have centered around the NAB Sales Managers Division objectives of "making it easier for more clients to buy more time on more stations," and of elevating radio sales standards "to take the burden of sales off owners and managers who are concerned with other industry problems."

The Department has recognized that for a perpetuation of free radio in this nation, despite the ramified tribulations of a harassed industry and the new complications of wartime problems, maintenance of income is paramount. Blessed with a measure of cooperation from all quarters that left little to be desired, the Department therefore concentrated on the elevation of radio sales standards, maintenance of good business practices and ethics, and a regular supply of practical radio sales helps to members.

Of great value in furthering this work was the NAB Sales Managers Executive Committee, consisting of Eugene Carr, WGAR, chairman; John M. Outler, Jr., WSB, representing large stations; E. Y. Flanigan, WSPD, representing medium stations; Dietrich Dirks, KTRI, representing small stations; Arthur Hull Hayes, WABC, representing CBS; George Frey, representing NBC; Fred M. Thrower, Jr., representing The Blue Network, and Linus Travers, WAAB, representing Mutual-affiliated stations.

Likewise of great assistance were the Sales Managers Chairmen of the 17 NAB Districts:

William Malo, WDRC, District 1  
Charles F. Phillips, WFBL, District 2  
John E. Surrick, WFIL, District 3  
John H. Field, Jr., WPTF, District 4  
John M. Outler, Jr., WSB, District 5  
H. Vernon Anderson, WJBO, District 6  
William I. Orr, WBNS, District 7  
J. B. Conley, WOWO-WGL, District 8  
James F. Kyler, WCLO, District 9  
Sam H. Bennett, KMBC, District 10  
Thomas G. Gavin, WEBC, District 11  
Ellis Atteberry, KCKN, District 12  
Jack Keasler, WOAI, District 13  
W. E. Wagstaff, KDYL, District 14  
Wilt Gunzendorfer, KSRO, District 15  
Charles A. Storke, KTMS, District 16  
Harvey Wixson, KHQ-KGA, District 17

Following is a brief summation of activities undertaken by this Department:

DISTRICT MEETINGS. The Director attended 17 meetings in 16 NAB Districts during the year, and in cooperation with

the Sales Managers Chairman conducted a session on "Industry Sales Problems" varying from two hours to a full day.

"MANUAL OF RADIO ADVERTISING." To furnish member stations with a compilation of basic radio sales data, six chapters and an index were published and distributed to members, with additional copies available at cost. Subjects covered were "Why Business Must Advertise," "The Extent of Radio Listening," "The Effectiveness of Radio," "Dealers Prefer Radio," "Radio as a Social Force," and "What Price Radio?" Material for additional chapters is being gathered, as the Department's objective is to make the Manual complete and keep it up to date.

"RESULTS FROM RADIO." This series of trade studies was continued, with releases to member stations on Drug Products, Participating Programs, Musical Instruments, Jewelry, Morticians, Drug Stores, and Theatres.

CASE HISTORIES. A classified file containing hundreds of separate radio case histories on all classifications of business was developed through the cooperation of member stations, with mimeographed copies always freely available to NAB members.

"BROADCAST ADVERTISING RECORD." The Department cooperated with the NAB Department of Research in producing and interpreting to sales managers the reports submitted by stations to the Record.

SUMMARY TABLES. Details of radio sponsorship in various business classifications were compiled from "The Broadcast Advertising Record" and made available to sales departments. Included were summary tables on Department Stores, Grocery Stores, Insurance Companies, Hotels & Restaurants, Real Estate, Musical Instruments, Railroads, and Bus Lines, all for general release, plus special tabulations on request.

THE BUSINESS OUTLOOK. The Department attempted to keep members currently informed on business conditions and the business outlook in relation to radio advertising. This was accomplished by frequent summaries in the weekly membership bulletin plus special studies when warranted. Among the latter were "The Effect of Priorities on Radio Advertising," issued in September, 1941, and "Wartime Radio Advertising," issued February 1, 1942.

REPRINTS. Notable articles or speeches by advertising authorities were reprinted for free distribution to members. Among these were "Radio Advertising for Savings & Loan Associations," "Radio and the Industrial Banker" by Craig Lawrence, "Advertising Is Essential to the Proper Growth of the Nation and Its People" by Richard L. Deupree, "Blood, Tears and Advertising" by Ellen Hess, "They Don't Seem to Believe Us" and "New Check-List of FTC Taboos," "The Radio Salesmanager's Job in Wartime" by Eugene Carr, "Filene's Discovers the Power of Radio," "American Paradox," "Dressing on Your Salad," the AFA "Guide for Wartime Advertising," "Advertising's Work in a Seller's Market," "Advertising—The Facts About Attacks on It, Its Economic Functions, Its Indispensability, and What To Do About It," "Planning Today for Post-War Business" by Colonel Willard Chevalier, and "Increasing the Tune-In" by Walter J. Neff.

COOPERATION WITH GOVERNMENT AGENCIES. Within the scope of its functions, the Department represented the interests of the NAB membership through cooperation with such governmental agencies as the Federal Trade Commission, the Treasury Department, the Office of Facts and Figures, the Department of Commerce, the Bureau of the Census, the War Department, and others, as well as with subdepartments and semi-official agencies.

COOPERATION WITH OTHER GROUPS. Special efforts were made throughout the year in the interests of commercial

radio to cooperate with and enlist the active support of such organizations as the American Association of Advertising Agencies, the Association of National Advertisers, the National Retail Dry Goods Association, the Advertising Federation of America, the Associated Merchandising Corporation and the Retailers Research Association, the American College Publicity Association, the Radio Executives Club, the Financial Advertisers Association, the American Industrial Bankers Association, the Retail Reporting Bureau, etc. Besides correspondence and consultations with these groups, the Director participated in two conventions each of the AAAA and ANA, addressed the national AFA convention and a district convention, participated with the Sales Managers Executive Committee in a panel on radio advertising for department stores at the national NRDGA convention and arranged for that group to conduct a similar panel at the NAB convention as well as to conduct a nationwide survey of radio advertising among NRDGA members, addressed a national convention of ACPA, with the Executive Committee put on a luncheon program for the Radio Executives Club and held two meetings with a committee of that organization to work out mutual problems, and arranged for NAB representation and radio presentations at other conventions.

STANDARD SCHEDULE FORMS. As a result of discussions with a committee of time buyers from the Radio Executives Club, standard program schedule forms were drawn up and printed in quantity, and made available to NAB members at cost, in the interests of "making it easier to buy radio." To date, 250,000 of these schedule forms have been ordered by member stations.

RATE CARD SIMPLIFICATION. Similarly, recommendations for simplifying radio rate structures were passed on to the industry, with cooperation from *Radio Advertising Rates and Data*; the single-rate structure was advocated where feasible, and a uniform definition for the application of general and retail rates was adopted.

COVERAGE MAPS. Recommendations for standard formulae and procedure in preparing coverage maps were given the industry, and further cooperation on this subject is being secured from the NAB Research Committee.

STANDARD CONTRACT FORMS. A special radio committee consisting of Eugene Carr, WGAR; R. E. Dunville, WLW; and Herbert L. Pettey, WHN, negotiated a new standard contract form with a committee representing advertising agencies. This form is now awaiting approval by the NAB Board of Directors.

SALES CONTACTS. The Department carried on a general radio sales campaign within the limits of time available for this work, and with the cooperation at times of network sales departments, national spot representatives and individual member stations. Through personal calls and direct-mail, such sales work was directed to a variety of clients including motion picture producers, department store chains, automotive and tire manufacturers, circuses, appliance manufacturers, the Washington State Apple Commission, the National Dairy Council, etc. Some encouraging progress and increased radio billings were noted.

SPECIAL SALES MANUALS. Radio sales data was produced in special manual form in several fields, such as "Radio Sells Sporting Goods," "Savings & Loan Associations—On the Air!" "Radio Advertising for Financial Institutions," and "Public Relations and Sales Manual."

SPECIAL STUDIES. New techniques or findings with an application to commercial radio, developed either by NAB members or others engaged in advertising, were passed on to the membership. Typical of these were "Effective Retail Selling," by Bruff W. Olin,

Jr., WKIP, and "How to Improve Commercials," by Horace Schwerin.

**TRADE PAPERS.** Special articles on various phases of radio advertising were contributed by the Director to trade publications, or secured from outside sources and guided to publication.

**TALKS.** During the year the Director spoke on commercial radio topics before the national AFA convention in Boston, a district AFA convention in Tulsa, the Columbus, Ga., Rotary Club, the Atlanta Advertising Club, the Omaha Advertising Club, the Hartford Advertising Club, the Worcester Advertising Club, the Advertising Club of Los Angeles, the Denver Advertising Club, the Radio Executives Club of New York, the NRDGA convention in New York, and the ACPA convention in Columbus, Ohio. Several talks were broadcast over single stations and regional hook-ups.

**DEALER-COOPERATIVE STUDY.** The Department was directed by the Sales Managers Division at the St. Louis NAB convention to conduct a nationwide study on dealer-cooperative advertising. This was completed during the year with the assistance of the NAB Department of Research, and distributed to cooperating members.

**MERCHANDISING SURVEY.** Similarly, a nationwide radio merchandising survey was authorized and completed, with the results published and distributed to all members.

**CHECKING SERVICES.** Commercial checking services were investigated as a potential threat to radio billings, and a confidential report was issued in a special bulletin to all U. S. radio stations irrespective of NAB membership. Check-systems were devised and recommended whereby stations could perform with a maximum of commercial efficiency, and an educational campaign was carried on among agencies and clients, informing them of the steps taken by broadcasters to insure proper performance.

**STATION PERFORMANCE SURVEY.** A test survey of representative stations was conducted during the month of February, 1942, by WSB, 50,000 watts; WSPD, 5,000 watts; and KTRI, 250 watts, showing radio station performance on commercial broadcasts of all types to be 99.38% satisfactory, with a "predictable margin of error" of .0062, and with such errors satisfactorily reported to clients and adjusted. This survey was given to all mem-

bers, and additional wide distribution in advertising circles was obtained.

**ARMY PROGRAMS.** Cooperating with the Radio Branch, Bureau of Public Relations, War Department, a survey was made of programs originating at Army camps and commercially sponsored.

**PER-INQUIRY, FREE TIME.** A constant educational campaign was carried on among radio stations, advertising agencies and clients, to discourage attempts to misuse the radio medium with unwarranted requests for free time or attempts to break down legitimate rate structures. The industry attitude was explained to every offending agency or client, and NAB members were kept informed through the weekly NAB REPORTS.

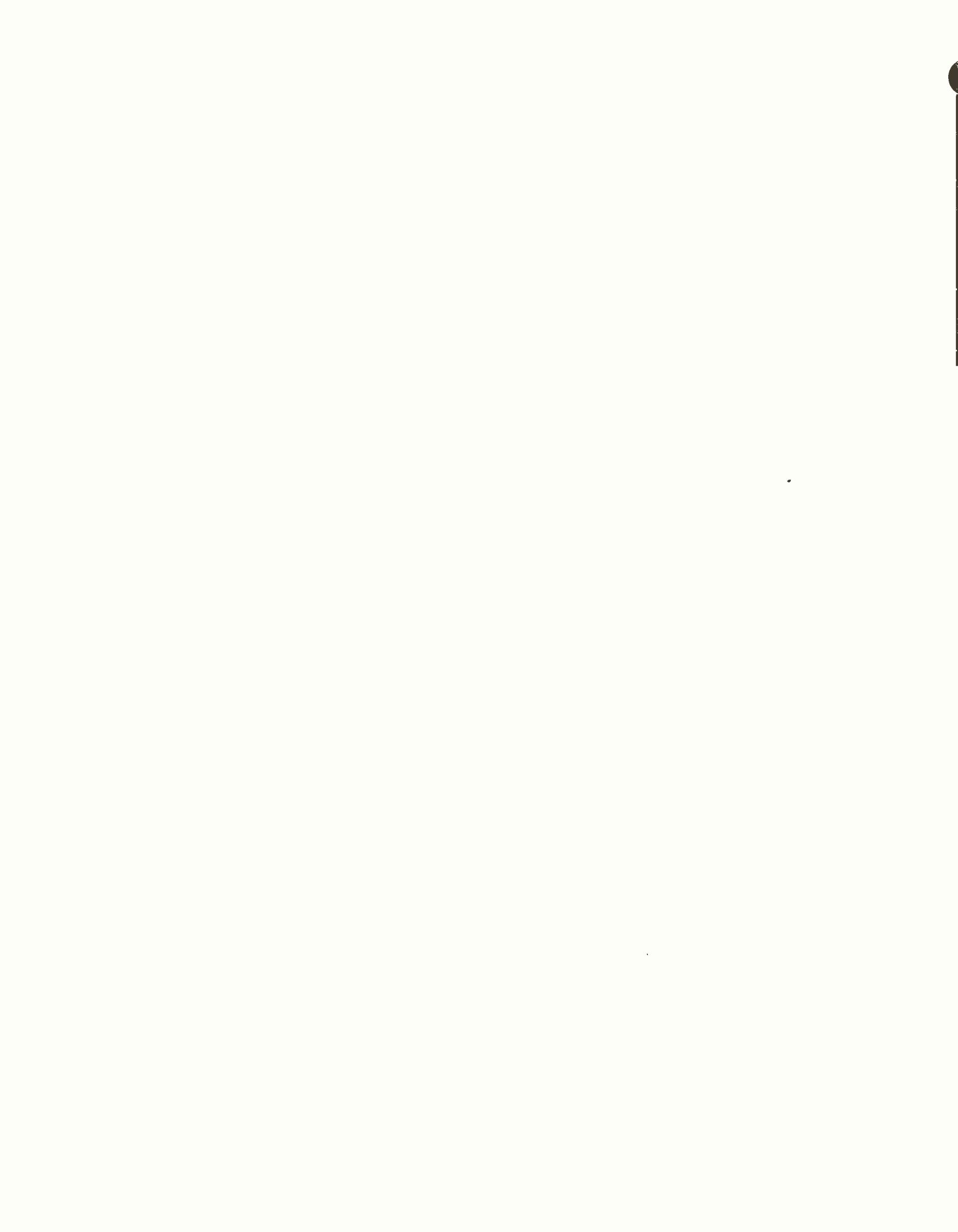
**SPECIAL PROBLEMS.** Through daily correspondence with member stations, assistance was given on special problems involving commercial broadcasting and sales helps were given when requested. During the year, such individual requests from members showed an increase of approximately 400% over the previous year.

**MISCELLANEOUS.** Alleged double-billing practices of newspapers were investigated and referred to the ANPA; statements from the ANA opposing special newspaper editions or sections were distributed to members; cooperation was extended to special NAB committees working on such matters as Daylight Saving Time, the proposed Federal Time Sales Tax and the Sanders Bill; evidence was gathered on the value of Saturday time for commercial broadcasting; problems of handling commercial mail were considered and a standard contract clause was recommended; a cash discount was opposed, as well as the allowance of agency commission to clients on business placed direct.

The whole-hearted cooperation received throughout the year from all other NAB staff members is noteworthy. Without their valued assistance, as well as the support of the Executive Committee, the Board of Directors, the Sales Managers Committee, the Code Committee and the Research Committee, the year's program would undoubtedly have been materially curtailed.

Respectfully submitted,

FRANK E. PELLEGRIN,  
*Director of Broadcast Advertising.*







## War Program Tips

Uncle Sam needs nurses—and is going to need plenty more. The Army, the Navy, war factories, as well as communities throughout the country, are running short. The OFF has sent you information and background for spot announcements and programs on a campaign to be started by the Federal Security Agency to urge American girls to enter the career of nurses. The campaign is to start May 25 and will have an AA priority rating from the OFF. Give it your wholehearted support.

President Roosevelt has designated June 14 as United Nations Day instead of just Flag Day as usual. There is none too much time to get ready for the special programs, salutes, musical numbers to be included in musical shows, dramatizations, etc. The OCD is sending local stations an especially written 15-minute United Nations Day script which also can be used.

Just who are the United Nations?  
The joint declaration of the 26 United Nations was signed in Washington on January 1, 1942. These are the United Nations: the USA, Great Britain, Russia, China, Australia, Belgium, Canada, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Poland, Costa Rica, Cuba, Czechoslovakia, El Salvador, Greece, Guatemala, Haiti, Honduras, Dominican Republic, India, South Africa, and Yugoslavia.

Stations with large communities from one or more of these United Nations might well consider special programs along that line.

Here are several ideas which the OFF suggests broadcasters should keep in mind in presenting the case for the United Nations on that day.

1. All the United Nations are fighting in a common cause:
  - a. Against brutality, slavery and international gangsterism.
  - b. For freedom and a better post-war world.
2. The United Nations idea is the only way we can win the war and win the peace—no country can do it alone.
  - a. Enemy propaganda seeking to make us distrust our Allies must be met by the truth about what each of the United Nations is doing in the common cause.
3. Victory is certain if we hold fast to the United Nations idea because:
  - a. We have the manpower.
  - b. We have the resources.
  - c. We can fight.

Sunday, June 2, is the anniversary of the death of the great Italian patriot, Garibaldi. The Mazzini Societies, the Democratic Italian American groups, will have special observances on that day. It is a splendid occasion to observe the fact that there are many freedom-loving Italians who are working for our victory, and who look for the overthrow of Fascism.

Mr. George Burbach of the St. Louis Post Dispatch and Station KSD has made an interesting suggestion which has proven successful on his station.

When important news announcements are received on press radio wires for release after a certain hour, the station makes spot announcements during the intervening period telling people to be sure and listen for an important news announcement at or after the release hour. In this way they build up a listening audience for important news. Naturally, they observe the release instructions and do not give the news itself until the stated hour.

A lady from Gallatin, Tennessee, in a very friendly letter, tells NBC that she doesn't think radio as yet has done as good a job as it can to collect all the old scrap metal that's lying around back of the barn out on the farm. Here is what she said:

"In view of the fact that there is still a need for metals and other scrap, I believe the radio can do much to relieve this shortage. In the community where I live most of the farms are as yet untouched by the 'drives' for metal. The majority of the families take no daily paper. They are not mentally equipped to understand the references to metal shortages that they hear on the radio. Many gullies are filled with tin scrap on their farms. But I can reach only a very few. You can reach practically all of them. Make your campaign as intensive as the drive for buying defense stamps. Make it as simple as if you were dealing with children. In many cases it will be the children who respond. Farmers are too busy. Urge the necessity of getting up scrap *now*. Farmers are inclined to do the most pressing job first. And keep at it! Farmers can listen to the radio only a small part of each day. Farmers' wives go about their work while the radio runs.

"The 'drive' must be so simple and plain that it catches their attention even while they clean up the children, wash dishes, etc. It must be simple enough for people with no education to understand, and tell to the neighbor who has no radio.

"If you can do this I truly believe you will get metal. I know there is still metal to be gotten from farms."

### THE CONVENTION

*Broadcasting, Radio Daily, Variety*, and other trade publications so completely and excellently reported the NAB's Cleveland convention that no effort to duplicate this service will be made in the *NAB Reports*.

In this issue will be found the names of the new Board of Directors, the text of the resolutions adopted, and other matters "for the record."

Also in this issue are the texts of the talks by Archibald MacLeish of the OFF, and Byron Price of the Office of Censorship. Other speeches will be printed later, either in the *Reports* or in pamphlet form.



1626 K St., N. W.

WASHINGTON

Phone NATIONAL 2080

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## Sanders Bill Hearings

The House Interstate Commerce Committee, after Thursday's hearing on the Sanders Bill, recessed the hearing until Tuesday, June 2, at 10 a. m., at the request of Chairman James Lawrence Fly of the FCC. Mr. Fly had been slated to testify Friday, May 22.

The newspapers and clear-channel groups expressed their views this week with resumption of hearings on the Sanders Bill before the House Committee on Interstate and Foreign Commerce. Harold Hough, WBAP, Chairman of the Newspaper-Radio Committee, and Judge Thomas D. Thacher and Sydney M. Kaye, counsel, appeared for the newspaper group. All attacked Order No. 79 as beyond the powers of the FCC.

Willing to "stand pat on the present law for the purposes of the newspaper hearings," Mr. Hough stated that he would recommend any language in the law necessary to make it specifically clear that there shall be no discrimination on account of occupation or class—"even if you have to put it in capital letters."

Taking up first the number of newspaper stations, Mr. Hough pointed out that from the figure of 298 introduced by the FCC staff at the opening of the Newspaper-Radio hearings, it finally developed after spending most of last summer and fall before the Commission that newspapers or newspapermen actually have majority interests in 201 stations, and 32 of these are located in cities and towns other than where the newspaper itself is printed. Because the hearings show that "there was considerable viewing with alarm this matter of monopoly of communications facilities," he said, these 32 out-of-town stations should not have been considered, leaving 169 as "the backbone of the newspaper-associated stations."

"We had never thought that as newspaper folks that the time would ever come when we would be singled out for such treatment from any other class," Mr. Hough said, "but we were."

Coming to his main point Mr. Hough said: "I think our proposition is a very simple one and really has nothing to do with the extent of newspaper association. We contend that the Federal Communications Act requires that no licenses should be issued unless the public interest, convenience and necessity will be served by the grant. And if the applicant satisfies the Commission that he will serve the public interest, convenience and necessity, the law of Congress says that he is entitled to a license unless he is an alien or has been convicted of a crime. And that goes regardless of his race, color, creed or occupation. And right here I might add that the classing of newspaper people in the category of aliens and felons doesn't make any of us very happy. While they do not say that we are such, they are at least looking us over to see if we might be in the same class."

Stating that there are 74 communities where the only radio station is controlled by the only daily newspaper, Mr. Hough

stated that no evidence had been introduced to show that stations in these communities are in any way different on the basis of performance than stations owned by other economic interests. "I don't think I have to tell you gentlemen," he said, "that in a small community no editor, even if he edits the local daily newspaper all day and edits the local radio station all night, could keep the folks of that community from finding out the real facts. He couldn't monopolize truth. In the first place, the folks listen to other radio stations and they read other newspapers—newspapers printed in other communities."

"There has never been any evidence that these editors wanted to control everything on the reservation," Mr. Hough declared, "I doubt if some of them have as much vote getting influence as the local high school football coach."

Judge Thacher followed Mr. Hough on the stand and covered the legal phases of the newspaper-radio hearings and the Commission's power to discriminate against newspaper ownership of radio stations. He stated that the present law was perfectly clear that the Commission had no power to discriminate against newspapers or any other group as a class. The reenactment in the Communications Act of the standard "public interest, convenience or necessity" found in the Radio Act of 1927, and which had been construed by the courts, the administrative practice of the Commission right up to the time of the hearings, and the decision of the Supreme Court in the Sanders Brothers case, he declared, left no room for doubt.

Mr. Kaye reviewed the testimony presented at the hearings and concluded that he did not believe that the present language of the statute with respect to the power of the Commission was ambiguous.

He said that over two-thirds of the record of the case and more than two-thirds of the hearing time and exhibits was occupied by evidence presented by counsel for the Commission. This evidence he classified under four headings:

- 1—Evidence of newspaper practices and newspaper content as distinguished from evidence of radio station practice and radio program content.
- 2—Evidence as to the former press association practices.
- 3—Evidence as to the practices of newspaper associated broadcasting stations.
- 4—Testimony of general experts interested in the theory of restrictive legislation in this field.

Stating that the precise language of Order No. 79 and the statements of Chairman Fly are to the effect that the investigation is directed solely at future ownership, Mr. Kaye went on to say: "If this were the case, there would be two discriminations—one against newspapermen as a class, and one against newspapermen who have not yet acquired radio facilities as contrasted to those who already have licenses."

Both because of the practical aspects involved and because of the basic importance of the principle under consideration to American institutions, Mr. Kaye declared, newspapermen are unable to concur with the statement of Mr. Fly, made before the House Committee on Rules on March 18, that: "Newspaper stations that are presently operating are in a cozy position."

"If, however, either as a result of your own examination of the Act or as the result of your inquiry into the Commission's view of the scope of its hearings," he declared, "you believe that clarification would be useful, we will welcome the writing into the Act drawn by you of any language which would, for all time, make it clear beyond doubt that the Commission has no power to discriminate against newspapermen because of their calling. If, as I believe, the Congress is not interested in a proposal to discriminate against newspapermen or against any other group as a class, then I think that even more useful than the language of Section 7, subdivision 3, of the bill would be a categorical statement that no applicant shall be denied a license under any policy or rule of the Commission by reason of his status, occupation, religion, race, creed or calling, except as provided in the Act with respect to aliens and persons convicted of violation of law."

Appearing on Thursday, Victor Sholis, Director of the Clear Channel Broadcasting Service, urged FCC study of rural radio

service, and freezing of the existing allocation structure until after the war is over and the study completed.

The challenge confronting Congress, the FCC and the radio industry in the post-war development of American broadcasting will involve atoning for the failure to spread the pleasures of radio equitably among all our people, Mr. Sholis declared, in urging an extensive governmental study of rural radio service.

"Though the (radio) allocation structure is frozen for the moment, I feel it is still mandatory upon us to think of the future. It is ironic that although American genius has created the finest system of broadcasting in the world, we have failed to spread the pleasures of that broadcasting equitably among all our people. There still are too many forgotten men, as far as radio listening is concerned, among rural and small town Americans.

"Probably the greatest challenge that will confront us in the post-war development of American broadcasting will be to atone for this failure. It is a challenge confronting Congress, the FCC and the industry. We cannot sit back thinking wishfully that it will be met by picking up where we left off on the day of Pearl Harbor. To the contrary, events over a period of several years prior to the war tended to deteriorate radio service to Rural America instead of improving it. . . ."

"An important, extensive and expensive study must be made, therefore, before any more clear channels are deteriorated, and before impairment of rural service proceeds any further. . . ."

"No serious damage will be done to radio if the allocation structure is frozen until victory in the war allows us to make the kind of comprehensive engineering study of rural service necessary to the drafting of an intelligent long-range plan. Grave danger can result, however, if the Commission continues to nibble away at the allocation structure and duplicates clear channels on a piece-meal basis."

## TIRE RATIONING

So that necessary station employees will be in a position to demonstrate to local rationing boards the need for recaps or new tires and tubes, station operators are strongly urged, if they have not already done so, to conduct transportation surveys covering the transportation needs of all members of their staffs.

New tire rationing regulations are said to be in process of formulation, and may be released as early as June. They will clarify the standing of commercial radio broadcasting as an industry in support of the war effort, it is reliably reported, and will permit necessary men employed in radio to get new tires under certain circumstances. Local Rationing Boards will still require a showing of need by applicants, such as that no other reasonable means of transportation is available to the applicant in his work, it is said, hence the desirability of making these surveys at once.

Based on the survey, station operators should work out the minimum amount of vehicle mileage necessary to take care of the transportation requirements of all employees after coordinating transportation by all possible means, such as doubling up, use of station cars on pick-up service, etc. The survey should show what has been arranged to coordinate transportation, and the percentage of reduction of vehicle mileage resulting from the new traffic schedules made up as a result of the survey.

If each employee is given a copy of the survey and the new traffic arrangements worked out as a result, together with an accurate indication of the part his own passenger car is to play in the new set-up, he will be in a strong position to secure the necessary tire certificate from his Local Rationing Board. Stations that have not already done so are again urged to get this transportation survey under way at once, so that it may be of use as soon as possible.

## NEW BOARD OF DIRECTORS

With the election of Directors-at-Large at last week's Cleveland convention; the action of the membership in approving the By-Law amendment admitting networks to active membership; and the consequent acceptance of active membership by the Columbia

Broadcasting System, the NAB Board of Directors for the ensuing year is now complete. Following is the personnel:

- District 1—Paul W. Morency, WTIC, Hartford, Connecticut
- District 2—Kolin Hager, WGY, Schenectady, New York
- District 3—Isaac D. Levy, WCAU, Philadelphia, Pennsylvania
- District 4—G. Richard Shafto, WIS, Columbia, South Carolina
- District 5—Frank King, WMBR, Jacksonville, Florida
- District 6—Hoyt B. Wooten, WREC, Memphis, Tennessee
- District 7—J. Harold Ryan, WSPD, Toledo, Ohio
- District 8—John E. Fetzner, WKZO, Kalamazoo, Michigan
- District 9—Edgar L. Bill, WMBD, Peoria, Illinois
- District 10—John J. Gillin, Jr., WOW, Omaha, Nebraska
- District 11—Earl H. Gammons, WCCO, Minneapolis, Minnesota
- District 12—William B. Way, KVOO, Tulsa, Oklahoma
- District 13—O. L. Taylor, KGNC, Amarillo, Texas
- District 14—Ed Yocum, KGHL, Billings, Montana
- District 15—Howard Lane, KFBK, Sacramento, California
- District 16—Calvin J. Smith, KFAC, Los Angeles, California
- District 17—Harry R. Spence, KXRO, Aberdeen, Washington

### *Directors-at-Large*

Large Stations—Edwin W. Craig, WSM, Nashville, Tennessee;  
J. O. Maland, WHO, Des Moines, Iowa

Medium Stations—Don S. Elias, WWNC, Asheville, North Carolina; Eugene P. O'Fallon, KFEL, Denver, Colorado

Small Stations—Herbert Hollister, KANS, Wichita, Kansas;  
James W. Woodruff, Jr., WRBL, Columbia, Georgia

Network—Paul W. Kesten, CBS, New York, N. Y.

## REVISED BY-LAWS

The revised By-Laws containing all of the amendments approved by the membership vote at Cleveland are now in the hands of the printer and copies will be mailed to each station within the next week.

The first four amendments admit national networks to active membership; provide for representation of each member network on the Board; extend the dues classification to cover networks and abolish the Executive Committee of the Board. Another amendment limits voting to stations whose dues are not more than one month in arrears and the sixth extends to the stations in territories and insular possessions, membership in NAB during the war duration, upon a 50 per cent dues basis.

## CODE COMMITTEE FROWNS ON RELIGIOUS PROGRAM COLLECTIONS

The NAB Code Committee, meeting in Cleveland May 10, endorsed the following recommendation adopted May 6 by the Religious Broadcast Section of the Institute for Education by Radio:

"It is recommended: That no religious radio programs should appeal over the air for contributions for the support of the radio program itself. Nor should a charge for sermons, pamphlets or religious objects, distributed through religious programs, be used by the sponsor as a means of raising funds."

It was the sense of the Committee that station operators should carefully investigate all appeals for funds whenever they have any doubt as to the authenticity of the sponsor. Appeals for funds by the Red Cross, USO, Community Chest and other organizations of that character do not fall in this category, the Committee stated.

The Code Committee reviewed the "Report on News and News-Type Programs, February, 1942," made at its request by the NAB Research Department and found, to its satisfaction, that no further action was called for at this time.

The Committee noted with gratification that the overwhelming majority of stations, as of February, 1942, appeared to be holding the length of commercial copy in newscasts well within the limitations of the Code. The Committee expressed its belief that because of the desirability during the war period of maintaining careful handling of news broadcasts, stations would further restrict commercial copy as recommended in the Code.

Almost all the stations responding stated that they had designated someone responsible for all news broadcasts at all hours and some

one person to decide where commercials should be spotted in news-type programs. This indicates, the Committee said, a wholesome response to the vital need for complete station control of broadcast news during wartime as recommended by the Code Committee in the NAB War Service Bulletin of February 6 covering "Commercial News Programs."

The Report revealed that most stations approve of middle commercials in news-type programs if properly handled, although the policy of only about 15 per cent of the stations reporting allows for middle commercials within 5-minute news-type programs.

## CONVENTION SUGGESTIONS

From personal remarks and correspondence, it would seem that the 20th Annual Convention pleased the many who attended. It should be the constant aim of every person in the broadcasting industry to make these conventions increasingly constructive from the standpoint of attention to those matters which vitally affect the industry. While there is a general attitude of satisfaction with the recent convention program this does not mean that there is not room for improvement. Now is the time, when matters are fresh in the minds of those who attended, to record suggestions which may make it possible to make future conventions better. Your ideas, comments and criticisms are urgently requested.

## CONVENTION ATTENDANCE

An analysis of the attendance at the 20th Annual Convention in Cleveland, May 11-14, shows that a total of 976 persons were duly registered. Three hundred thirty-five (335) NAB member stations or 64.2 per cent of the total NAB membership registered one or more delegates at the convention. In addition, 85 non-member stations were present. The table below shows that above 80 per cent of the NAB member stations in Districts 3, 7 and 9 were represented. Further, 18 of the 19 NAB associate members attended.

District	Convention Attendance				
	No. of Stations	No. of NAB Members	NAB Members	%	Station Non-Members
1	55	40	24	60	6
2	69	34	21	61.8	4
3	48	27	22	81.5	12
4	89	54	36	66.7	4
5	77	48	23	47.9	1
6	56	29	23	79.3	6
7	45	23	22	95.7	13
8	49	21	16	76.2	9
9	51	25	20	80.0	4
10	59	32	23	71.9	6
11	47	24	14	58.3	2
12	35	19	14	73.7	2
13	59	23	15	65.2	5
14	46	23	9	39.1	0
15	35	21	10	47.6	2
16	50	23	8	34.8	8
17	54	30	11	36.7	1
FM	—	7	6	85.7	—
Associate	—	19	18	94.7	—
Total	924	522	335	64.2	85

## PROMOTIONAL DISPLAY

This year's display of promotional material was a convention highlight. With entries limited to material pertinent to the furtherance of the war effort the number of displays was not as large as the entries at St. Louis, but the general feeling was that the quality of the displays was greatly improved.

Frederic R. Gamble, Managing Director of AAAA; Paul B. West, President of ANA; and Douglas Meservey of the Office of Facts and Figures, comprised the Board of Judges. They certified the winners as follows:

William B. Lewis Award for most effective education of the audience concerning the war effort.

Super Power Class—WGY, Schenectady, New York, with spe-

cial mention to WOV, New York, for foreign language programs, and WLW, Cincinnati, for excellence of news service.

Regional Class—WAAB, Boston, Massachusetts.

Local Class—WIBX, Utica, New York.

William B. Lewis Award for most effective inspiration of the radio audience to continued support of the war effort.

Super Power Class—KMOX, St. Louis, Missouri.

Regional Class—KGO, San Francisco, California.

Local Class—no award. Special Mention in this division to the entire class on the outstanding cooperation given to bond sale by radio stations throughout the country as reflected in the displays entered.

Certificate of Award for distinguished conduct of Civilian Defense Activity.

Super Power Class—WBBM, Chicago, Illinois.

Regional Class—KMBC, Kansas City, Missouri, with special mention to WEEI, Boston, Massachusetts.

Local Class—WFPG, Atlantic City, New Jersey.

Certificate of Award for important contributions to the progress in the art of broadcast advertising.

Super Power Class—WCCO, Minneapolis, Minnesota, with special mention to WOR, New York, for pictorial excellence in publication advertising, and WLW, Cincinnati, for its current trade paper campaign, "Why Advertise in Total War?"

Regional Class—WEEI, Boston, Massachusetts.

Local Class—no award.

M. F. "Chick" Allison and his committee did a splendid job in assembling and arranging the display. Not only were the winners rewarded for the excellence of their efforts, but the display serves as an inspiration to every radio station to create promotional ideas which will aid in the furtherance of the war effort.

## RADIO SHIELD

The very attractive lapel buttons on "Radio In Service of Home and Nation," which were distributed at the convention, have created quite a stir. The idea, originated by WGAR, which presented pins to each of the registered delegates so long as they lasted, has brought forth considerable inquiry from individuals and stations.

John F. Patt, General Manager of WGAR, states that they will offer free of charge all the art work on this shield to any station which may want to use it in any of its advertising. Also, the silver pins, done in three colors, red, white and blue, with a safety clasp, may be obtained in any quantity at 60 cents each. Mr. Patt has kindly offered to handle these orders. Any interested party should write direct to Mr. Patt.

In an early issue of the NAB REPORTS we plan to make a distribution of the art work to all members.

## GOLF WINNERS

Don Stratton, WTAM, and L. Waters Milbourne, WCAO, were co-winners of the 20th Annual NAB Golf Tournament at the Mayfield Country Club. Each posted a 66, which was the top score in a field of over 40 golfers. George Frey, of NBC, turned in a low gross of 79.

"Broadcasting Magazine," which provides the prize, has announced that each of the winners will receive an identical cup as a trophy.

## Resolutions

Following are the convention resolutions:

1. The National Association of Broadcasters reaffirms its position expressed at the time of its 1940 and 1941 conventions with reference to its desire and intention to cooperate in every manner possible with the Federal Government in presenting a united front in the defense of our free institutions, and pledges its all-out support of the nation's war effort.

The National Association of Broadcasters does solemnly rededicate the American Radio Industry, with whose freedom it is en-

trusted, to the advancement of the American way of life, and to preservation of the unity and morale of the American people.

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2. The National Association of Broadcasters hereby extends its hearty thanks to those who have participated in its deliberations and who aided so materially in the success of the 20th Annual Convention.

The National Association of Broadcasters extends its most sincere thanks to the Honorable Humphrey Mitchell, Minister of Labour, Dominion of Canada, for his interesting and inspiring address.

The National Association of Broadcasters wishes to thank Byron Price, Director of the Office of Censorship; Archibald MacLeish, Director of the Office of Facts and Figures; Major General Lewis B. Hershey, Director of the Selective Service System; John D. Neukom, Office of Price Administration; and Charles R. Hook, President of the American Rolling Mills, for their attendance at the convention and in particular for their frank and open discussions of many of the problems confronting our industry at the moment. We are deeply grateful for their taking time out from their arduous duties to address us in these critical times.

The National Association of Broadcasters expresses its deep thanks to Major General F. G. Beaumont-Nesbitt, Brigadier General Robert L. Denig, Colonel R. Ernest Dupuy, Captain L. P. Lovette, J. Harold Ryan, Arthur Horrocks, and Miller McClintock for their attendance at this convention and for their assistance to the industry in its operations in time of war.

We extend our thanks to

Major Ernest L. Culligan  
Richard G. Meybohm  
Barclay W. Newell  
Edgar L. Rice  
James W. Petty, Jr.  
J. D'Agostino  
Wm. B. Lewis  
Lee Falk  
Anthony Hyde  
Seymour Morris  
W. C. Behoteguy  
Dr. Harry Dean Wolfe, and  
Gene Flack

for their fine contributions to the convention program.

The National Association of Broadcasters also wishes to thank Dorothy Lewis for so ably organizing the program of Listener Activities and all those who participated in that program.

We extend our thanks to the Honorable Frank J. Lausche, Mayor of Cleveland, to the Management of the Hotel Statler, the Convention Committee, headed so ably by John Patt, their wives and station associates, for providing such a fine program of entertainment for the ladies of the convention, and to all other individuals and groups from Ohio who have been exceedingly generous and cooperative with their time and talents.

The National Association of Broadcasters extends its thanks to Radio Stations WGAR and WJR for contributing to the broadcasting industry a badge symbolic of radio's recognition of its obligation of service to home and nation.

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3. The National Association of Broadcasters expresses its appreciation to Earl J. Glade, Chairman of the Code Committee, for his inspiring address to the convention, and to those broadcasters who have served with that committee during the strained times preceding and following Pearl Harbor. The Association endorses the recommendations of the Code Committee as to the handling of news broadcasts in time of war and pledges its whole-hearted efforts to the end that the American people shall continue to be the best informed people in the world and that radio newscasts shall be factual and free from hysteria in the trying times ahead.

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4. The National Association of Broadcasters enthusiastically endorses the constructive work in the educational broadcasting field

done by the annual Institute of Education by Radio at Ohio State University.

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5. The National Association of Broadcasters expresses its high appreciation for the constructive work done by the Radio Council of Children's Programs and particularly to its distinguished chairman, Mrs. Nathaniel Singer.

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6. The National Association of Broadcasters expresses its deep appreciation to Mr. Glen Bannerman, President of the Canadian Association of Broadcasters for his attendance at this convention.

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7. The National Association of Broadcasters hereby extends its thanks to its President, Neville Miller, and to the members of his staff for their untiring efforts in successfully scheduling and carrying out this convention and for their extremely effective work done during the year just completed.

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8. The 20th Annual Convention of the National Association of Broadcasters hereby approves the official acts performed since the last annual convention by its duly qualified officers.

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9. The National Association of Broadcasters is deeply appreciative of the confidence in broadcast advertising expressed by General Motors in inaugurating its institutional advertising campaign, "Cheers from the Camps," and to the War Department for its good offices in helping to bring this about.

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10. The National Association of Broadcasters expresses its appreciation to John Fetzer, the chairman of the War Committee and to those broadcasters who have served with that committee, who have given the industry its Wartime Guide for Station Operation in these critical times and for the capable way in which they organized the current technician training program. The Association also wishes to extend its thanks to the Office of Education and to the Signal Corps of the Army for their splendid cooperation in furtherance of this program.

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11. The National Association of Broadcasters endorses the proposals made by its President before the House Committee on Interstate and Foreign Commerce at the hearings on the Sanders Bill (H. R. 5497) with a view to the enactment of a new radio law and urges favorable consideration thereof by that committee.

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12. The National Association of Broadcasters extends its sincere thanks to Walt Disney for his kindness and generosity in presenting the world premier of his latest film creation, "BAMBI," with its BMI score, to the convention.

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13. The National Association of Broadcasters is deeply appreciative of the fair treatment which has been accorded to the broadcasting industry by the press generally in respect of the broadcasters' efforts to keep radio free and its recognition of the common bond that links these two great media of free expression under the guarantee of the Constitution.

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14. The National Association of Broadcasters is deeply appreciative of the increasing recognition of the mutual problems of agency and station executives as evidenced by the attendance at this convention of the largest number of time buyers in the Association's history.

15. WHEREAS, a scattered few broadcasting stations have been broadcasting horse race results, race by race, along with "off-time," late scratches, betting odds and similar information of interest principally to bookmakers and their customers; and,

WHEREAS, this practice has been called to the attention of the National Association of Broadcasters as one which is of interest and value principally to listeners participating in illegal activity; and

WHEREAS, the Code Compliance Committee of the NAB has declared such race-by-race horse race results broadcast to constitute "bad radio,"

THEREFORE, BE IT RESOLVED, that the National Association of Broadcasters approves the Code Committee's declaration that broadcasting of horse race results in any way of value principally to bookmakers constitutes bad radio.

Nothing in this resolution should be construed to condemn the broadcasting of the results of horse races at the end of a day's races. Nor should it be construed in any way to condemn the broadcasting of descriptions of the running of outstanding horse races, such as the Kentucky Derby.

16. WHEREAS, the broadcasting industry lost one of its outstanding pioneers and the radio public lost one of its best known and best beloved voices last week in the death of Graham McNamee,

THEREFORE, BE IT RESOLVED: that the National Association of Broadcasters extends deep and sincere condolences to Mr. McNamee's family.

17. WHEREAS, the Radio Industry was greatly in need of a single source of information on radio as an advertising medium, and

WHEREAS, this need was more especially felt on the part of sales managers and salesmen of radio stations throughout the industry, and

WHEREAS, such a source of information was developed and published earlier in this year under the title "Manual of Radio Advertising,"

BE IT RESOLVED, that the National Association of Broadcasters, meeting in convention in Cleveland, Ohio, May 13, 1942, express its genuine appreciation for this effort to Frank E. Pellegrin, Director of the Department of Broadcast Advertising of the Association.

18. Maintenance of a sound broadcasting industry, particularly vital to the nation in these times of war, is predicated on the observance of good business practices and high standards of ethics, both on the part of broadcasters and of those who would use broadcasting facilities. In cooperation with our government the broadcasting industry is doing its utmost in the promotion of the war program by generous, unselfish all-out contributions of time and talent.

However, some organizations and movements outside the government are seeking their commercial advancement or the promotion of special aims through the free use of broadcasting facilities, sometimes even under the guise of participation in the war program. All such efforts are regarded by the National Association of Broadcasters as unwarranted, unsound, and contrary to the best interests of the industry and the nation.

Similarly, efforts by commercial enterprises to purchase radio facilities on a contingent, guaranteed, or per-inquiry basis, again sometimes even under the guise of patriotism, or, more reprehensibly, on the basis that the war emergency should persuade broadcasters to relax their standards of ethics, are declared by this Association to lead to unfair and discriminatory practices, to an undermining of the entire structure of commercial radio, and to the deterioration of an industry vital to its government and to the advancement of the American economic system. Such efforts are, therefore, condemned as unethical, as contrary to the best interests of the industry, and if carried to their logical conclusion as contrary also to the best interests of advertising in general and of the clients served by radio. It is the will of this Association, therefore, that all such requests should be denied

by its members, and discouraged by every other means at their disposal.

19. WHEREAS, there has grown up in the radio broadcasting and the music publishing industries pernicious practices whereby bribery and other corrupt and illegal means are used to foster the performance by radio of musical compositions regardless of their merit or popular appeal; and

WHEREAS, these practices have recently become so intensified that it is the subject of common knowledge and open admission; and

WHEREAS, as a result of such practices the musical interest of programs is diminished to the detriment of the public and the radio industry, and sustaining programs are perverted into secret and concealed advertising in violation of law; and

WHEREAS, such practices have been condemned by legitimate authorship, public enterprise and labor, and are contrary to the best interests of radio broadcasting and of the public it serves;

NOW, THEREFORE, BE IT HEREBY RESOLVED, That it is the duty of all broadcasters to exercise and maintain proper supervision of radio programs and do all in their power to prevent the exercise of any influence over the selection of music used on such programs other than upon the basis of merit, public interest and availability; and

BE IT FURTHER RESOLVED, That the National Association of Broadcasters is hereby directed to make all possible efforts to terminate the said pernicious practices, and to make such recommendations to its members for the elimination of the said pernicious practices as may be considered necessary and/or advisable in the premises.

## MacLeish Talk

Ladies and gentlemen, I think I start under a severe handicap, in making this speech because of an act of arrant sabotage by Byron Price this morning. Byron Price said the sooner you get to work and help us win the war the sooner you get rid of him, and since nobody wants to get rid of him I consider that sabotage.

I think the kindest thing anyone can do in addressing a convention of broadcasters is not to broadcast. I will try to be as brief as I can.

I am speaking for the government agency which coordinates government radio requirements, the agency, in other words, which mediates between the government and the radio industry in the touchy and ticklish business of government requests for radio time. It is not, I think you will agree, a very comfortable place to stand. It resembles nothing, in my experience, more than a permanent position in the middle of a swinging door, we get them coming and we get them going, and the harder they come the faster we swing. If we aren't dizzy yet, it is because Bill Lewis and Douglas Mesurvy, who devised this revolving contraption, have strong stomachs and limber necks, and also because you people in radio treated us with a consideration which would be hard to equal. You have not only cooperated manfully and patriotically with your government, but you have made it as easy as you could for those whom your government employs, a rare quality, and we are grateful.

But, if our position in the swinging door is not exactly a spot you would pick for a quiet weekend, at least it is a superb point of observation. We see a lot, and we see it at close quarters, and we necessarily get to thinking about the things we see.

What I want to talk about very briefly today is one of the things we think we have seen. I can sum it up by saying that in our opinion, for whatever our opinion is worth, the Government of the United States and the American Radio Industry still need to sit down together and talk things through, not to the point of mutual agreement, for the mutual agreement obviously exists, but to the point of an understanding of the basic principles underlying that agreement. It is our opinion, in other words, that the Government and the Industry came to an understanding about the wartime situation a little too quickly, and reached that under-

standing a little too easily, and do not in consequence altogether understand some of the bases of their mutual agreement. Government and the Industry agree, that is to say, that the Government in wartime has certain things to say to the people. We agree that radio is an excellent way of getting those things said. We conclude therefore that radio will cooperate with the Government and do what needs to be done, and we proceed to work out the details of the cooperation to work them out, thanks to you and thanks to the people who have come from your ranks into the Government's service, with very great technical skill and in a most helpful manner, but the precise nature of the cooperation we do not examine, with the result that we are presented at the very outset with certain questions which no time allocations plan can possibly solve, basic questions, human questions, questions of responsibility; who is really carrying the ball? Is it up to the Government to call signals or is the Government merely the lessee of the ball park? Who is supposed to blow the whistle? Who is supposed to think up the new plays? Who is on the field, and who is not? To be specific: What do we mean when we agree that we are going to cooperate, to carry to the country the information it must have if the citizens of this democracy are to exercise the rights and perform the duties of the citizens of a democracy? Does cooperation mean men and brains and experience and imagination? Or does it mean facilities? Are you giving the Government hours on the air or hours of your lives? Is the Government giving you a basket to carry or a job to do?

We haven't talked much about that question and it is a question we have to talk about, even though we may believe we know the answers we still must talk about the question, because we must agree explicitly and precisely as to what the answers are. If we don't, some of you will object, and object properly, that we in Government are expecting things we haven't asked for, and we in Government will complain that some of you are waiting for directions we have no intention of attempting to give.

What I would like to do, therefore, is to tell you as briefly as I can what I personally think we mean when we talk about cooperation between Government and radio. I don't think anything I say will be new to any of you, but I believe, notwithstanding, that what I have to say needs to be said, if only to get the whole problem into the open at the beginning and let you shoot at it and at me.

To begin with I think that when we talk about cooperation we mean cooperation not in terms of facilities, but in terms of men. We do not mean that the Industry is going to make certain facilities available to the Government to enable the Government to get the job done, we mean that radio is going to do the job itself, that radio is going to apply to the doing of the job all of its skill, all of its experience, all of its tremendous resources of ingenuity and imagination, all the force and verve and vitality of a young and dynamic industry. We mean this because there is nothing else we can possibly mean. If it were simply a question of facilities, simply a question of hours on the air, the Government would do far better to provide its own facilities, its own hours, and you as citizens of the Republic would be the first to advise us to do just that.

Our decision to try it the other way around therefore involves necessarily the assumption that the Industry can give the Government and will give the Government something more than time, something more than facilities; that the Industry, briefly will give the Government what the Government cannot otherwise secure, or can secure only with long delays and at tremendous expense, and what is it that the Industry can give? Established audiences? Yes, established audiences, but the Government of the United States does not need to bid for audiences, and it is not only loyal audiences that radio industry can supply. What the Industry can really give that Government cannot readily and immediately supply is the brains and the hearts and the energy of the men who run it. The men it has brought together and trained and taught over twenty years and more than twenty years of its hard-working history.

That is one reason for defining our cooperation in human rather than mechanical terms. But there are others. There are reasons

which spring not from the logic of the situation, but from its emotions, from your emotions. Of all people on earth, you who have devoted your lives to radio would be least satisfied with an arrangement which gave you and your industry a mere mechanical job to do in the fighting of this war; of all groups I can recall to mind, yours is the most immediately, the most inevitably, involved in the emotions of this struggle. News of the fighting punctuates the lives of your studios; reactions of the war flood in through your telephone switchboards; suffering in the war, hope in the war, determination in the war color the programs which go out over your transmitters. You are never, for one moment, free of the presence of the war, and you could no more conceive of yourselves as mere mechanical contrivances to be employed by your Government than you could conceive of yourselves as living in the world before radio was invented.

There is no need to labor the point. If you disagree with my analysis of your attitudes and emotions you will tell me so, but if I am right, then certain consequences inevitably follow. Specifically, a responsibility is established and accepted. More specifically still, an affirmative responsibility is accepted by the Radio Industry for the effective communication to the people of this country, by every means of which Radio is master, of the information the people must have.

I do not wish to be misunderstood. The basic responsibility in this matter is the Government's. The Government of a democratic country in time of peace as well as in time of war but particularly in time of war, has a basic duty to see to it that the people are adequately informed, a duty it cannot transfer, a duty of which it cannot relieve itself. The fact that in ordinary times the labor of informing the people is skillfully and effectively performed by the commercial channels of communication, the fact that we in the United States rely habitually upon a press and radio which have never been surpassed in any country, a press and radio which have produced between them the best-informed nation in the world, that fact does not relieve the Government of its duty to the people. A democratic society cannot function unless the people are fully and promptly and accurately informed of the activities of their government, and of the problems with which their government is faced. If they are not thus informed, the fault is Government's however justifiably Government may have relied on other channels in the past.

But though the basic obligation and the basic responsibility is Government's it is nevertheless possible as between the Government and the commercial channels to establish another responsibility, and that responsibility as I see it has been established as between you and ourselves, as between the radio industry and the Government, by the nature of our cooperation. We have not asked for the partial loan of your facilities, we have asked for the performance of a job, and you on your part have agreed to perform it. We have not asked for the privilege of telling you what to do so many minutes or so many hours a day; we have asked you to decide for yourselves what needs to be done, to secure the result you and we agree must be accomplished. We, in other words, will tell you what our information policies are. We will tell you what information, what messages, what instructions the various departments of the Government, the armed services, the Treasury, the Office of Price Administration, the War Production Board want delivered to the people. We will keep you informed of the statements of the leaders of the Government on the nature and progress of the war. We will tell you of the desperate necessity for communication of these statements, these messages, this information to the people, but we will leave it to you to devise the effective means by which the job can be done. We will, of course, answer your questions when we can, but we will beg you not to wait on Washington, not to turn to us for instructions, but to do the job.

Let me repeat: it is not your antennae, your electrical installations or your control rooms, your microphones, or your programs or your audiences we want; it is you, your brains and hearts, your experiences and your ingenuity. It is not the time of your stations we ask for, but your own, the time you live by. the best time of the best hours of your best and most productive work-

ing days. You have something to give this war which no other body of men could possibly give it. You have the experience which has made American radio what it is. You have the inventiveness, and the courage and the imagination which have made American radio one of the great forces of enlightenment in the world. We ask you to mobilize these qualities for the winning of this war. We ask you to conceive and perfect yourselves and to put into effective operation yourselves the methods by which these people may be reminded of its cause, warned against its enemies, foreign and domestic, informed of the sacrifices it must make and the labors it must perform, and brought to the ultimate and final victory to which we all are pledged.

The American people do not need exhortation; they do not need and do not want the promises and threats which the Nazi radios pour upon the German people; they do not need and will not abide the hysteria, the false heroics, the brassy rhetoric of the Italian loud-speakers. They need, and want, and are entitled to have the truth; they need and want and are entitled to know what is expected of them, what they are required to do. Once they know these things the rest will be accomplished.

The cooperation of radio and Government can mean that the American people will be given what they have a right to have in so far as it lies within the power of radio and Government to give it. You have met here in a convention devoted to the problems of radio and the war. Many questions, great and small, will arise in this convention, but surely no question will arise of greater or more searching importance than the question posed by your relation to the Government in this common undertaking. Surely radio has never accepted from the beginnings of its history, an assignment equal in significance to the assignment this war has imposed upon you. It is an assignment, the significance of which will increase rather than diminish if gas shortages and rubber shortages restrict the coverage of those channels of communication which depend on wheels and motors. Radio may be compelled by force beyond the control of any man to accept burdens it has never so much as imagined until now. I know you will not think me presumptuous if I express the hope that this convention will devote its principal efforts to preparing now to meet the greatest challenge your industry, perhaps any comparable industry, has ever faced. (Applause.)

## Price Talk

For a century and a half the American press has been a militant and successful guardian of our constitutional freedom of speech. This defense has not been accomplished without sacrifice. Our history books record the stubborn determination of editors and publishers to maintain free speech, often at the expense of their own security, even at the expense of their lives.

Now, in this critical hour of our history, the American press has a new partner—radio, going into world battle for the first time. It is radio's first major test. The nation's broadcasters, like the nation's editors, are called upon to prove their capacity for defending freedom by appraising it properly and observing clearly its legitimate boundaries. The experience involves sacrifices; but you are a young and virile industry, and you have shown that you can take it. Day in and day out, your cooperation with the Office of Censorship has given us many reasons for encouragement; and as the war goes on I know you will perform more and more effectively your allotted share of the common effort.

It is a very large share indeed. Some of us go back far enough to remember our first contact with radio through the agency of headphones and a crystal set. In those dim days, by patience and determination and a little imagination, we could sort out of the spitting and crackling a foggy barber shop quartet, or perhaps a piano solo, or a nervous announcer extolling the virtues of a new snake oil. From such a beginning broadcasting has become today the greatest form of mass communication known to man. Its responsibilities have increased accordingly.

To those who are trying to keep information from the enemy, the magnitude of radio as a facility of communication is appalling. Its scope can be measured only in terms of oceans and continents.

We cannot forget that our stations number among their listeners the trained agents of our enemies. They sit attentively at loud speakers both inside and outside the United States. Within a matter of hours, statements broadcast by American stations come rolling back, with characteristic distortion, over the shortwave facilities of the Axis propagandists.

These facts are not new. They are known to all of us. But they are repeated here because none of us can afford to forget for one moment the dangerous power of the instrumentality known as radio. They explain why the Office of Censorship is requesting constantly and repetitiously that the interview type program be rigidly supervised against last-minute insertions and thoughtless questions, and that every item of broadcast news be weighed with care before it is put into the lap of the enemy. They explain why we have asked stations to process news before they broadcast it, and to recognize that responsibility for disclosing dangerous information cannot be passed on to the man on a news service desk, perhaps hundreds of miles away.

A great responsibility rests also upon commentators and news analysts, and that responsibility extends—as in the case of news dispatches—to you who make available to them vast audiences here and abroad. There is no circumstance growing out of the war which cannot be so interpreted and appraised that its true significance is lost. Honest, constructive analysis of the war effort is one thing, but speculation and prediction which makes itself the vehicle for smuggling of dangerous information is another thing entirely. If you operate a station, I think it is only reasonable that you should bear the responsibility for the use to which that property is put. It will be our purpose in the Office of Censorship to deal with responsible management, not with individuals.

In fact, it is not too much to say that the success or failure of voluntary cooperation in broadcasting will depend upon the degree of control which patriotic broadcasters exercise over the operation of their stations. There will be errors of judgment, of course; such confusions are inevitable under any voluntary system. What we should be more deeply concerned about, however, is the error which results, not from faulty judgment, but from thoughtlessness or carelessness. We have now been at war for five months. Surely no broadcaster can any longer plead unpreparedness.

By the very nature of radio you are in the front line of combat, literally as well as figuratively. You are in actual contact with the enemy, whose submarines are listening near our shores. If you have careless employees, or employees who find clever means of evading the Broadcasters Code, then your own investment is being used against you. It is like cheating at solitaire. National security is not an abstract term, used to signify something intangible and remote. National security means your security, and the national interest is your own interest.

Now you will begin to suspect that Censorship sees only the potential evil in radio. Far from it. This is not a cry of calamity, but rather a call for vigilance—vigilance as studied and deliberate as that of American sailors scanning the waters for the periscope of a submarine. That is the price of victory.

If radio has a tremendous potentiality on the side of evil, it has an equal potentiality on the side of good. The affirmative aspects of your war contribution—and it has been a very great contribution—may not be the direct responsibility of censorship, but censorship has a strong interest in it. For one thing, the more militantly you take up the torch, the sooner the war will be over, and the job of censorship ended. Of more immediate import, however, is your ability to both entertain and inform the American people. It would be a tragedy for all of us if, under the pressure of war requirements, radio resigned that facility for public entertainment which gave it birth. It would be a still greater tragedy if, in an over-zealousness of self-censorship, radio ceased to be an effective instrument of public information.

The American people must be given comprehensive news about the war. Not only are they entitled to this news in their own right, but if it were denied them, they would not be so likely to give the war their full support. From the standpoint of censorship it must be recognized that if the curtain were drawn too tightly, in the name of national security, all efforts to maintain voluntary cooperation by press and radio would be put to serious hazard. If the press and radio themselves carried their voluntary enterprise to the point of strangulation, the public would intervene.

It all becomes a question of where the line is to be drawn. On the one hand there are agencies of the Government which, because of the particular responsibilities assigned to them, are naturally skeptical of every disclosure. On the other hand are the press, the radio, and the public, anxious for a maximum of news. Each of these groups is eager to help the other; in fact the consoling

and encouraging element is that no one worthy of the name of American, be he broadcaster, reporter, Navy officer, buck private, or plain citizen, wants to endanger a single life by disclosing something which should be kept secret.

You can only resolve such situations by the rule of reason. Narrow thinking, on either side, can lead only to ridiculous results and national harm. The fact is, for instance, that knowledge of almost everything which happens in the United States might conceivably be of some value to the enemy. Anyone who desires to do so can find justification to withhold almost any piece of news whatever. It could even be argued with force that the broadcasting of time signals might give information to the enemy. All his clocks and watches might have stopped!

Such a conclusion would go far afield. Yet in other instances it can be shown convincingly that real danger arises from disclosures which on their face appear perfectly harmless. For example, there is the subject of casualties. Those who have expert knowledge tell us that casualties among officers in a naval engagement provide an excellent index, not only to information as to which ships were engaged and damaged, but in what part of the ships the damage occurred, and how serious it was. The battle stations of officers aboard any ship are well known to the navies of the world and thus, it is maintained, the enemy would know what happened to a ship if he had prompt access to the lists of the wounded.

We receive in the Office of Censorship many letters from radio listeners. A large proportion of them complain that too much detail is disclosed in broadcasts. Some point out that broadcasts in enemy countries make no similar disclosures; that in fact such broadcasts disclose nothing at all about many subjects which are freely discussed by the American radio. The corollary of that is, of course, that in totalitarian countries the people themselves are kept in ignorance and must be kept in ignorance if dictatorships are to be maintained. I believe that many of those who make these criticisms would be the first to protest if a similar philosophy were followed here and if they themselves were deprived of essential information.

Some listeners are concerned particularly about disclosures of progress in war production. They feel that broadcasters have gone too far, not only in indicating the location and character of production plants, but in programing some of the actual operations of these plants. That is a large question, about which it would be difficult ever to arrive at general agreement. The practices of foreign governments who have had longer experience in the war differ greatly. In England, for instance, only the most cautious disclosures are made, but in Canada war production is put in the show window as an encouragement to morale. No other question has been more continuously or more carefully considered by the Office of Censorship. We have sought to follow a reasonable middle course but I suppose no one can say with certainty whether it has always been the wise course.

Another subject which agitates many listeners is the continuing availability on the dial of foreign language broadcasts emanating from American stations. Not being able to understand these broadcasts, some have reached the conclusion that things said in a foreign tongue have no place in wartime radio. It is not always realized that these programs all come from stations owned and controlled by American citizens and operating under license of the Federal Communications Commission. Many likewise do not understand that the programs are carefully supervised and that they constitute in some cases the only means of reaching by radio large groups of loyal Americans, so that they may be informed of what their Government is doing and encouraged to help in such ways as by purchase of war bonds. Seditious broadcasts, naturally, will not be permitted to continue, whatever the language; but there is no disposition to interfere with any broadcast merely because it is not an English-language broadcast.

About all of this we must be practical and reasonable, remembering that often when the enemy is kept ignorant, so inevitably are our own people. The question of relative importance between these two considerations deserves, in every case, the most earnest and patriotic attention.

The Code of Wartime Practices for American Broadcasters attempted to set up certain guideposts, somewhere between the extremes of viewpoint, somewhere along the pathway of common sense. It is by no means a complete solution of the problem, but we hope it will help. We in the Office of Censorship stand ready always to give such additional help as we can and if you would come to us more often with your specific problems, we might mutually contribute more fully to the end we all desire.

There is only so much, however, that the Office of Censorship can do. We are extremely fortunate in having your colleague, Harold Ryan, as administrator of the broadcasting Code. He and his assistants are doing a patriotic and painstaking job, but their most earnest efforts will accomplish nothing without your continuing cooperation, your willingness to endure sacrifice, and your constant vigilance.

In the language of the Code: "The American broadcasting industry's greatest contribution to victory will be the use of good common sense. . . . Radio is one of the greatest liaison officers between the fighting front and the people. Its voice will speak the news first. It should speak wisely and calmly."

## Labor

### File Your Contracts

The NAB Labor Committee, meeting May 10 in Cleveland, adopted a strong resolution, urging all members to file with the NAB Labor Relations Department copies of all current labor contracts.

Several members have complained recently that the NAB's file of labor information is not as complete as that maintained by the American Newspaper Publishers Association.

The NAB agrees.

But a complete file cannot possibly be built without complete cooperation on the part of the members.

### National Wage Policy

The nearest thing to a practical, working interpretation of the Administration's hazy "wage stabilization" policy came Tuesday when William H. Davis, chairman of the War Labor Board, told a press conference:

That the *highest* pay raise the board would sanction would be *half* the increase in the cost of living since the last contract was made, *with the raise to be paid in War Bonds*.

Organized labor is still insisting upon wage increases, whenever the question comes up. Labor leaders say that price fixing and *voluntary* bond buying are enough to stop inflation.

### WAGE AND HOUR ACT

Time spent by an employee as a voluntary member of a labor-management committee is compensable when meetings are held during his regular work hours, but not when meetings are held at other times.

This policy of the Wage and Hour Division, U. S. Department of Labor, with respect to such committee functions, encouraged by the War Production Board, was announced by L. Metcalfe Walling, Administrator of the Division.

### KVOR CASE

Finding that the company interfered with self-organizational rights of its employees through anti-union statements and by unilaterally settling claims for overtime, the National Labor Relations Board on May 17 announced an order directing the Out West Broadcasting Company, Colorado Springs, Colorado, operator of radio station KVOR to cease employee interference and post notices to that effect.

At the same time, the Board dismissed allegations of the unfair labor practice complaint against the broadcasting company that it had refused to bargain collectively in good faith with International Brotherhood of Electrical Workers, Local No. 113 (AFL) on behalf of the station's four technicians.

### COURT OF MISSING CALL LETTERS

Attention John W. O'Harrow!

We have received your April War Effort Broadcast Report.

But, the call letters were omitted. Will you please air mail this information?

Attention Catherine Dixon, Seattle, Wash.!

What are your call letters? Your April War Effort Broadcast Report has been received without identification. Please air mail the missing information.

## CONTINUES PROMOTION

The present high in tune-in has made no difference with WOWO's customary program promotion.

Jack O'Mara, promotion manager, has just completed the distribution of substantial 14 x 22 cards to county agents for secondary distribution to farm homes in the territory.

Shown are important farm services, news and commentators appealing to farm listeners from 5:45 a.m. to 9:30 p.m. The job is done in red and blue on white.

## "WE'VE GOT TO STICK TOGETHER"

The novelty tune, "We've Got to Stick Together," arranged by Jack Mason, first mentioned in NAB REPORTS of April 17, has been licensed by BMI. In Washington it is heard currently at the Neptune Room, Mayfair, Mayflower, Hotel 2400 and over three or four stations. George Paxton, arranger for Ina Ray Hutton's orchestra, said he would broadcast it from the Capitol Theatre during her stay in Washington.

## "A 100 GRAND FOR UNCLE SAM"

"A Hundred Grand for Uncle Sam with the KMBC Victory Caravan."

That's the slogan back of the efforts of KMBC, Kansas City, in its self sponsored promotion, to sell War bonds and stamps.

The "Victory Caravan" plays a new town each Thursday night. Total actual sales from the stage for the first three performances were \$27,302.42.

The third appearance of the "Victory Caravan" on May 7 drew an attendance of 1,205 and sold \$14,000 worth of War bonds and stamps, according to Gene W. Dennis, KMBC, defense coordinator.

## WMBD KEEPS MILLS OPERATING

"Peoria Gets in the Scrap" is the appropriate title of a community promotion which WMBD, Peoria, has just completed. It was an action promotion which followed news that several steel companies in Illinois were threatened with shut-down unless scrap metal began flowing in. The result of the promotion was 200 long tons of scrap metal with an approximate value of \$3,000 loaded on cars in less than 2 days time. And it came about from the cooperation of the whole community after the station had assumed leadership.

It was the station's belief that door to door canvassing of the entire city of Peoria would be the only logical method to collect any appreciable scrap metal. The proposal was made and accepted that the Advertising and Selling Club would be a logical and lively enthusiastic organization to undertake the actual work involved. The Club rolled up its sleeves and within 7 days there was complete organization in every detail. At one p.m. on Friday afternoon, one of the local high school bands appeared on the Court House lawn to give the scrap drive a send off.

Sixty-two trucks were donated by local business firms. Five hundred Boy Scouts arrived to ride those trucks, to load and unload them. Other donations that helped to make the drive a success were: free food for all the Boy Scouts and men working on the trucks, served in a tent pitched next to the mounting scrap pile—provided by a local dairy, meat packing company and bakery.

Local waste material dealers furnished an electric magnet with a crane to load the scrap on railroad cars. These same dealers sorted this varied collection and segregated the non-ferrous metals for which a higher price was received. They also baled the scrap—

\$4.00 a ton operation—so that a higher price was received when delivered to the market.

The \$3,000 received for the scrap metal will probably be donated as follows: probably one-third to the local USO and Red Cross organizations and two-thirds for a blood plasma unit or emergency disaster equipment for use in Central Illinois.

Intensive promotion over WMBD educated the entire community to the needs for the scrap metal. There were station-break announcements on the hour, half hour and quarter hour from April 14 to Saturday morning, April 18. At the same time there was a daily program Monday through Friday and morning and evening programs Monday, Wednesday and Friday, plus a half-hour show on Monday night dramatizing the actual need for waste material. This latter was patterned on "This Is War" and "They Live Forever" and created much favorable local comment.

Late Friday afternoon, the date prior to the start of the drive, the station sent a short-wave truck for a remote broadcast from the huge scrap pile soaring upward on the banks of the Illinois River.

Programming was handled by Vernon Nolte, acting program director.

## KVOA NEWS

First copy of the "KVOA NEWS" that has come to our attention was Vol. 1, No. 5, received during the Cleveland Convention.

It's a well done job—in two colors—No. 5 contained news items on front page, the week's program schedule on pages 2 and 3 and a sales promotion calendar for May on page 4.

## CENSORSHIP OFFICE CHANGES

John H. Sorrells has been appointed Deputy Director of Censorship by Byron Price. Announcement was made in Washington on May 19. Sorrells, on leave from the executive editorship of the Scripps-Howard newspapers, had been Assistant Director in charge of the press division.

Nat R. Howard, editor of Cleveland (Ohio) News, who has been Mr. Sorrells' chief assistant, has been appointed Assistant Director in charge of the press division.

In his new position, Mr. Sorrells will assist Mr. Price in directing the voluntary censorship of the domestic press and radio and also the border censorship.

J. Harold Ryan remains as Assistant Director in charge of the radio division, and Eugene Carr, WGAR, Cleveland, has been added to his staff.

## ALFRED I. DUPONT AWARDS

The establishment of annual awards for radio commentators and radio stations, similar to the Pulitzer prizes in journalism, was announced today by Mrs. Alfred I. duPont, of Jacksonville, Fla.

Mrs. duPont said that two awards of one thousand dollars each will be made in March, each year. One will go to the radio news commentator, who, in the opinion of a board of impartial judges, has rendered the best public service during the preceding calendar year through the reporting of news by radio. The second award will go to the radio station in the continental United States, which, in the opinion of the judges, has contributed outstanding service toward the encouragement and development of American ideals.

Both awards are being established as memorials to the late Alfred I. duPont, well-known Florida financier and philanthropist.

In announcing the awards, Mrs. duPont said, "Radio as a medium for the dissemination of news and informed opinion, and radio stations and commentators as instruments of that medium, are performing an essential and patriotic service for the American public. Since Pearl Harbor the great value of radio has been dramatically demonstrated in the broadcasting of accurate, constructive and instructive information and opinion which has served not only to educate the people of America, but also to sustain national morale."

The winners of the awards are to be selected by an impartial board of judges made up of five persons. This board will consist

of one representative of a nationwide women's organization; one non-commercial, non-political affiliate of the radio and broadcasting industry; one nationally prominent educator; one nationally prominent expert on public opinion and national affairs; and one representative of the Florida National Group of Banks, which acts as Mrs. duPont's agent in the sponsorship of the awards. Mrs. duPont said that she has directed the Florida bank chain, which is owned by the Alfred I. duPont estate, to finance the awards, and make payments only as directed by the board of impartial judges.

The commentator award will be known as the "Alfred I. duPont Radio Commentator Award." In describing this award, Mrs. duPont said, "It is my intention that this award shall be given in each calendar year to one individual who shall be a citizen of the United States, in recognition of distinguished and meritorious performance of public service, by aggressive, consistently excellent and accurate gathering and reporting of news, and the presentation of expert, informed and reliable interpretation of news and opinion for the purpose of encouraging initiative, integrity, independence and public service through the medium of radio."

The award to be made to individual radio stations is to be known as the "Alfred I. duPont Radio Station Award." It is to be granted each calendar year to one "radio station in the continental United States for outstanding and meritorious public service in encouraging, fostering, promoting and developing American ideals of freedom, and for loyal and devoted service to the nation and to the community it serves."

It was specified that the awards shall be made during the first week of March for the preceding calendar year, and shall continue annually thereafter until further notice. The initial award shall be made during the first week of March, 1943, for the calendar year 1942.

## CLASSROOM RADIO AWARDS

The NAB has received a sample entry blank for the competition for awards in the classroom use of radio. Interested persons may obtain them from the Information Editor, Room 701, 228 N. La Salle St., Chicago.

## MAINE

### ESTIMATED RADIO HOMES, 1940

Number of Occupied Dwelling Units as reported by U. S. Bureau of the Census in advance release, Series H-7. Percent radio-equipped calculated from Series H-7 Bulletin following the Census Bureau practice. Number of radio units, or radio homes, estimated by applying present ownership to those units not answering radio question and adding such to those reporting radio.

County	All Units			Urban Units			Rural-Nonfarm Units			Units	% Radio	Radio Units
	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units			
Androscoggin	19,562	92.8	18,150	14,739	94.5	13,933	3,108	90.9	2,825	1,715	81.2	1,392
Aroostook	19,853	73.3	14,559	1,977	88.6	1,751	11,227	70.3	7,888	6,649	74.0	4,920
Cumberland	38,636	93.3	36,033	28,505	95.2	27,137	6,852	89.2	6,115	3,279	84.8	2,781
Franklin	5,332	81.5	4,348				3,783	84.7	3,205	1,549	73.8	1,143
Hancock	9,390	82.6	7,757	1,116	81.7	912	6,455	83.4	5,382	1,819	80.4	1,463
Kennebec	19,250	87.6	16,868	11,117	90.4	10,047	4,879	86.5	4,219	3,254	80.0	2,602
Knox	8,176	83.9	6,859	2,564	88.4	2,267	4,054	83.5	3,385	1,558	77.5	1,207
Lincoln	4,846	82.8	4,012				2,899	85.8	2,486	1,947	78.4	1,526
Oxford	11,011	83.6	9,204	1,929	90.2	1,741	6,404	84.7	5,425	2,678	76.1	2,038
Penobscot	24,307	89.18	21,649	10,986	95.4	10,482	9,242	86.7	8,009	4,079	77.4	3,158
Piscataquis	5,086	83.2	4,232				3,999	85.7	3,428	1,087	73.9	804
Sagadahoc	5,346	87.2	4,662	2,816	92.1	2,593	1,946	83.2	1,619	584	77.1	450
Somerset	10,213	83.3	8,509	1,665	91.7	1,526	5,482	86.3	4,731	3,066	73.5	2,252
Waldo	5,943	78.6	4,667	1,578	86.6	1,367	2,005	78.0	1,563	2,360	73.6	1,737
Washington	10,164	79.7	8,102	2,373	88.5	2,099	5,355	78.6	4,211	2,436	73.5	1,792
York	21,853	90.1	19,689	7,041	92.7	6,529	12,496	90.2	11,265	2,316	81.8	1,895
State Total	218,968	86.5	189,300	88,406	93.2	82,384	90,186	84.0	75,756	40,376	77.2	31,160

### CITIES OF 25,000 OR MORE POPULATION

City	County	Units	% Radio	Radio Units
Bangor	Penobscot	7,420	95.9	7,117
Lewiston	Androscoggin	9,259	94.4	8,739
Portland	Cumberland	19,643	95.1	18,687

Nab Research Department

May 19, 1942

## TELEVISION RULES AMENDED

The FCC has amended its rules to permit licensees of commercial television stations to broadcast but four hours of program service per week instead of the fifteen hours weekly, required heretofore. The step was taken to prevent recession of this new art to a purely experimental or laboratory stage and to keep it alive, ready to flourish as a public service after the war emergency.

Section 4.261(a) until today had required licensees to put programs on the air for a minimum of fifteen hours per week, divided in such manner that at least two hours of service was broadcast any one day during six days of the week. As rewritten, this section of the Commission's Rules and Regulations will require only four hours weekly and if the licensee finds it necessary he may broadcast all four hours during one day.

This relaxation, consistent with similar measures, previously announced for relief of standard broadcast stations, will permit licensees to conserve the life of their equipment, particularly tubes, and will permit television stations to operate under conditions of greatly reduced personnel. Licensees serving the same geographical area are free to arrange and alternate their program schedules so as to increase the number of programs available to the public in their communities.

The Commission action was taken after due consideration of recommendations from licensees of television stations and from representatives of the National Television System Committee, as well as the policies of the FCC announced in its Memorandum Opinion of April 27. No change in the Commission's standards for television transmissions is necessary at this time.

## REGISTRATION OF DIATHERMY DEVICES

All possessors of diathermy apparatus including dealer stocks, must register each such device with the Federal Communications Commission in Washington, D. C., by June 8, 1942. Authority for the requirement is contained in Order No. 4 of the Defense Communications Board dated April 16, 1942. The order adopted by the FCC *does not* apply to persons owning sun lamps, infra-red lamps or ultra violet ray devices, long sold by drug and department stores.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

### HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission beginning Monday, May 25. They are subject to change.

#### Monday, May 25

##### Consolidated Hearing

- NEW—Broadcasters, Inc., San Jose, Calif.—C. P., 1490 kc., 250 watts, unlimited.  
NEW—San Jose Broadcasting Co., San Jose, Calif.—C. P., 1490 kc., 250 watts, unlimited.  
NEW—Luther E. Gibson, Vallejo, Calif.—C. P., 1490 kc., 250 watts, unlimited.

#### Tuesday, May 26

##### Consolidated Hearing

- W65H—WDRG, Incorporated, Hartford, Conn.—Modification of C. P., 43500 kc., 13,944 sq. mi., unlimited.  
NEW—The Radio Voice of New Hampshire, Inc., Manchester N. H.—C. P., 43500 kc., 31,630 sq. mi., unlimited.

Thursday, May 28

NEW—WKAL, Incorporated, Kalamazoo, Mich.—C. P., 1230 kc., 250 watts, unlimited.

Friday, May 29

Further Hearing

NEW—KNOE, Incorporated, Monroe, La.—C. P., 1420 kc., 250 watts, unlimited.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

- KUTA—Jack Powers, Frank C. Carman, David G. Smith and Grant R. Wrathall, equal partners d/b as Utah Broadcasting Co., Salt Lake City, Utah.—Granted modification of construction permit (B2-MP-1488) for changes in directional antenna and increase in power from 5 KW, LS, 1 KW, directional antenna, to 5 KW, directional antenna, and extension of commencement and completion date.  
KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted application for authority to determine operating power by the direct method of reconstructed and readjusted directional antenna array (B4-Z-1379).  
KGCX—E. E. Krebsbach, Wolf Point, Mont.—Granted construction permit (B5-P-3476) to move transmitter and studio location to Sidney, Mont., and make antenna changes.  
W3XEP—RCA Manufacturing Co., Inc., Camden, N. J.—Granted construction permit (B1-PVB-93) to add transmitter to use special emission for frequency modulation on the aural channel with power of 10 KW.  
W3XAD—RCA Manufacturing Co., Inc., Area of Camden, N. J.—Granted construction permit to add transmitter to use special emission for frequency modulation to aural channel with power of 50 watts and to change designation of transmitter location from portable to portable mobile (B1-PVB-92).  
KDB—Santa Barbara Broadcasters, Ltd. (Assignor), Don Lee Broadcasting System (Assignee), Santa Barbara, Cal.—Granted consent to assignment of license of station KDB (B5-AL-314) from Santa Barbara, Ltd., to Don Lee Broadcasting System.  
WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted modification of license (B1-ML-1121) to change hours from all hours except those formerly assigned to WSVS, to unlimited time.  
WFIG—J. Samuel Brody (Assignor), Radio Station WFIG, Inc. (Assignee), Sumter, S. C.—Granted consent to voluntary assignment of license (B3-AL-339) of station WFIG from J. Samuel Brody to Radio Station WFIG, Inc.  
KFEQ—News Broadcasting Co. (Transferor), Barton Pitts (Transferee), St. Joseph, Mo.—Granted consent (B4-TC-295) to acquisition of control of KFEQ, Inc., Station KFEQ, through sale of 5 shares of common stock to Barton Pitts from News Broadcasting Co.  
KRLD—KRLD Radio Corp., Dallas, Tex.—Granted construction permit (B3-P-3484) to make changes in the directional antenna for nighttime use subject to the condition that in the event actual operation results in objectionable interference in the judgment of the Commission to either or both WTIC and WINK that the radiation of KRLD in these directions shall be reduced accordingly.

### ACTION ON DOCKET CASE

The Commission has announced its Proposed Findings of Fact and Conclusions (B-151), proposing to grant, conditionally, the application of Saginaw Broadcasting Co. (WSAM), Saginaw, Mich., for modification of license to change its operating assignment from 1230 kilocycles, 100 watts night, 250 watts daytime, specified hours, to 1400 kilocycles, 250 watts power, unlimited time. The Commission concludes:

"1. Three stockholders of applicant whose combined holdings amount to a 40% interest in the licensee corporation have com-

bined interests totaling over 95% in the licensee of Station WBCM. There is no common control of the licensees and the stations are operated independently of each other.

"2. Operation of WSAM as proposed will deprive approximately 19,691 of the service available from it during certain day hours and will deprive about 7,575 of the daytime service received from WJLB. Service is available to the areas in which these losses would be experienced from at least four other stations. A full time in lieu of a part-time local service would be provided to about 247,637 day and 99,950 night, while a population of about 11,820 would receive a new service at night.

"3. The granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by the Communications Act of 1934, as amended.

"4. Public interest, convenience and necessity will be served by the granting of the instant application, on condition that the applicant deliver one set of crystals in its possession to a well recognized manufacturer or distributor and notify the Commission of the disposition made thereof."

At the same time the Commission dismissed applicant's "Petition for Grant filed pursuant to Memorandum Opinion of April 27, 1942", filed April 30, 1942.

### LICENSE RENEWALS

Granted renewal of following licenses for the period June 1, 1942, to not later than October 1, 1942:

KFBB, Great Falls, Mont.; KFJZ and auxiliary, Fort Worth, Tex.; KGCU, Mandan, N. Dak.; KIT, Yakima, Wash.; KOIL, Omaha, Nebr.; KRGV, Weslaco, Tex.; KVOA, Tucson, Ariz.; WEBC and auxiliary, Duluth, Minn.; WHIO, Dayton, Ohio; WISH, Indianapolis, Ind.; WJDX, Jackson, Mich.; WOL and auxiliary, Washington, D. C.; WTCN, Minneapolis, Minn.; WTOG, Savannah, Ga.; WWNY, Watertown, N. Y.

Granted renewal of following licenses for the period June 1, 1942, to not later than August 1, 1944:

KFKU, Lawrence, Kans.; KMA, Shenandoah, Iowa; KRKD, Los Angeles, Calif.; KSAL, Salina, Kans.; KTW, Seattle, Wash.; WTRY, Troy, N. Y.; WCSH, Portland, Me.; WDEL, Wilmington, Del.; WISN and auxiliary, Milwaukee, Wis.; WJBO, Baton Rouge, La.; WRC, Washington, D. C.; WREN, Lawrence, Kans.; WTMA, Charleston, S. C.

Granted extension upon a temporary basis only, pending determination upon application for renewal of license, in no event later than July 1, 1942, of following licenses:

KFOX, Long Beach, Calif.; KGGM, Albuquerque, N. Mex.; KGLO, Mason City, Iowa; KSWO, Lawton, Okla.; WATR, Waterbury, Conn.; WDAY, Fargo, N. Dak.; WFVA, Fredericksburg, Va.; WKPA, New Kensington, Pa.; WMAL, Washington, D. C.; WSBT and auxiliary, South Bend, Ind.

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted renewal of license for the period June 1, 1942, to not later than June 1, 1944.

WFDF—Flint Broadcasting Co., Flint, Mich.—Granted renewal of license for the period ending in no event later than August 1, 1942, for main and auxiliary.

The following stations were granted renewal of licenses for the period June 1 to October 1, 1942:

KOL, Seattle, Wash.; WJAS, Pittsburgh, Pa.; WKNE, Keene, N. H.; WKST, New Castle, Pa.; WNAC, Boston, Mass.; WNEL, San Juan, P. R.; WORC, Worcester, Mass.; WRR and auxiliary, Dallas, Tex.; KLS, Oakland, Calif.; KVOR, Colorado Springs, Colo.; WDOD, Chattanooga, Tenn.; WXYZ and auxiliary, Detroit, Mich.

The following stations were granted renewal of licenses for the period June 1, 1942, to August 1, 1944:

KFSG, Los Angeles, Calif.; KROW, Oakland, Calif.; WICA, Ashtabula, Ohio; WTAW, College Station, Tex.; KFVB, Los Angeles, Calif.

KDAL—Red River Broadcasting Co., Inc., Duluth, Minn.—Granted renewal of license for the period June 1, 1942, to June 1, 1944.

KVRS—Wyoming Broadcasting Co., Rock Springs, Wyo.—Granted renewal of license for the period ending August 1, 1943.

W10XF—National Broadcasting Co., Inc., Portable.—Granted renewal of license for the period ending May 1, 1943.

W10XR—National Broadcasting Co., Inc., New York City.—Granted modification (B1-R-EX-4) of license to change

location of station from Portable-Mobile to Portable or Portable-Mobile; and for renewal of license for the period beginning May 1, 1942.

WBKY—University of Kentucky, Beattyville, Ky.—Granted renewal of license for the period ending May 1, 1943.

WBOE—Cleveland City Board of Education, Charles H. Lake, Supt., Cleveland, Ohio.—Granted renewal of license for the period ending May 1, 1943.

### MISCELLANEOUS

KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—Granted license to cover construction permit which authorized move of auxiliary transmitter to new site of main transmitter (B5-L-1653).

WJLD—J. Leslie Doss, Bessemer, Ala.—Granted license (B3-L-1656) to cover construction permit for new station to operate on **1400 kc.**, 250 watts, unlimited time. Also authority to determine operating power by direct measurement (B3-Z-1387).

WOLS—Florence Broadcasting Co., Inc., Florence, S. C.—Granted license (B3-L-1627) to cover construction permit for new transmitter.

W2XI—General Electric Co., New Scotland, N. Y.—Granted license (B1-LVB-33) to cover construction permit for new experimental television relay broadcast station.

KSDS—San Diego Unified School District, San Diego, Calif.—Granted modification (B5-MPED-7) of construction permit (B5-PED-20) which authorized a new non-commercial educational broadcast station, for extension of completion date from Feb. 24, 1942, to July 1, 1942.

Edward E. Reeder, Seattle, Wash.—Denied as in cases of default application for construction permit for new broadcast station (Docket 5997).

Kingsport Broadcasting Co., Inc., Kingsport, Tenn.—Granted motion for continuance of hearing in re applications of Northside Broadcasting Corp. (WGRC), New Albany, Ind., and Kingsport Broadcasting Co., Inc. (WKPT), Kingsport, Tenn., applicants for **790 kc.**; hearing continued to June 22, 1942 (Dockets 6052, 6249).

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted motion for continuance of hearing in re application for modification of license to operate on **1230 kc.**, 250 watts, unlimited time; hearing continued to June 23, 1942 (Docket 6216).

Herman Radner, Dearborn, Mich.—Granted supplemental motion to take additional depositions in re application for new station (Docket 6220).

Frequency Broadcasting Corp., Brooklyn, N. Y.—Granted petition for dismissal without prejudice of application for construction permit for new high frequency (FM) broadcast station (Docket 6182).

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted petition to dismiss without prejudice application for construction permit to make changes in directional antenna (Docket 6286).

WAPI—Voice of Alabama, Inc., Birmingham, Ala.—Granted motion for extension of time within which to file proposed findings in Docket No. 6117, to June 1, 1942.

Dorman Schaeffer, Klamath Falls, Ore.—Granted motion for continuance of hearing in re applications of Herald Publishing Co. and Dorman Schaeffer, for construction permits for new broadcast stations in Klamath Falls, Ore.; hearing continued to June 18, 1942.

KROY—Royal Miller, Sacramento, Calif.—Granted petition to dismiss without prejudice application for construction permit to operate on **1030 kc.**, 10 KW, unlimited, directional antenna night and day (Docket 6287).

KFAR—Midnight Sun Broadcasting Co., Fairbanks, Alaska.—Granted modification (B-MP-1557) of construction permit (B-P-3436) for approval of transmitter.

KWON—Bartlesville Broadcasting Co., Bartlesville, Okla.—Granted license (B3-L-1659) to cover construction permit for new station to operate on **1400 kc.**, 250 watts, unlimited time. Also authority to determine operating power by direct measurement (B3-Z-1392).

WBEE—Worcester Telegram Publishing Co., Inc., Portable-Mobile, area of Worcester, Mass.—Granted modification (B1-MPRY-30) of construction permit authorizing new relay station, for change in type of transmitter, decrease in operating power from 50 to 40 watts.

WSOO—Hiawathaland Broadcasting Co., Sault Ste. Marie, Mich.—Granted petition for continuance of hearing now set for May 11, 1942, in re application for renewal of license; hearing continued until June 11, 1942 (Docket No. 6208).

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Denied petitions of WFAS filed March 28 and May 7, requesting the Commission to reconsider and set aside its Order of October 28, 1941, designating for hearing application for modification of license; to cancel further hearing thereof; and to grant the same without hearing.

W6XDL—Don Lee Broadcasting System, San Francisco, Calif.—Denied application (B5-MPVB-81) for extension of completion date to October 30, 1942.

KGNO—The Dodge City Broadcasting Co., Inc., Dodge City, Kans.—Granted petition to cancel oral argument scheduled for May 20 on application for modification of license.

The Walmac Company, Alice, Texas.—Granted request for dismissal without prejudice of application (B3-P-3311) for a new station.

WKAL, Inc., Kalamazoo, Mich.—Granted motion to continue hearing now scheduled for May 28 to June 29, on application for new station.

South Florida Broadcasting, Inc., Miami, Fla.—Granted motion to continue hearing now scheduled for May 22 to June 24, on application for new station.

W65H—WDRG, Inc., Hartford, Conn.—Granted petition to withdraw application for modification of FM construction permit, and dismissed application without prejudice.

Federated Publications, Inc.—Granted motion to dismiss without prejudice applications for new FM stations at Grand Rapids, Battle Creek and Lansing, Mich.

The Radio Voice of New Hampshire, Inc., Manchester, N. H.—Granted petition to withdraw application for new FM station, and application dismissed without prejudice.

Broadcasters, Inc., San Jose, Calif.; San Jose Broadcasting Co., San Jose, Calif.; Luther E. Gibson, Vallejo, Calif.—Granted petition to dismiss without prejudice applications for new stations in Dockets Nos. 6241, 6242 and 6243.

#### APPLICATIONS FILED AT FCC

##### 570 Kilocycles

WNAX—WNAX Broadcasting Co., Yankton, S. D.—Modification of construction permit (B4-P-3288) for increase in power and directional antenna night, requesting extension completion date from 6-7-42 to 12-7-42.

##### 600 Kilocycles

KRMC—Jamestown Broadcasting Co., Inc., Jamestown, N. D.—Authority to determine operating power by direct measurement.

##### 630 Kilocycles

KVOD—Colorado Radio Corp., Denver, Colo.—Modification of construction permit (B5-P-2663, as modified, which authorized increase in power, installation of new transmitter and changes in DA) for extension of completion date from 5-29-42 to 6-29-42.

##### 780 Kilocycles

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—License to cover construction permit (B4-P-3467, as modified, for a new transmitter, changes in antenna system and move of transmitter and antenna).

##### 920 Kilocycles

WTTM—Trent Broadcast Corp., Trenton, N. J.—Authority to determine operating power by direct measurement.

##### 950 Kilocycles

KPRC—Houston Printing Corp., Houston, Texas.—License to cover construction permit (B3-P-2791, as modified, to install DA for night use, increase power).

KPRC—Houston Printing Corp., Houston, Texas.—Authority to determine operating power by direct measurement of antenna power.

##### 1190 Kilocycles

WLIB—Arthur Faske, Brooklyn, N. Y.—License to cover C. P. (B1-P-3151) as modified, for a new transmitter, change in frequency, increase in power and change in hours of operation.

WLIB—Arthur Faske, Brooklyn, N. Y.—Authority to determine operating power by direct measurement.

##### 1230 Kilocycles

NEW—John W. Choate, Leonore V. Choate, E. P. Nicholson, Jr., and John Wallbrecht (a partnership), Middlesboro, Ky.—Construction permit for a new broadcast station on 1230 kc., 250 watts, unlimited time.

KGHI—Arkansas Broadcasting Co., Little Rock, Arkansas.—Construction permit to install a new transmitter.

##### 1240 Kilocycles

WJRM—Allegheny Broadcasting Corp., Elkins, W. Va.—Modification of construction permit (B2-P-3328) for a new broadcast station, requesting approval of antenna system and transmitter location, and studio location.

WFTM—Fort Myers Broadcasting Co., Fort Myers, Fla.—License to cover construction permit (B3-P-3432, which authorized move of transmitter).

##### 1260 Kilocycles

WNAC—The Yankee Network, Inc., Boston, Mass.—Modification of construction permit (B1-P-3445) for increase in power, equipment changes and installation of directional antenna for night use, requesting changes in directional antenna.

##### 1300 Kilocycles

KOL—Seattle Broadcasting Co., Seattle, Wash.—Modification of C. P. (B5-P-3030, as modified, which authorized increase in power and installation of DA) for extension of completion date from 6-1-42 to 9-1-42.

##### 1320 Kilocycles

WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Modification of construction permit (B2-P-2947, as modified, which authorized increase in power, and installation of DA for night use) for extension of completion date from 5-27-42 to 9-27-42.

##### 1340 Kilocycles

WGTM—Penn Thomas Watson, Wilson, N. C.—Authority to install automatic frequency control equipment.

##### 1380 Kilocycles

WMBG—Havens & Martin, Inc., Richmond, Va.—Authority to determine operating power by direct measurement of antenna power for auxiliary transmitter.

WMBG—Havens & Martin, Inc., Richmond, Va.—License to cover construction permit (B2-P-3197, as modified, which authorized changes in DA system).

WMBG—Havens & Martin, Inc., Richmond, Va.—Authority to determine operating power by direct measurement of antenna power for main transmitter.

KBWD—Brown County Broadcasting Co., Brownwood, Texas.—Modification of license to increase power from 500 watts to 500 watts night, 1 KW day.

##### 1400 Kilocycles

KTTS—Independent Broadcasting Co., Springfield, Mo.—License to cover construction permit (B4-P-3156, for a new station).

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

WMSL—Tennessee Valley Broadcasting Co., Inc., Decatur, Ala.—License to cover construction permit (B3-P-3464, which authorized installation of new transmitter).

WBNY—Roy L. Albertson, Buffalo, N. Y.—Authority to determine operating power by direct measurement.

### 1410 Kilocycles

WNBC—State Broadcasting Corp., New Britain, Conn.—Modification of license for move of studio from New Britain to Hartford, Conn.

### 1430 Kilocycles

WBYN—WBYN-Brooklyn, Inc., Brooklyn, N. Y.—Modification of license to move studio from Brooklyn to New York, N. Y.

### 1450 Kilocycles

WKEU—Radio Station WKEU, Griffin, Ga.—Construction permit for increase in power from 100 watts to 250 watts, hours from daytime to unlimited and move transmitter. Amended to omit request to move transmitter.

NEW—Camden Radio, Inc., Camden, Ark.—Construction permit for a new broadcast station to be operated on **1450 kc.**, 250 watts, unlimited time, Facilities KCMC, contingent on KCMC changing to **1230 kc.**

WWDC—Capital Broadcasting Co., Washington, D. C.—Transfer of control of corporation from Stanley H. Horner, Dyke Cullum and Edwin M. Spence to Joseph Katz, G. Bennett Larson and Charles M. Harrison, 250 shares, 100%.

### 1490 Kilocycles

KSAM—W. J. Harpole and J. C. Rothwell, d/b as Radio Station KSAM, Huntsville, Tex.—Modification of license to move studio from Huntsville to 2 miles S. E. of Huntsville, Texas.

### 1520 Kilocycles

WHIP—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Transfer of control thru sale of 200 shares (10%) of stock by George F. Courrier to John W. Clarke, transferee.

KPMC—Pioneer Mercantile Company, Bakersfield, Calif.—License to cover construction permit (B5-P-3118, for change in frequency).

KPMC—Pioneer Mercantile Co., Bakersfield, Calif.—Authority to determine operating power by direct measurement of antenna power.

## FM APPLICATION

NEW—The Radio Voice of New Hampshire, Inc., Manchester, N. H.—Construction permit for a new high frequency broadcast station on **43500 kc.**, coverage 20,290 sq. mi., population, 4,260,280. Location of transmitter at Goffstown, N. H., and studio at 1819 Elm St., Manchester, N. H. Amended to change proposed transmitter site from Goffstown, N. H., to Shaw Mountain, Carroll County, N. H., increase coverage from 20,290 to 31,630 sq. mi., change population from 4,260,280 to 2,318,333 and make changes in transmitter and antenna system.

## MISCELLANEOUS APPLICATIONS

WEJD—National Broadcasting Co., Inc., Portable-Mobile.—Modification of license to show use of station with broadcast station WRC, Washington, D. C., and to delete use with WMAL.

WEJD—National Broadcasting Co., Inc., Portable-Mobile.—Modification of license to show use of station with broadcast station WRC, Washington, D. C., and to delete use with WMAL.

WNBU—National Broadcasting Co., Inc., Portable.—Modification of license to show use of station with broadcast station WRC, Washington, D. C., and to delete use with WMAL.

NEW—Blue Network Co., Inc., Portable-Mobile.—License for new relay broadcast station using already licensed equipment (using equipment WEJI) on **31220, 35620, 37020, 39260 kc.**, 25 watts, Emission A3.

WEJI—National Broadcasting Co., Inc., Portable-Mobile.—Modification of license to show use of station with broadcast station WEA, New York, N. Y., and delete use with WJZ.

WEJT—National Broadcasting Co., Inc., Portable-Mobile.—Modification of license to show use of station with broadcast station WRC, Washington, D. C., and delete use with WMAL.

WEJC—National Broadcasting Co., Inc., Washington, D. C.—Modification of license to show use of station with broadcast station WRC, Washington, D. C., and delete use with WMAL.

WEJS—National Broadcasting Co., Inc., Portable-Mobile.—Modification of license to show use of station with broadcast station WRC, Washington, D. C., and delete use with WMAL.

WNBR—National Broadcasting Co., Inc., Mobile.—Modification of license for change in area normally served by station from Cleveland, Ohio, to Washington, D. C., and change from station with which it is to be used from WTAM, Cleveland, Ohio, to WRC, Washington, D. C.

WNTJ—National Broadcasting Co., Inc., Portable-Mobile.—Modification of license for change in area normally served by station from Cleveland, Ohio, to Washington, D. C., and change from station with which it is to be used from WTAM, Cleveland, Ohio, to WRC, Washington, D. C.

WNCU—National Broadcasting Co., Inc., Portable-Mobile.—Modification of license to show use with broadcast station WRC, Washington, D. C., and to delete use with station WMAL.

NEW—Blue Network Co., Inc., Portable-Mobile.—License for a new relay broadcast station using already licensed equipment of NBC relay station WEJJ, on **31220, 35620, 37020, 39260 kc.**, 2 watts, Emission A3.

WEJJ—National Broadcasting Co., Inc., Portable-Mobile.—Modification of license to show use of station with broadcast station WEA, New York, N. Y., and to delete use with station WJZ.

NEW—Blue Network Co., Inc., Portable-Mobile.—License for a new relay broadcast station using already licensed equipment of NBC relay station WEJU, on **31220, 35620, 37020, 39260 kc.**, 25 watts, Emission A1, A2, A3.

WEJU—National Broadcasting Co., Inc., Portable-Mobile.—Modification of license to show use of station with broadcast station WEA, New York, N. Y., and delete use with station WJZ.

NEW—Blue Network Co., Inc., Portable-Mobile.—License for a new relay broadcast station using already licensed equipment of NBC relay station WIEW on **1606, 2074, 2102, 2758 kc.**, 25 watts, Emission A1, A2, A3.

WIEW—National Broadcasting Co., Inc., Mobile.—Modification of license to show use of station with broadcast station WEA, New York, N. Y., and delete use with station WJZ.

W45CM—WBNS, Incorporated, Columbus, Ohio.—Modification of construction permit (B2-PH-8, as modified which authorized new H. F. B. station), for extension of commencement and completion dates only from 12-1-41 and 5-30-42 to 6-1-42 and 12-1-42, respectively.

WNBM—National Broadcasting Co., Inc., New York, N. Y.—Modification of license to show use of station with applicant's standard broadcast station WEA, New York, N. Y., only, and to delete use with station WJZ, and to change designation of location from Portable-Mobile to Portable or Portable-Mobile.

WMFL—National Broadcasting Company, Inc., New York, N. Y.—Modification of license to show use of station with applicant's standard broadcast station WEA, New York, N. Y., only, and to delete use with station WJZ.

WEJA—National Broadcasting Company, Inc., New York, N. Y.—Modification of license to show use with applicant's standard broadcast station WEA, New York, N. Y., only, and to delete use with WJZ.

WEJN—National Broadcasting Co., Inc., New York, N. Y.—Modification of license to show use of station with applicant's standard broadcast station WEA, New York, N. Y., only, and to delete use of the station with standard station WJZ.

WEJR—National Broadcasting Co., Inc., New York, N. Y.—Modification of license to show use of station with applicant's standard broadcast station WEA, New York, N. Y., only, and to delete use with station WJZ.

WEJL—National Broadcasting Co., Inc., New York, N. Y.—Modification of license to show use of station with applicant's standard broadcast station WEA, New York, N. Y., only, and to delete use with station WJZ.

WEJW—National Broadcasting Co., Inc., New York, N. Y.—Modification of license to show use of station with applicant's standard broadcast station WEA, New York, N. Y., only, and to delete use with station WJZ, and to change designation of location from Portable-Mobile to Portable or Portable-Mobile.

K49KC—Everett L. Dillard, tr/as Commercial Radio Equipment Company, Kansas City, Mo.—Modification of construction permit (B4-PH-14, which authorized new H. F. B. station) for extension of completion date only from 5-23-42 to 11-23-42.

KGEI—General Electric Co., near Belmont, Calif.—Modification of license to add the frequency 11730 kc. to those presently licensed; sharing time on this frequency with stations WRUL, WRUS and WRUW.

NEW—Blue Network Co., Inc., New York, N. Y.—License for new relay broadcast station using already licensed equipment. (Licensed to NBC under call WEJA.) Frequencies: 31220, 35620, 37020, and 39260 kes. Power: 100 watts. Emission: A1, A2 and A3. Location: 30 Rockefeller Plaza, New York, N. Y.

NEW—Blue Network Co., Inc., New York, N. Y.—License for new relay broadcast station using already licensed equipment. (Licensed to NBC under call WEJN.) Frequencies: 31220, 35620, 37020, 39260 kes. Power: 25 watts. Emission: A1, A2, and A3. Location: Portable-Mobile. Area of New York, N. Y.

NEW—Blue Network Co., Inc., New York, N. Y.—License for new relay broadcast station using already licensed equipment. (Licensed to NBC under call WEJR.) Frequencies: 31220, 35620, 37020, and 39260 kes. Power: 2 watts. Emission: A3. Location: Portable-Mobile. Area of New York, N. Y.

NEW—Blue Network Co., Inc., New York, N. Y.—License for new relay broadcast station using already licensed equipment. (Licensed to NBC under call WEJL.) Frequencies: 31220, 35620, 37020, 39260 kes. Power: 0.25 watts. Emission: A3. Location: Portable-Mobile. Area of New York, N. Y.

NEW—Blue Network Co., Inc., New York, N. Y.—License for new relay broadcast station using already licensed equipment. (Licensed to NBC under call WEJW.) Frequencies: 31220, 35620, 37020, and 39260 kes. Power: 25 watts. Emission: A3. Location: Portable-Mobile. Area of New York, N. Y.

NEW—National Broadcasting Co., Inc., New York, N. Y.—Modification of license to show use with Standard Broadcast Station WEAJ, New York, N. Y., only and to delete use with WJZ.

KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Modification of construction permit (B5-P-3100) as modified for increase in power and directional antenna for day and night, requesting extension of completion date from 5-16-42 to 7-16-42.

KBSF—The Associated Broadcasters, Inc., Portable-Mobile.—License to cover construction permit (B5-PRV-267) for a new relay broadcast station.

KBSF—The Associated Broadcasters, Inc., Portable-Mobile.—License for a new special relay broadcast station using already licensed equipment (KBSF) on 1622, 2058, 2150, 2790 kc., power 50 watts, Emission A3, to be used with international station KWID.

NEW—The Associated Broadcasters, Inc., Los Angeles, Calif.—Construction permit for a new international broadcast station, frequencies to be determined by FCC, 50 KW, Emission A3, hours undetermined.

NEW—The Associated Broadcasters, Inc., N. of Seattle, Wash.—Construction permit for a new international broadcast station, frequencies to be determined by FCC, 50 KW, Emission A3, hours undetermined.

NEW—Blue Network Co., Inc., New York, N. Y.—Authority to transmit programs to Station CFCF and CBL (formerly CRCT) and the Canadian Broadcasting Corp.

NEW—Blue Network Co., Inc., New York, N. Y.—License for new relay broadcast station using already licensed equipment. (Applicant using equipment licensed to NBC under call "WNBV.") Frequencies: 1606, 2074, 2102, 2758 kes. Power of 25 watts. A1, A2, A3 emission. Located in Area of New York. Portable-Mobile.

NEW—Blue Network Co., Inc., Bound Brook, N. J.—License for new relay broadcast station using already licensed equipment. (Using equipment licensed to NBC under call letters "WMFL.") Frequencies: 1606, 2074, 2102, 2758 kes. Power of 500 watts. Emission: A1, A2, and A3. Location: 1 River Road, Bound Brook, N. J.

NEW—Blue Network Co., Inc., New York, N. Y.—License for new relay broadcast station using already licensed equip-

ment. (Licensed to NBC under call WNBW.) Frequencies: 1606, 2074, 2102 and 2758 kes. Power: 100 watts. Emission: A1, A2, and A3. Location: Portable or Portable-Mobile. Area of New York, N. Y.

NEW—Blue Network Co., Inc., Port Washington, N. Y.—License for new relay broadcast station using already licensed equipment. (Licensed to NBC under WAOB.) Frequencies: 1603, 2074, 2102 and 2758 kes. Power: 500 watts. Emission: A1, A2, and A3. Location: Port Washington, N. Y.

## FEDERAL TRADE COMMISSION DOCKET

*Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.*

### 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.

**Fred Benioff Company**—Alleging misrepresentation in the sale of fur products, a complaint has been issued against Fred Benioff Co., and Fred Benioff, 133 Geary St., San Francisco, who have traded under the names Fred Benioff Furs, Fred Benioff's Furs, Benioff's Furs and Benioff's. According to the complaint, Fred Benioff Co. maintains retail establishments in Oakland and Stockton, Calif., and Spokane, Wash. (4760)

**Sierra Candy Company, Inc.**—A complaint has been issued charging Sierra Candy Co., Inc., 2203 Third St., San Francisco, with selling to jobbers and retail dealers assortments of candy so packed and assembled as to involve the use of lottery schemes when the candy is sold to consumers. With the assortments the respondent allegedly furnishes punch boards and push cards for use in the sale of its candy. (4758)

**Bertha M. Urban**—A complaint has been issued charging Bertha M. Urban, Ewing, Nebr., with misrepresentation in the sale of a medical preparation designated "Lakota." (4761)

**Dr. D. A. Williams Co.**, East Hampton, Conn., is charged, in a complaint with misrepresentation in the sale of "The Williams Treatment," consisting of a medicinal preparation to be used in conjunction with a daily diet program presented in a booklet entitled "Feeling Twenty Years Younger." (4759)

### CEASE AND DESIST ORDERS

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

**S. Angell & Co.**, 236 West 27th St., New York, has been ordered to cease misrepresentations and use of lottery methods in the sale of furs, fur garments, or other merchandise. (4520)

**Charles of the Ritz Distributors Corp.**, 9 University Place, New York, has been ordered to cease and desist from misrepresentation in the sale of a cosmetic preparation designated "Charles of the Ritz Rejuvenescence Cream."

The order prohibits the respondent from disseminating any advertisement in which the word "Rejuvenescence" is used to

describe its cosmetic preparation or which represents that the preparation will rejuvenate the skin or restore youth or the appearance of youth to the skin of the user. (3923)

**Chumanie Medicine Co.**—An order to cease and desist from misrepresenting the therapeutic properties of "Chumanie" medicinal preparations has been issued against Charles Roehm, trading as Chumanie Medicine Co., New Richmond, Ohio. (4530)

**Codrin Corp.**, 333 Sixth Ave., New York, has been ordered to discontinue the dissemination of any advertisements which contain false representations concerning the therapeutic value of a medicinal preparation it sells under the name "Magnesia S. Pellegrino." (4598)

**Davidson Enamel Co.**, Clyde, Ohio, to cease and desist from misrepresenting the composition of an interior wall covering product it manufactures and sells under various names, including "Veos Tile" and "Veos Porcelain Tile." (4001)

**General Surveys, Inc.**, 203 North Wabash Ave., Chicago, and G. J. Doucette, a director and salesman of the corporation, have been ordered to cease and desist from misrepresentation in the sale of sets of reference books and loose-leaf extension services. (4554)

**Green Supply Company**—Perle P. Green and Howard Rand, trading as Green Supply Co., National Merchandising Co., and National Supply Co., 282 Sexton Bldg., Minneapolis, to discontinue selling or otherwise disposing of merchandise by means of lottery methods. The respondents are dealers in fishing tackle, silverware, rifles, garments, blankets, radios and other commodities. (4480)

**Seboreen Laboratories**—Misrepresentations in the sale of medicines and cosmetics are prohibited in an order issued against The Sebrone Co., formerly known as Seboreen Laboratories, Inc., 6912 Ravenswood Ave., Chicago, manufacturer; Federal Cosmetic Sales Corp., 126 North Seventh St., Springfield, Ill., which has sold The Sebrone Co., products; Fred E. Schon, Lloyd M. Wendt, Evelyn Schon, and Ethel Cronson, individually and as officers and directors of The Sebrone Co., and Virginia L. Cook, an officer and director of the sales corporation. (4230)

## STIPULATIONS

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

**American Brief Case Company**—Abraham Klotz, 100 West 31st St., New York, luggage manufacturer trading as Acme Brief Case Co., entered into a stipulation to cease and desist from use of the words "split cowhide," "leather" or any other words connoting leather as descriptive of a product which does not consist wholly of leather. According to the stipulation, certain brief cases sold by the respondent consisted of two thin layers of split leather superimposed over a thicker layer of cardboard and were represented on labels as being "leather product" made of "quality split cowhide." (3479)

**E. T. Barron & Co.**, and Barron Chemical Products Co., 19 East Lake St., Minneapolis, stipulated that it will cease and desist from making the following representations concerning merchandise he has sold or is selling:

That "Barron's Piano and Furniture Polish" produces a wax-like finish; that "Barron's Master Cleaner" leaves no ring; that "Barron's Boiler Stop Leak Compound" will repair leaky boilers and will seal joints and fittings in new hot water systems so as to eliminate repair bills; that "Barron's Lightning Hand Cleaning Powder" is antiseptic; that "Barron's Double Strength Glue" mends broken crockery, glassware, china or any other article used as a water container; and that the "Model 39 Bell Vending Machine" eliminates competition. (02979)

**Burros & Burros**, 111 West 19th St., New York, manufacturer and importer of artificial flowers, stipulated that it will cease and desist from representing in any manner that artificial flowers or other products made in Japan or any other foreign country are manufactured in the United States. (3478)

**Fernol Co.**, 800 North Clark St., Chicago, entered into a stipulation to cease and desist from representing that the drug preparation he sells under the name "Fernol Concentrate" is of any value in taking off weight. The respondent further agrees to discontinue the dissemination of any advertisement which represents that the preparation will in no case have any deleterious effects or which fails to reveal that its continued or frequent use may result in severe gastro-intestinal irritation and interference with the digestive processes and may also result in dependence on laxatives, and that the preparation should not be used in cases of nausea, vomiting, abdominal pains or other symptoms of appendicitis. The stipulation provides, however, that the advertisement need contain only the statement "Caution, Use only as directed," if and when the directions for use on the labeling contain an appropriate warning. (02981)

**J. & A. Friedberg, Inc.**, 359 36th St., Brooklyn, luggage manufacturer, has entered into a stipulation to discontinue selling brief cases made of split leather, unless labels revealing that the leather is split or cut from the under side of the hide and is not top grain leather are affixed thereto so as to remain on the brief cases until they reach the ultimate purchasers. (3480)

**Heekin Company**—A stipulation to discontinue certain representations in connection with the sale of "Happy Family Baking Powder" has been entered into by two Cincinnati firms, The Heekin Co., Walnut and Water Sts., and J. F. and M. E. Koons, operating Midland Advertising, an advertising agency, at 111 East Fourth St. The advertising agency prepares and disseminates advertisements of the baking powder, which is sold and distributed by The Heekin Co. (02977)

**Jaco-Lac Decal Co.**, 188 West Randolph St., Chicago, stipulated that, in the sale of decalcomania lettering, emblems and designs, she will cease and desist from representing that she is a manufacturer of such products or owns, operates or controls the factories in which the products sold by her are made. The respondent further stipulates that she will discontinue the use in advertising matter of statements such as "Patent applied for" in connection with a book of decal letters or other unpatentable article to imply that a patent is pending for such book or article, or that the purported application for patent affords protection against infringement until a patent has been issued. (3481)

**Majestic Electric Supply Co.**, 2333 West Chicago Ave., Chicago, entered into a stipulation to cease representing, in connection with the sale of electrical supplies and other merchandise, or placing in the hands of others the means of representing, that a fictitious or marked-up price is the customary or usual retail price of such merchandise. The respondent further agrees to discontinue the use of excessive discount quotations, either alone or with fictitious or marked-up price figures, to imply that resulting net prices are less than those of competitors. (3482)

**G. H. Murry & Co.**, Madison, N. C., has entered into a stipulation to discontinue representing that the product he sells under the names "Murry's Dollar Stock Powder," "Murry's Cattle Powders" and "Murry's Horse and Cattle Powders" will remove onion or vegetable taste from milk or butter, increase the purity, richness or flow of milk, keep livestock healthy, and prevent dogs from having fits. (02980)

**Elizabeth Redden**, 52 West 53rd St., New York, stipulated that, in the sale of "Honey Facial Bath," she will cease representing that the preparation will cure or banish oiliness of the skin, enlarged pores, wrinkles, surface pimples or blackheads; that it is an astringent or will tone or bleach the skin; that superficial

application of the preparation furnishes the skin with vitamins; and that, because of its honey content, the product possesses therapeutic value in excess of its action as a detergent and emollient. (02982)

**United Laboratories, Inc.**, 16801 Euclid Ave., Cleveland, entered into a stipulation to cease and desist from representing that its mastic surfacing product designated "Plastic Rock," when applied to floor surfaces, makes them fast, skid-proof and dragless, unless the conditions under which these results are accomplished are specifically stated; that "Plastic Rock" surfacing has been subjected to sufficient foot traffic to demonstrate that it will wear permanently or indefinitely; and that the United States Army or Navy specifies the use of "Plastic Rock." (02978)

**Claude R. Wadlington Co.**, Hopkinsville, Ky., entered into a stipulation to cease and desist from representing that their medicinal preparation designated "Apolene" is a remedy for, or possesses any therapeutic value in the treatment of rheumatism,

sinusitis, hay fever, head and chest colds, bronchitis, influenza or eczema. The respondents also agree to stop representing that "Apolene" has any therapeutic value for skin irritations in excess of its ability to temporarily allay the itching or discomfort incident thereto; that it is a remedy for hemorrhoids, without expressly limiting such claim to temporary relief of external hemorrhoids; and that it has any therapeutic value in the treatment of cuts or burns, without expressly limiting such claim to relief of minor cuts and burns. (02976)

#### FTC CASE CLOSED

The Federal Trade Commission closed its case against Kimble Glass Co., Vineland, N. J., because of insufficient evidence to warrant a proceeding on charges of violation of the Robinson-Patman Antidiscrimination Act. The closing order was issued without prejudice to the Commission's right to resume proceedings should future facts so warrant. The respondent company manufactures glass tubing and test and control apparatus for the dairy industry.

## WPB Will Consider Equipment Pool

Recommendations of the DCB for an industry equipment pool to relieve critical shortages of parts and tubes had not officially reached the Radio Section, Communications Branch, of the WPB on Thursday. Serious study will promptly be given the recommendations when received, officials declared.

It can be stated that WPB officials concerned are all conscious of the importance of broadcasting to the war effort, but that there is not the slightest possibility, in the event the pool is set up, that WPB can guarantee priorities on parts and tubes after the proposed pool is exhausted. Apart from the merits of the equipment-pooling plan, there is a decided opinion at the WPB that stations can go on for quite a while if they observe certain precautions calculated to increase the life of equipment. Such precautions include taking steps to ease the load on various circuits and components which have frequent failures; reducing the load on tubes to increase their life; taking advantage of repair facilities on vacuum tubes and having the unit repaired rather than replaced whenever possible; using existing or obsolete parts to replace units which go bad; and using every reasonable precaution to prevent undue and accidental damage to components.

The DCB announced May 23 that it had recommended to the War Production Board approval of a plan initiating a co-operative "pool" of replacement equipment for the broadcast industry. The DCB further recommended that the Federal Communications Commission be delegated authority to administer those portions of the plan calling for centralized administration by the Government.

Such a plan could operate only with the full cooperation of the broadcasters and this cooperation is assured by the fact that it originated with the broadcasters themselves and was prepared and submitted to the DCB by the Domestic Broadcasting Committee of the Board. It is believed that its operation should go a long way to relieve the priorities problems now confronting the 900-odd broadcasting stations in repair and maintenance materials.

In general the plan provides for establishing throughout the nation 17 regional conservation districts, each to be administered by an administrator and two assistants. Administrators and their assistants are to be selected by the broadcasters in their respective districts, and they are to check the inventories, supervise distribution of replacement parts and see that efficient operation of each station is maintained.

Inventories will be kept in each district and at the Federal Communications Commission in Washington, the former for use within the regional areas, and the latter to be used as the basis of redistribution between districts on direction from the FCC. Regional administrators will operate under general supervision of the FCC, which in turn will be guided by rules, regulations, orders and policies of the War Production Board. Regional administrators will receive no compensation from the Federal Government,

but for out-of-pocket expenses for travel and other incidentals connected with the "pools" they will be reimbursed by the stations within the districts concerned.

The plan:

In order to obtain maximum life of domestic broadcast equipment, including vacuum tubes, to use fully replacements now in stock, and to require minimum new material which will be allocated by the War Production Board, the following plan is proposed governing the technical maintenance of standard broadcast stations for the duration of the war:

1. Make a detailed inventory of all the equipment now on hand at all domestic broadcast stations in the continental United States.

2. Establish the requirements for replacement of equipment from stock and from new material by one year periods.

3. Obtain an allocation of the new material and necessary priorities from the War Production Board to satisfy current and future requirements.

4. Make a detailed check of the technical performance of all domestic broadcast stations to establish that they are operating in a manner to give maximum life of equipment, including the vacuum tubes, consistent with good service and in keeping with the Commission's Rules and Regulations and the Standards of Good Engineering Practice. (The regulations and standards should be modified if it can be shown that a worthwhile improvement in the life of equipment will be accomplished.)

5. Divide the United States into "Conservation Districts." These districts will be as large as feasible and to contain as many stations as possible consistent with the requirements of communication and transportation between the stations and the administrator of the district. The districts should contain enough stations that a representative stock supply is available in each district.

6. The DCB will establish a central office in Washington, D. C., and will have control over all districts and the adherence to the plan by stations in the districts, subject, of course, to any final action that may be required by the War Production Board which is the agency set up by law to handle all priority matters.

7. Each district will be controlled by a civilian administrator and two assistants selected from the stations operating personnel in the respective districts.

8. The administrator of each district with the aid of his assistants, as needed, will check the inventory, administer the distribution and redistribution of equipment, requisition new equipment, and determine that proper and efficient operation of each station in his district is maintained. The administrators will operate under a very strict and specific directive issued by the DCB, with the approval of the War Production Board.

9. The Administrator and assistants in each district will be selected at a conference of all stations in each district. An inspector or other Commission representative would preside until the administrator is elected. At this time the duties of the administrator and his assistants will be clearly set out, as well as the responsibility of the station licensee, in order to operate under the program for conservation of equipment.

10. The inventory in each district and between districts will be used as a basis of a redistribution of equipment as required between stations needing such equipment. The

(Continued on page 284)

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

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

## WPB WILL CONSIDER EQUIPMENT POOL

*(Continued from page 283)*

redistribution in a district will be handled by the administrator of that district. The redistribution between districts will be handled through directions from the Federal Communications Commission which will be based on War Production Board rules.

11. Material within a district will remain in its present hands, until such time as it is needed at other stations in the district or in other districts.

12. An inventory will be kept from day to day in each district and at the end of each week it will be cleared with the central office at Washington. All requisitions for additional materials will be sent through the central office.

13. A station will be considered as having the minimum required equipment (except vacuum tubes) when such equipment meets the manufacturers specifications for spare parts. No spare equipment will be taken from a station whose equipment just fulfills the minimum requirements. A station not having the minimum required spare parts will not be supplied spare parts to increase the inventory above that it had on hand January 1, 1942. Any equipment more than the established minimum requirement will be considered in excess of the requirements and subject to redistribution to other stations within the district or to other districts.

Minimum vacuum tube stock will be considered on the basis of the requirements for spare tubes set out in the Commission's Standards of Good Engineering Practice or up to 100 per cent spares, depending upon the previous practice at the station. In case a station had on hand on January 1, 1942, tubes in excess of the requirements set out in the Commission's Standards, the minimum for such stations shall be considered the inventory as of January 1, 1942, provided, however, in no case will minimum requirements be considered more than 100 per cent spares.

In case a station has some part that is known to be subject to failure in excess of the general expectation and yet the transmitter is operating satisfactorily otherwise, this will be taken into consideration in establishing the minimum stock requirements for that station. Records shall be kept of the hours of tube use and the condition of the other equipment.

14. The original holder of equipment will be paid the then current market price of such equipment plus delivery charges when material is transferred from one station to another or from one district to another. The transactions will be on a C.O.D. or credit basis as determined by the seller.

15. Data on vacuum tube life and operating performance will be obtained from station records and tube manufacturers. When possible vacuum tubes will be reactivated. All dead vacuum tubes of over 100 watts output rating will be turned in for the material they contain. There are several other plans of operation that will be studied in connection with these plans. The administrator will own or have available an AC or DC voltmeter with range suitable for checking all filament voltages (0-20 and 0-50 v range) with an accuracy of 1 per cent and scale of 5 inches. Possibly other equipment will be needed. In any event, no new test equipment will be required as sufficient equipment is on hand in the industry.

16. The district administrator and his assistants will receive no pay or subsistence from the Federal Government. They will be repaid for necessary out-of-pocket traveling

expenses and subsistence when away from the city in which the station at which they are employed is located. These expenses shall be prorated between the stations in the district on the basis of the highest published daytime  $\frac{3}{4}$  hour rate of each station. The headquarters of the administrator and assistants will be their present office. It is desired that no new civilian personnel or office space be required for these duties.

17. The administrator will be selected on the basis of known administrative ability and willingness to do this work. One assistant administrator will be selected for his technical ability and knowledge of the design and functioning of the technical equipment of stations. The other assistant administrator may be selected for his business or legal knowledge and familiarity with the licensees of his district. All administrators and assistants should be available under present expectancy for the duration of the war. Also careful attention must be given to their availability of time to devote to this work and willingness to do a difficult job in a proficient manner. No occupational deferments from Selective Service will be recommended for the administrator or assistants for this activity.

18. This conservation plan should be put into operation as soon as approved by the DCB and WPB for the industry and the administrative machinery, as outlined, can be set up.

James Lawrence Fly, Chairman of the DCB, declared his gratification with the broadcast industry "share the spare parts" program recommended to the War Production Board by the DCB.

Pointing out that similar pools have been organized within industries in local areas, Mr. Fly said, "I believe that this is the first time a whole industry has proposed to share its repair and maintenance material on a nationwide basis. There may be something here that other industries might find useful when adopted to their particular needs. Should the plan get under way it will have a real meaning to the radio listening public because the broadcasters have shown the foresight to meet the recurring emergencies of equipment failures.

He added that he had promoted this general idea for many months but until very recently the shortages of replacement parts had not become acute. "Operation of the plan, in my opinion," he said, "will result in lessening the pressure put upon the Government for immediate priorities certificates and will assure the public of continued radio listening."

## FCC FURTHER RELAXES OPERATOR REQUIREMENTS

Federal Communications Commission has issued Order No. 91-B concerning further relaxation of the rules and regulations governing the requirements for operators of broadcast stations. The order follows:

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of May, 1942,

The Commission having under consideration its Orders No. 91 and 91-A and the request of the Defense Communications Board that the Commission consider further relaxation of its rules and regulations governing the requirements for operators of broadcast stations; and,

IT APPEARING, That the demand of the military services for radiotelegraph and radiotelephone operators has increased as a result of the war and that such demand has decreased the number of operators qualified for operation of broadcast stations resulting in a shortage of such operators;

IT IS ORDERED, That until further order of the Commission, notwithstanding the provisions of Section 13.61 of the Commission's Rules and Regulations Governing Commercial Radio Operators, a broadcast station of any class, which by reason of actual inability to secure the services of an operator or operators of a higher class could not otherwise be operated, may be operated by holders of any class commercial operator license;

PROVIDED, HOWEVER, That all classes of commercial operator licenses shall be valid for the operation of broadcast stations upon the condition that one or more first-class radiotelephone operators are employed who shall be responsible at all times for the technical operation of the station and shall make all adjustments of

the transmitter equipment other than minor adjustments which normally are needed in the daily operation of a station;

PROVIDED, FURTHER, That a broadcast station may be operated by a holder of a restricted radiotelephone operator permit only in the event such permit has been endorsed by the Commission to show the operator's proficiency in radiotelephone theory as ascertained through examination.

PROVIDED, FURTHER, That a Class IV station on a local channel frequency may be operated by a holder of a restricted radiotelephone operator permit which has been endorsed by the Commission to show the operator's proficiency in the operation of the particular station concerned, as ascertained by certification of the first class radiotelephone operator in charge of the station, on condition that in a technical emergency such operator shall not attempt to make any adjustment, but shall immediately shut down the station, and on further condition that the restricted radiotelephone permittee shall show proficiency in radiotelephone theory as ascertained by examination not later than 6 months after the date of the above endorsement.

PROVIDED, FURTHER, That nothing contained herein shall be construed to relieve a station licensee of responsibility for the operation of the station in exact accordance with the Rules and Regulations of the Commission; and,

PROVIDED, FURTHER, That Section 13.61 of the Commission's Rules and Regulations Governing Commercial Radio Operators shall remain in full force and effect except as modified by this order.

The only difference between the story in NAB REPORTS of April 24 and the order 91-B (May 26) is in regard to class IV stations on local channel frequencies. To reiterate the order specifies that:

A class IV station may be operated by the holder of a restricted radiotelephone operator permit provided he has been certified by the first class radiotelephone operator in charge of the station as being proficient in the operation of that particular station. Within six months of such employment the permittee must pass radiotelephone theory, thus obtaining an endorsement on his license which enables him to continue to operate the class IV station or any other broadcast station on the restricted basis.

### Various Classes of Licenses

Holders of all classes of commercial radio operator licenses may now operate broadcast stations.

There are six classes of commercial radio operator licenses; first and second class radiotelephone; first and second class radiotelegraph and restricted radiotelephone and radiotelegraph. The various classes of operators may operate broadcast stations under these conditions:

1. First class radiotelephone—may operate a broadcast station without restriction.

2. Second class radiotelephone, first class radiotelegraph, second class radiotelegraph—restricted radiotelegraph—may operate a broadcast station providing a first class radiotelephone operator is in charge and responsible for the technical operation of the station. These licensees may work as operators but may not make transmitter adjustments which may adversely affect the operation of a station.

3. Restricted radiotelephone—may operate a broadcast station under conditions set out in 2, provided the restricted license is properly endorsed by a field office of the FCC. If the restricted permittee holds a class A amateur license then he may secure the proper endorsement by application to a field office of the FCC. The endorsement may also be obtained by passing the radiotelephone examination on theory required to obtain a class A amateur license.

4. Restricted radiotelephone—may operate a class IV broadcast station on a local channel frequency under conditions set forth under 2 (above) provided the first class radiotelephone operator in charge of the station certifies that the permittee is proficient in the operation of that particular station.

Such operation shall not exceed six months. Within the six months period the permittee must satisfy the conditions set forth in 3. Up to the time when the conditions set out in 3 are satisfied the permittee is allowed to operate only the one station where he has been certified by the first class operator in charge. After satisfying the conditions the permittee is free to operate any broadcast station as outlined in 3.

### QUARTZ CRYSTALS CURBED

Strict control over the products for which quartz crystals may be used was ordered, May 18, by the Director of Industry Operations.

Order M-146 provides that, except by specific authorization, they may be used only for these purposes:

Products for use in implements for war, as defined in the order, produced for the Army, Navy, or other Government agencies or Lend-Lease; oscillators and filters for use in radio systems operated by Federal agencies or commercial airlines; and telephone resonators.

Purchasers must certify to the fabricator of products containing quartz crystals that the products will be used only for these purposes.

Holders of 25 pounds or more of quartz crystals, or 10 pieces in a manufactured form not incorporated in a mounting, as of May 18, must report to the WPB by June 20, on Form PD-484. Consumers also must report monthly on this form by the 20th of the month.

### VINYLITE

There is every indication that the June supply of Vinylite for transcriptions will be but little affected by military demands, and that the July supply "will not be too bad," WPB officials stated Thursday. Beyond then the situation is clouded, although a large demand by the Army is anticipated and when it comes there will be a curtailment of the quantity of Vinylite for allocation to the transcription industry, it was said. Vinylite can be used to replace sap rubber in rain-coats and many other articles needed by the armed forces. The quantity available for phonograph records in June will be materially reduced, it is reported.

Transcription company executives advised NAB that an estimated 500,000 to 1,000,000 pounds—"perhaps 800,000 to 900,000 pounds"—are used annually in the manufacture of transcriptions.

Consideration is being given to ways and means of returning old transcriptions to the manufacturers, and an announcement on this is expected next week.

### SUPPLEMENTARY GAS RULES

Applicants for additional rations of gasoline were urged by the Office of Price Administration May 20 to arm themselves with the necessary facts about their driving requirements before asking their local rationing boards for supplemental cards.

Not only must the applicant sign his statement of fact, but, if he is an employee and the supplemental ration is needed to carry on his work he must also present the affidavit or affirmation of his employer, or an authorized representative of his employer.

Under the gasoline rationing regulations, the board is authorized to grant supplemental rations only if it finds that they are "essential to life or to the pursuit of a gainful occupation and that no reasonably adequate alternative means of transportation are available." The board in granting a supplemental ration will issue an A card or whatever B card or combination of cards, are necessary to provide for the amount of the ration.

The applicant must state why his present ration is insufficient. He must support this reason with facts. Next, the applicant must state what means of public transportation are available to him.

Other questions ask the applicant to state what vehicles owned by members of his family, or by friends or business associates are available to his use, and to specify what effort has been made to "double-up" with other car owners.

If, by his answers to all these questions, the applicant has indicated his present supply of gasoline is inadequate, he is asked to state "the minimum mileage which you declare is absolutely essential to you up to midnight, June 30, 1942?" The calculations made in arriving at this estimate must be set down on the application.

## FOREIGN LANGUAGE CODE

Art Simon, WPEN, Chairman, and Griff Thompson, WBYN, Secretary-Treasurer, of Foreign Language Broadcasters Wartime Control (industry self-regulatory body set up at Cleveland during the NAB Convention), met in Washington this week with NAB officials, with J. Harold Ryan, Asst. Director of Censorship, with Lee Falk, radio head of the Division of Foreign Languages of the OFF, and with Chairman Fly of the FCC.

The Executive Committee of FLBWC last week in New York voted to establish offices in NAB headquarters in Washington. Mr. Simon and Mr. Thompson were offered suitable space, filing and mimeographing facilities by NAB. No definite arrangements have been made to date.

## MORE ITEMS IN MAY FORM

The May "War Effort Broadcast Reporting Form" will be mailed to all stations Saturday, May 30. It contains several more items than heretofore in order that stations may report their experience with the OFF Radio War Guide.

Attached was the list of stations which submitted reports, up to and including May 28, for the month of April. Also listed were stations providing March reports, but not received in time to be included in the report for March sent to all stations.

## THE OFF ADVISES

The OFF advises that the Navy, Marine Corps and Coast Guards are to be considered by broadcasters as three separate and distinctive agencies for the purpose of allocating spot announcements.

The first OFF Radio War Guide had as its second item, "NAVY (including Marines and Coast Guard)." This caused a number of program managers to wonder whether it was OFF's idea that one allocation was to be made for Navy announcements which would be divided into three smaller time blocks.

## HERE IS A GOOD ONE

Here's an idea which Harold E. Smith, general manager, WOKO, Albany, N. Y., put into practice. It's an idea that with variations well might be used from coast to coast and from Canada to the border.

Something seemed wrong to Manager Smith and his staff as from Radio Center they watched inductees march past on the way to the railroad station, military police front and rear of the column—no bands, no flags—nothing to show that anybody was very much interested in the boys on their first lap of a journey that would take many of them around the world.

It was consensus soon that they should do something about it. Officers at the induction center approved and told Mr. Smith, among other things, that these men frequently spent an entire afternoon waiting at the State Armory with nothing to do and without smokes.

All this was changed beginning May 13. Now the inductees march down to Radio Center at 2:30 p. m. with colors and a band at the head. In Radio Center auditorium WOKO announcer, Forrest Willis, runs a show that keeps the boys entertained for an hour, with volunteer radio and professional talent from the hotels and other spots. Cigarettes, cigars, ice cold pop and chewing gum are passed out to the men, purchased by donations from interested individuals and business firms in Albany.

At 3:15 p. m., the boys have their own program on the air. After some group singing, roll call is given, the selectees stand at attention, and are then and there sworn into the Army of the United States. Program closes with the men singing the Star Spangled Banner. Later in the afternoon the same band and colors precede the new inductees to the railroad station, and it's a happy enthusiastic bunch that gets on the train.

Mr. Smith received permission for the induction broadcast from Major Gustave Ericson, Commander of the Northeastern New

York District. Assisting in the daily preparations are Major A. B. Cohen, Captain Harry Fabricant, Lieutenants Andrew J. Malatesta and C. Bollinger.

To date five Radio Center "parties" have been given for several hundred men from Capital District cities. They will continue each day the induction station is operating in Albany.

## TELLS 'EM IN RHYME

There was a smart fellow named Myers  
Who had little tread on his tires.  
He wouldn't take heed  
Of his excessive speed—  
An attitude no one admires.

Jack Price, WBNS program director, has turned rhymester. He uses his talent to educate the good folks of Columbus to walk the conservation pathway. The above is one of the examples published in a color feature page of the Columbus Sunday Dispatch, April 26. The page, fully illustrated, told a complete story of the station's all-out war effort.

## IT WORKS IN ALBANY, TOO

Manager Chet Wheeler has just finished a successful bit of experimentation over KWIL, Albany, Oregon.

Success stories of Red Cross drives, War Bond drives, etc., published in NAB REPORTS set him thinking. And what is better, they inspired him to determine whether the same types of programs would not be as effective in a small area, such as his, as in a large area. The answer was found in the affirmative.

"When the United China Relief came along," said Mr. Wheeler, "we decided for a Saturday evening test, May nine, 8-9 p. m. The hour featured our most outstanding local talent and dramatic sketches depicting the suffering in China. Listeners were asked to phone in their contributions during the program, and the money would be picked up by Boy Scouts, who had been located throughout the city.

"The same procedure was carried out at our Lebanon studio, and from time to time our Lebanon announcers broke into the program with entertainment and names of contributors. Clubs, Organizations, and Unions were represented on the program, and presented their checks formally over the air. In both our Albany and Lebanon studios the telephone rang constantly from the time the program started until after we had signed off. Approximately five hundred dollars (\$500.00) was raised during that hour for United China Relief. The program was a huge success."

## GIVES EXTRA LIFT TO MARINES

A. K. Redmond, Manager, WHP, Harrisburg, Pa., has been giving the Marine Corps an extra lift.

On looking over his schedule some time ago, his eyes lighted on the Monday, Wednesday and Friday, 6:15-6:30 p. m., sports feature which was unsponsored. Mr. Redmond assigned this quarter hour to the Marine Corps, treating the period exactly as though it were a commercially sponsored program.

"This has worked out very satisfactorily from all angles and the Marines have been exceedingly well pleased," he wrote, "and it's in addition to the spot announcements which we are running."

## FIRST TIME FROM ARMY POST

In furtherance of its public relations and morale building ideas, WBIG, Greensboro, N. C., threw a line into Fort Bragg, N. C., to broadcast, on May 13, "Ballad for Americans."

Major Edney Ridge, WBIG director, said that 40 negro voices from the 95th Engineers, aided by 16 colored female singers from the State Teachers College, Fayetteville, were the personnel that enabled this modern cantata to be presented for the first time from an Army post.

The job was undertaken by Corporal Peter Witt, public relations office, Fort Bragg. Private Otto Helbig was music director.

## ABOUT ADVERTISING NOW

KVOO, Tulsa, has just circulated to those on its client and prospect list, a legal size mimeographed promotion piece labelled "About Advertising Now." It presents the case for continuous advertising throughout the war period and reaches back into World War I for examples to illustrate its case.

## WSB RETAILERS RADIO NEWS

Every month NAB receives "WSB Retailers Radio News," which is an excellent example of program promotion among grocers and druggists. The "News" consists of four pages, 6 x 9, with much art work and punchy paragraphs concerning programs. Included as an insert in each copy is a list of the food and drug items advertised over the station.

## COST OF LIVING

The cost of living in large cities increased 0.7 per cent between mid-March and mid-April, the Labor Department reports. The cost of living has now increased 17 per cent over the period since the war started in August, 1939.

## NEW LABOR PROGRAMS

Two new weekly, union radio shows went on the air this week.

In New York, a regular "Win the War" show will be presented as part of the Industrial Union Council's Win the War Campaign, according to President Joseph Curran.

The shows will be presented at 9:30 p. m. every Friday on Station WQXR. The series, which will dramatize the war effort of all the people, will be prepared by members of affiliated unions in cooperation with the Newspaper Guild of New York.

In Indianapolis, station WIRE has given the labor movement 15 minutes a week for the duration of the war, because the station manager, Eugene Pulliam, head of the State War Savings Staff, was so impressed with labor's cooperation in the war bond drive.

## KWIL STAFF 100%

Chet Wheeler, KWIL, Albany, Oregon, reports that his entire staff is spending 10 per cent of its entire payroll for War Bonds and Stamps.

## RADIO, THE WAR, AND THE NEW AMERICA

By Earl J. Glade, Vice-President KSL, Chairman Code Committee, National Association of Broadcasters

*(Mr. Glade made the following address at the Cleveland Convention)*

President Miller, distinguished guests, ladies and gentlemen, fellow-workers, I am sure you have the profound thanks of the industry for the informative stimulation we have received this morning from our distinguished guests, representing the Office of Censorship, the War Department, the Navy Department and the British Army staff—and the Marine Corps, we mustn't forget the Marine Corps, and the charming representative who was sent here this morning. I don't know whether I am safe in using the word "charming" in connection with so gallant an officer, but it slipped out because he had such a charming manner.

Their brilliant discussions have made it clear that in their public relations work they fully evaluate the three basic factors which control life—the three human constants through the windows of which this serious-minded convention can see into the future: first, human nature; second, human needs, cravings and aspirations; and third, human ingenuity.

It is, of course, gratifying to us of the industry that these gentlemen who carry great responsibility in our War Administration, recognize the potency of radio as a powerful means of intelligence transmission.

And, now, I am supposed to be a summator on this brief program. May I stress one or two items I think will be of interest?

It may have taken December 7 to demonstrate again how utterly far thirty or forty minutes of broadcasting in our homeland can travel. This incredible coverage is due to four vital factors: first, competent authorities declare that three-fourths of the time spent each day by Americans in their communicative behavior is devoted to talking and listening. This is a significant element in handling radio news. Secondly, we operate the world's greatest assembly of modern broadcasting stations and coast-to-coast networks; thirdly, we have unexcelled news-gathering agencies and news analysts who enjoy every reasonable freedom compatible with our country's safety; and fourthly, our American citizens own fifty-six million radio sets to which is available about eighteen hours of programming daily from each of about nine hundred stations. At 5.1 hours of listening per capita, per day, Americans spend considerably upwards of one-half billion of person hours each day at their radio sets. They do this in good conscience and without fear of a snooping Gestapo.

Through its Code Committee, the industry as represented in the National Association of Broadcasters, endeavors to do its own self-disciplining. This has found recent expression in appreciable improvements in the handling of news and interpretations thereof. The completeness of the industry's coverage of the situation in every war theatre throughout the world is one of the great miracles of all time. This is done, of course, in close collaboration with the Office of Censorship and the Office of Public Relations of the Army and Navy. The recent complete disposition of the case of Father Coughlin by the Government is also a vindication of the Code Committee's work on the matter of handling controversial issues.

There is no system of measuring the formidability of the impact against the enemy, of the measured words of Prime Minister Churchill in his address of yesterday. They must have had a devastating effect on Axis morale. There you saw and heard the miracle of radio as an incomparable factor in the war effort.

But friends, Hitler on his side of the ocean, has not been idle. He was the first to sense the power of the combination of the radio and the press, tied in with aviation, propaganda and regimented youth education, to crush and to lay prostrate. Years before the war broke out Hitler had Dr. Goebbels organize his brilliant propaganda staff. Many of the members thereof visited America and studied the techniques of our great advertising agencies and publicity experts. Most of these visitors were clever young Ph. D's. The year-long effusions of 17 Battery Place, New York City, were a sample of their genius.

In addition, Dr. Goebbels has had a group of smart American renegades working for him. Bill Joyce of Brooklyn, Fred Kaltenbach of Waterloo, Iowa, Ed Delaney of Glenview, Illinois, Doug Chandler of Chicago, Jane Anderson of Atlanta, Constance Drexel of Philadelphia, and others. Charles J. Rolo tells the story in "Radio Goes to War."

When he started, Hitler had a natural edge on us. Although Germany then consisted of 26 kingdoms, duchies, arch-duchies and principalities, they were homogeneous in the matter of language and customs.

In our country we have a vastly different problem. Hitler knows this, and in the desperation of the terrible hours he will suffer this year, he will rely on it as never before. He is counting heavily on what he can do because of American heterogeneity. On our Silver dollars we stamp the Latin phrase: E Pluribus Unum. One out of many. That's true, we certainly are, but here is what we of the United States actually are:

- One-third of a million Indian
- One-third of a million each of Oriental, Filipino and Mexican
- Ten million Irish
- Sixty-five million Anglo-Saxon
- Fifteen million Teutonic
- Nine million Slavic
- Five million Italian
- Four million Scandinavian
- Two million French
- One million each of Finn, Lithuanian and Greek
- Fifteen million Negro

And in addition, we are:

- Two million Anglican-Episcopalian
- Forty million Evangelical Protestant
- One million Greek Catholic
- Six million Jewish
- One million Latter Day Saint
- One-tenth million Quaker
- One-half million Christian Scientist
- Twenty-six million Catholic

To build out of these varied groups a homogeneity that in this crisis will think alike, appreciate alike, and act alike is a task for the great.

Surely a means of communication like radio broadcasting with a near ninety percent saturation our country over has a real opportunity to serve in building the unity sought by our great President.

Now fellow-broadcasters, the most dangerous epochs in history are those in which mind out-distances spirit. We are confronted with such an epoch right now—a time when the whole world is concentrating on the making of machinery and equipment for destroying the human race. Vital as is this important technological effort, at the same time more consideration can also be given to what are usually termed the higher consecrations. We can be better Americans in so doing. We can turn out more equipment for the war effort at the same time. In fact, in the new America which is being born in this hour of travail, if we are to know the glorious freedoms which have made life here so vital, ours must indeed be the interests and the loyalties of a citizenship at its best.

The quality of that citizenship depends on four sets of reactions, as I see it. The first set embraces,

*The way we deal with things.*

It has now dawned on us that no matter what their form, things have almost a sacred character, these very things the radio has made us want so utterly. Already our attitude toward them is appreciably changed. We are beginning to realize what things represent in energy and material expenditure. A loaf of bread, a fountain pen, a transmitter tube, some copper wire, a suit of clothing, a radio set, and most certainly an automobile tire.

The way we deal with these and other things will indicate, in part, the quality of our Americanism. The care we give our automobile is a part of us; the way I treat a book or read a newspaper; the manner in which I keep my desk, pay my bills, tune my radio, care for my lawn, drive my car, is an extension of my personality. It is a mark of my Americanism.

Now, in the days ahead, waste and extravagance will be a mark of disloyalty because there will be the greatest dearth of, and hunger for things that the human race has ever known. Millions will need and want, but at least, at first, there will be little available to meet those needs and those wants.

The second set of traits that will function vitally in building the American of tomorrow is:

*The way we deal with people.*

That is our social sense. With seven million men in our armed forces and a hundred million backing them up on the industrial front, every home in America will be touched.

Although our folk are resolute and courageous, they are also sensitive. Our children have not been reared to become cannon fodder. They know the love of family life and the joys of the American home. There will be much sensitivity in our great land. We must respect it. That is one of the reasons for the great precautions we are taking in our handling of radio news. When we see a man on the street, we don't know the burden he is carrying. Last Monday on entering the Salt Lake City Chamber of Commerce, I ran onto the president of the National Ski Tournament. Noticing that he looked depressed, I inquired how he was. He reluctantly responded by saying he had just received word that his father had been shot by the Gestapo in Norway and that his brother was lost on a Norwegian freighter off the coast of Florida. Yet, I doubt he would ever have told me had I not borne down. We just don't know the burden men are carrying.

Mr. President, we must also be careful in our own businesses. For instance, ponder for a moment the cost American industry pays needlessly because, too often, it carelessly puts uneasiness and worry into the hearts of people. One sociologist has suggested such unnecessary failings on the part of all of us as:

1. Brusque assertiveness.
2. Not giving people enough time to present a point.
3. Making people feel guilty.
4. Judging people by externals.
5. Sanctifying prejudices.
6. Choosing the wrong moment to mention something.
7. Finding fault with half expressed ideas.
8. Shouting to convince, and a hundred others.

Yes, my friends, if the race survives, a lot of high-handedness and selfish covetousness, both in the capital and labor groups, will have to disappear. Hard-boiled, unfair dicta from self-seeking pressure groups can spell finis to the United States, that we have known.

What will it take to teach us that the most deep-seated of human needs is the need to collaborate with other men?

When our chief engineer, with whom I have been associated for the past fifteen years, on leaving for the United States army service a short time ago, reached out his hand to me and said tearfully, "I like you not only for what you are, but also for what I am when I am with you. I like you not only for what you have made of yourself, but also for what you have made of me," he helped me to know the real humility. I did not realize he felt that way.

Such are, indeed, the lasting compensations. Some day, possibly, we shall learn that in the long run, we keep only what we share. In the words of the ancient epitaph: "What I spent, I had; what I kept, I lost; what I shared, I have."

Leadership in the new America will know the power of this concept. It will exemplify that bit of sentiment in the phrase: "When I met him, I was looking down; when I left him, I was looking up."

The third set of traits that will characterize the new American will have to do with:

*The way we deal with ideas.*

That is our intelligence. It is generally recognized that the most potent thing in the world is an idea whose time has come. At this moment, we are in the center of the greatest technological era in history. A magnificent new day is emerging and with it the crystallizing of a hundred thousand new concepts. The radio industry, I declare, is one of the most provocative influences in it all. Today's rationing, with all of its heartaches and headaches, is really a tremendous motivating power. It reaches out a daring challenge to American skill, resourcefulness and ingenuity. The future of the United States is still ahead of us, regardless of what the skeptics, cynics, defeatists and agnostics declare.

We of radio are anchored to an industry so new and so freighted with possibilities that it fits perfectly into the millennium of achievement toward which we are heading.

Leadership need not be afraid of enthusiasm. There will always be enough apathy on the part of the people to apply such brakes as are necessary. Remember, as we have been so frequently reminded, people won't take the initiative if they can avoid doing so. People won't act unless prodded. People won't give up their prejudices without a struggle. People won't concentrate unless sternly disciplined. People won't work without continually renewed incentives. People won't readily forsake the old for the untried. People will fight for freedom, but too often they won't vote to sustain it. There is always inertia to overcome.

Now, the fourth and the last set of traits covers:

*The way that we deal with ourselves.*

This reaction makes up our character. To fit times like these, we must be hard of body, hard of mind and hard of purpose. We must be adaptable or we perish.

The relevations of the Selective Service indicate that if we are to survive as a nation, we must face a severe physical challenge. The vaunted American citrus fruits, vitamins, bathtubs, and air-conditioning for some reason are not achieving what they should. We should show far more respect than we do for the American physical machine. If you question that, try in your neighborhood to find one hundred men who can pass the examination of a battery of army doctors.

The mental American, in large part, is a product of our schools. He must show predominantly those qualities that have built our great leadership. Radio, too, has helped him tremendously. Here are these mental qualities that will prove so necessary in the years ahead: enthusiasm, observation, initiative, tact, courtesy, perseverance, concentration, decision, judgment and purpose.

The spiritual American will function mightily as the great new era comes rolling in. His must be a galaxy of positive spiritual qualities such as courage, truthfulness, confidence, loyalty, faith and honesty.

So then, my friends, the way we deal with things, people, ideas and ourselves, will indicate the character of our worth to humanity. America needs much of us. America expects much of us. We must not let her down.

It is my humble thesis that the miracle of radio broadcasting in its varied enthusiasms and exaltations will help men to set for themselves the great renewing ideals so vital in the interesting world in which we are to live.

Our first assignment is to exert every foot-ton of energy the radio industry can develop to win the war. Our second assignment is to call upon every resource we possess in helping our beloved America, and right thinking men the world over, to win the peace.

I thank you.

## Listener Activities

The recently organized Louisville (Ky.) Radio Council has promulgated some tips on how to listen to war news. They follow:

1. Select intelligently your daily listenings.
2. Listen accurately to war news commentators.
3. Listen consistently until news is completed.
4. Do not let your emotions affect your better judgment.
5. Learn to separate news from possible propaganda.
6. Listen cautiously to foreign broadcasts from Germany, Italy and Japan.
7. Refrain from circulating rumors.
8. Listen calmly to bad news.
9. Keep faith in our government and fighting forces.
10. Retain undying belief in our spiritual heritage and Victory.

### DOROTHY LEWIS TO ORGANIZE WOMEN DIRECTORS

Under the department of Coordinator of Listener Activities, during the 1942 NAB Convention in Cleveland, a meeting was held for Directors of Women's Activities. During 1940-41 several extensive tours of stations, Dorothy Lewis discovered that these women directors were entirely out of touch with one another. They are, however, carrying considerable responsibility particularly in wartime. This first conference demonstrated clearly a need for closer cooperation and collaboration. It was voted to form an "Association of Radio Directors of Women's Activities." Membership will be developed on a NAB district basis with a district chairman for each area. It is hoped that in this way, balance of power will not shift to any one center and that at least one meeting a year can be held. Dues will be nominal.

It was further voted to develop a monthly news letter to be distributed to all women directors at first, later perhaps to members only. This plan will acquaint the group as a whole with success stories, pertinent wartime information and defense propaganda, etc. Miss Jane Weaver of WTAM, Cleveland, and Miss Eleanor Hanson of WHK, Cleveland, agreed to act as temporary editors for one year, acting in cooperation with Dorothy Lewis, NAB Coordinator of Listener Activity.

While we have names of about 300 women directors, we know that there are constant changes in personnel. Therefore will you forward to Dorothy Lewis, NAB, the correct names and titles of women of your station, who are doing the work of director of women's activity or carrying a sponsored or sustaining women's hour. Upon receiving such information we will then submit to them the list of all such women in their districts.

To expedite organization and operation, Mrs. Lewis is appointing temporary chairman and officers to carry on until other

regional and national meetings are held, when elections can be held in due order.

Let us hear from you at an early date, giving names of women on your staff.

### RADIO IN CLASSROOM

Resolution passed by the National Society of New England Women in convention, Cleveland, May 17, 1942.

WHEREAS, education of youth of our nation has always been of paramount importance to the peoples of New England, and is now of even greater significance,

RESOLVED, that the National Society of New England Women recommends to the Federal Office of Education and all State Boards of Education that the use of radio in the classroom be recognized and made an integral part of the school curricula under a plan which will place control in the hands of the classroom teacher to the end that children may be properly guided in respect to their listening habits, and that the selection of programs for class room use be made with a view to bringing to the children an understanding of all phases of radio broadcasting, including its educational, cultural, social, news and entertainment contributions.

### JOHN R. ("DOC") BRINKLEY

John R. Brinkley, 56, died of heart trouble this week in San Antonio.

### COMING CONVENTIONS

- AFM—June 8, Hotel Baker, Dallas
- RMA—June 9, Hotel Stevens, Chicago
- AFA—June 21, Hotel Commodore, N. Y. C.

### FEDERAL LEGISLATION

#### HOUSE

H. R. 7127 (Keogh, D-NY) COPYRIGHT—To codify and enact into absolute law title 17 of the United States Code, entitled "Copyrights." Referred to Committee on Revision of the Laws.

### STATE LEGISLATION

#### LOUISIANA:

H. 51 (Kay) BLACKOUT LAW—Relating to blackouts and other precautionary measures against air raids. Referred to Committee on Judiciary C.

H. 222 (Pearce & Guilbeau) SWEET POTATO TAX—Provides for a sweet potato advertising tax. Referred to Committee on Agriculture.

S. 89 (Wingrave) LIQUOR ADVERTISING—Prohibits advertising of intoxicating liquor. Referred to Committee on Judiciary 8.

## ARIZONA

### Estimated Radio Homes, 1940

Number of Occupied Dwelling Units as reported by U. S. Bureau of the Census in advance release, Series H-7. Percent radio-equipped calculated from Series II-7 Bulletin following the Census Bureau practice. Number of radio units, or radio homes, estimated by applying percent ownership to those units not answering radio question and adding such to those reporting radio.

County	All Units			Urban Units			Rural-Nonfarm Units			Rural-Farm Units		
	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units
Apache.....	5,240	27.5	1,433	.....	.....	.....	1,971	59.2	1,167	3,269	8.1	266
Cochise.....	9,190	77.5	7,126	3,991	82.5	3,294	3,902	76.0	2,966	1,297	66.8	866
Coconino.....	4,677	52.7	2,459	2,061	74.9	1,543	926	67.2	623	1,690	17.3	293
Gila.....	6,616	73.2	4,844	3,094	83.1	2,571	2,897	70.1	2,031	625	38.8	242
Graham.....	2,894	64.9	1,878	.....	.....	.....	1,822	70.6	1,287	1,072	55.2	591
Greenlee.....	2,185	73.4	1,602	659	71.9	474	1,215	77.7	944	311	59.3	184
Maricopa.....	50,455	73.8	37,208	23,273	82.6	19,226	17,779	69.3	12,316	9,403	60.3	5,666
Mohave.....	2,654	64.6	1,713	.....	.....	.....	2,301	67.4	1,551	353	46.0	162
Navajo.....	5,911	44.2	2,629	1,272	84.1	1,070	1,999	64.7	1,293	2,640	10.1	266
Pima.....	19,050	79.3	15,092	9,964	86.0	8,568	8,015	75.2	6,025	1,071	46.6	499
Pinal.....	6,979	54.7	3,815	.....	.....	.....	4,906	62.5	3,066	2,073	36.1	749
Santa Cruz.....	2,377	66.6	1,582	1,277	72.0	919	801	61.9	496	299	55.8	167
Yavapai.....	7,822	72.4	5,666	1,917	81.2	1,556	4,932	70.0	3,452	973	67.6	658
Yuma.....	5,083	65.9	3,347	1,416	78.2	1,107	2,347	60.9	1,429	1,320	61.4	811
State Total.....	131,133	69.0	90,394	48,924	82.4	40,328	55,813	69.3	38,646	26,396	43.3	11,420

#### Cities of 25,000 or More Population

City	County	Units	% Radio	Radio Units
Phoenix.....	Maricopa	19,287	84.2	16,249
Tucson.....	Pima	9,964	86.0	8,568

## DELAWARE

County	All Units			Urban Units			Rural-Nonfarm Units			Rural-Farm Units		
	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units
Kent.....	9,672	75.2	7,278	2,278	83.9	1,910	4,180	77.3	3,230	3,214	66.5	2,138
New Castle.....	45,948	92.8	42,656	32,332	93.3	30,158	11,416	93.1	10,624	2,200	85.2	1,874
Sussex.....	14,921	76.7	11,446	2,460	87.3	2,147	6,234	80.8	5,036	6,227	68.5	4,263
State Total.....	70,541	87.0	61,380	37,070	92.3	34,215	21,830	86.5	18,890	11,641	71.1	8,275

#### Cities of 25,000 or More Population

City	County	Units	% Radio	Radio Units
Wilmington.....	New Castle	29,293	93.2	27,308

NAB Research Department

May 26, 1942

## FEDERAL COMMUNICATIONS COMMISSION

### FLY DISCUSSES APPLICATIONS

FCC Chairman, James Lawrence Fly, at a press conference on Monday discussed pending broadcast applications for construction permits.

He stated that many applicants for permits either directly or indirectly were continuing to press for action by the Commission for construction and use of materials. Mr. Fly called attention to the fact that of course it was a natural tendency on the part of each applicant to stress his own case as being particularly "meritorious" because, for example, the materials for most of

them were available and also because various procedural steps had already been taken.

"Needless to say," the Chairman stated, "the Commission would like very much to recognize these very cases and make the grants and get the stations going. But we are faced with the requirements of the WPB and with actual rules that have been adopted to meet the war time situation. We simply cannot operate under the rules by starting a line of deviations. Those rules are deemed essential for war purposes. Be that as it may, so long as those are the rules in both the Commission and the industry, there is no alternative but to live up to them. We expect to make no exceptions except those that are clearly indicated on the face of the rule itself. I would strongly advise applicants faced with this war time problem not to waste their time and energies, and money of themselves or the Government in endeavoring to pursue the applications which run counter to the rules. The best we can hope to do in the broadcasting field is to consolidate our position and to endeavor to keep the present broadcasting struc-

ture on a firm and successful and enduring foundation for the period of the war. In that effort, of course, the industry will have the complete cooperation of the Commission and all the assistance it can render consistently with the requirements for active war work."

Mr. Fly stated in answer to a question regarding the relaxation of operators' licenses for low-powered stations that the Commission has this under consideration. He called attention to the fact that the Commission has already relaxed the standards and taken substantial steps to alleviate that situation. However, he stated that the Commission has been impressed recently with the needs of the low-powered stations and "we are giving that further attention."

### NEW FCC APPOINTMENTS

E. M. Webster, Assistant Chief Engineer and Chief of the Safety and Special Services Division of the Engineering Department of the FCC, has been called to active service as Chief of Communications of the United States Coast Guard. To fill this important post while Mr. Webster is on duty with the armed forces, the Commission today appointed Mr. William N. Krebs to be in charge as Chief of the Safety and Special Services Division.

Because of the vital importance of the work of the National Defense Operations Section of the Field Division of the Engineering Department and the increased responsibilities recently assigned in connection with the war effort, the Commission today raised the status of this section to that of a division. The new division will be known as the "Radio Intelligence Division" of the Engineering Department. Mr. George E. Sterling, who formerly served as Chief of the National Defense Operations Section, was appointed Assistant Chief Engineer and Chief of the Radio Intelligence Division.

These changes will become effective on June 1, 1942 and continue for the duration of the war.

### 924 STATIONS

During the month of April, 1942, the Federal Communications Commission issued operating licenses to two stations. No permits were granted for the construction of new stations. A comparative table by month follows:

	May 1	June 1	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1	Mar. 1	Apr. 1	May 1
Operating .....	836	849	854	859	859	869	877	882	887	891	893	897	899
Construction .....	55	48	43	44	53	44	38	37	36	32	31	27	25
	891	897	897	903	912	913	915	919	923	923	924	924	924

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

### HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, June 1. They are subject to change.

#### Monday, June 1

WEEU—Berks Broadcasting Company, Reading, Penna.—C. P., 850 kc., 5 KW, unlimited, DA-night.

#### Tuesday, June 2

NEW—Lake Shore Broadcasting Corporation, Cleveland, Ohio.—C. P., 1300 kc., 5 KW, unlimited, DA-night & day.

#### Wednesday, June 3

NEW—William L. Klein, Oak Park, Ill.—C. P., 1490 kc., 250 watts, unlimited.

### Consolidated Hearing

KGGM—New Mexico Broadcasting Co., Albuquerque, N. M.—C. P., 590 kc., 5 KW day, 1 KW night, unlimited, DA-night.  
KVSF—New Mexico Broadcasting Co., Santa Fe, N. M.—C. P., 1260 kc., 1 KW, unlimited.

### Other Participants

Springfield Broadcasting Co. (KGBX), Springfield, Mo.

### Thursday, June 4

WIBC—Indiana Broadcasting Corporation, Indianapolis, Ind.—C. P., 1070 kc., 5 KW night, 10 KW day, unlimited, DA-night.

KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—C. P., 580 kc., 1 KW, DA-night, unlimited.

### Friday, June 5

NEW—Ralph W. S. Bonnett, Sandusky, Ohio.—C. P., 1450 kc., 250 watts, unlimited.

### Further Hearing

NEW—Granite District Radio Broadcasting Co., Murray, Utah.—C. P., 1490 kc., 250 watts, unlimited.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATION GRANTED

WKAQ—Radio Corp. of Porto Rico, San Juan, Puerto Rico.—Granted construction permit (B-P-3489) for move of transmitter and studio location.

### DESIGNATED FOR HEARING

WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Designated for hearing application for renewal of license (B1-R-222), and temporary license granted pending determination upon renewal application.

WGR—Buffalo Broadcasting Corp., Buffalo, N. Y.—Designated for hearing application for renewal of license (B1-R-223), and temporary license granted pending determination upon renewal application.

W9XZY—Pulitzer Publishing Co., St. Louis, Mo.—Designated for hearing application for renewal of facsimile broadcast station license (B4-RFB-5).

### LICENSE RENEWALS

The following stations were granted renewal of licenses for the period ending October 1, 1942:

KDYL and auxiliary, Salt Lake City, Utah; WASH, Grand Rapids, Mich.

WKAQ—Radio Corp. of Porto Rico, San Juan, P. R.—Granted renewal of license for main and auxiliary for the period ending June 1, 1944.

WHA—State of Wisconsin, University of Wisconsin, Madison, Wis.—Present license extended upon a temporary basis only, pending determination upon application for renewal, for the period ending August 1, 1942.

WHBI—May Radio Broadcast Corp., Newark, N. J.—Present license extended upon a temporary basis only, pending determination upon application for renewal, for the period ending August 1, 1942.

WMUR—The Radio Voice of New Hampshire, Inc., Manchester, N. H.—Present license extended upon a temporary basis only, pending determination upon application for renewal, for the period ending August 1, 1942.

WSGN—The Birmingham News Co., Birmingham, Ala.—Present license extended upon a temporary basis only, pending determination upon application for renewal, for the period ending August 1, 1942.

WNBZ—Upstate Broadcasting Corp., Saranac Lake, N. Y.—Present license extended upon a temporary basis only, pending determination upon application for renewal, for the period ending August 1, 1942.

Licenses for the following stations were further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending July 1, 1942:

KBST, Big Springs, Texas; KCMC, Texarkana, Texas; KFJB, Marshalltown, Ia.; KGGF, Coffeyville, Kans.; KGIW, Alamosa, Colo.; KGKL, San Angelo, Texas; KMTR, Los Angeles; KPLT, Paris, Texas; KVAK, Atchison, Kans.; KVGB, Great Bend, Kans.; KWLK, Longview, Wash.; KXL, Portland, Ore.; WBRB, Red Bank, N. J.; KRBC, Abilene, Texas; KWKH, Shreveport, La.; WCAZ, Carthage, Ill.; WCBT, Roanoke Rapids, N. C.; WCOC, Meridian, Miss.; WFMD, Frederick, Md.; WFPG, Atlantic City, N. J.; WGRM, Greenwood, Miss.; WMFJ, Daytona Beach, Fla.; WMIS, Natchez, Miss.; WORK, York, Pa.; WSPB, Sarasota, Fla., and WKBW auxiliary, Buffalo, N. Y.

Licenses for the following were extended upon a temporary basis only, pending determination upon application for renewal of license, for the period ending July 1, 1942:

KGVO, Missoula, Mont.; KMBC and auxiliary, Kansas City, Mo.; KTBC, Austin, Tex.; KTFI, Twin Falls, Idaho; KUOA, Siloam Springs, Ark.; WBRC, Birmingham, Ala.; WCAE and auxiliary, Pittsburgh, Pa.; WCAX, Burlington, Vt.; WCOP, Boston, Mass.; WDSU, New Orleans; WHLD, Niagara Falls, N. Y.; WAAT auxiliary, Jersey City, N. J.; WAPO, Chattanooga, Tenn.; WGR auxiliary, Buffalo, N. Y.; WMRO, Aurora, Ill.; WOOD, Grand Rapids, Mich.; WOV and auxiliary, New York City; WSPR, Springfield, Mass.

W9XLA—KLZ Broadcasting Co., Denver, Colo.—Present license further extended upon a temporary basis to July 1, 1942, pending determination upon application for renewal.

W8XUM—WBNS, Inc., Columbus, Ohio.—Present license further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending July 1, 1942.

W3XDD—Bell Tel. Laboratories, Inc., Whippany, N. J.—Present license further extended upon a temporary basis to July 1, 1942, pending determination upon application for renewal.

W3XPY—Bell Tel. Laboratories, Inc., Whippany, N. J.—Present license further extended upon a temporary basis to July 1, 1942, pending determination upon application for renewal.

W8XO—The Crosley Corp., Mason, Ohio.—Present license further extended upon a temporary basis to July 1, 1942, pending determination upon application for renewal.

W9XER—Midland Broadcasting Corp., Kansas City, Mo.—Present license further extended upon a temporary basis to July 1, 1942, pending determination upon application for renewal.

W5XAU—WKY Radiophone Company, Oklahoma City, Okla.—Present license further extended upon a temporary basis only to July 1, 1942, pending determination upon renewal.

WELI—City Broadcasting Corp., New Haven, Conn.—Granted renewal of license for the period ending August 1, 1944.

WFLA—The Tribune Co., Tampa, Fla.—Granted renewal of license for the period ending August 1, 1944.

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Granted renewal of license for the period ending August 1, 1944.

WAPO—W. A. Patterson, Chattanooga, Tenn.—Granted renewal of license for the period ending August 1, 1944.

## MISCELLANEOUS

WMMN—Monongahela Valley Broadcasting Co., Fairmont, W. Va.—Granted modification of construction permit as modified, which authorized changes in directional antenna system and increase in power, for extension of completion date from April 20, 1942 to October 31, 1942 (B2-MP-1550).

WDLS—Hobart Stephenson, Milton Edge, and Edgar J. Korsmeyer, d/b as Stephenson, Edge and Korsmeyer, Jacksonville, Ill.—Granted license to cover construction permit as modified for new station (B4-L-1575); granted authority to determine operating power by direct measurement of antenna power (B4-Z-1315).

KTUC—Tucson Broadcasting Co., Tucson, Ariz.—Granted license to cover construction permit which authorized installation of new transmitter and antenna and move of transmitter and studio location (B5-L-1626); granted authority to determine operating power by direct measurement of antenna power (B5-Z-1357).

KVCV—Golden Empire Broadcasting Co., Redding, Calif.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-1389).

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted authority to determine operating power by direct measurement of antenna power (B2-Z-1391).

WJW—WJW, Inc., Akron, Ohio.—Granted modification of construction permit which authorized installation of new transmitter and directional antenna for day and night use, increase power, change of frequency, and move of transmitter, for change in proposed transmitter location, changes in directional antenna for day and night use, and extend commencement and completion dates from March 20, 1942, and September 20, 1942, to 60 days after grant and 180 days thereafter respectively (B2-MP-1563).

W47P—Walker and Downing Radio Corp., Pittsburgh, Pa.—Granted license to cover construction permit as modified and which authorized new high frequency broadcast station (B2-LH-5).

KVOD—Colorado Radio Corp., Denver, Colo.—Granted modification of construction permit as modified for increase in power, install new transmitter and changes in directional antenna, for extension of completion date from May 29 to June 29, 1942 (B5-MP-1565).

WSAN—The Yankee Network, Inc., Providence, R. I.—Granted modification of construction permit which reinstated construction permit B1-P-2037, as modified for changes in directional antenna and increase in power, for extension of completion date from May 9 to July 8, 1942 (B1-MP-1562).

WHIT—Coastal Broadcasting Co., New Bern, N. C.—Granted license to cover construction permit as modified for new station (B3-L-1658); granted authority to determine operating power by direct measurement of antenna power (B3-Z-1390).

WLOL—Independent Merchants Broadcasting Co., Minneapolis, Minn.—Granted petition for leave to dismiss without prejudice application for construction permit to operate on 630 kc., 5 KW day, 1 KW night (Docket 6196).

WMIN—WMIN Broadcasting Co., St. Paul, Minn.—Granted petition for leave to dismiss without prejudice application for construction permit to operate on 630 kc., 5 KW day, 1 KW night (Docket 6197).

WMBG—Havens and Martin, Inc., Richmond, Va.—Granted license to cover construction permit as modified, which authorized changes in directional antenna (B2-L-1661); granted authority to determine operating power by direct measurement of antenna power (B2-Z-1393). Granted authority to determine operating power by direct measurement of antenna power, for auxiliary transmitter (B2-Z-1394).

KYCA—Southwest Broadcasting Co., Prescott, Ariz.—Denied petition to reconsider and grant application (B5-TC-276) for transfer of control of station KYCA.

KMP—Eddie Erlbacher, Cape Girardeau, Mo.—Granted petition for continuance of hearing now set for May 29 to June 30, 1942.

WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Granted motion for leave to amend application so as to request night power of 5 KW, change in DA for nighttime; denied as to removal from hearing docket. The Commission on its own motion continued the hearing now set for June 4 to July 7.

Utica Observer Dispatch, Inc., Utica, N. Y.—Petition to hold record in abeyance, or in the alternative, dismiss application of applicant and that of Midstate Radio Corp. without prejudice, was withdrawn.

Herman Radner, Dearborn, Mich.—Denied motion to extend time to file petition to grant application for new station; granted for continuance of hearing now set for June 17 to July 15, 1942.

Western Union Telegraph Co.—Continued hearing now scheduled for May 2 to June 18, in the matter of charges, regulations, and practices of Western Union with respect to delivery of domestic telegrams to closed office points.

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—The Commission on its own motion amended the issues in Docket 6216 and ordered retention of the present hearing date, June 23, 1942.

- WSOY—Commodore Broadcasting, Inc., Decatur, Ill.—Granted written request to dismiss application (B4-P-3028). Applicant does not desire to prosecute.
- J. C. Horton, Santa Ana, Cal.—Granted petition for dismissal without prejudice of application for new station (B5-P-3441).
- General Broadcasting, Inc., Miami, Fla.—Granted petition to dismiss without prejudice application (B3-P-2749) for new station.
- Park Cities Broadcasting Corp., Dallas, Texas.—Granted petition to dismiss without prejudice application (B3-P-2860) for new station.
- WEEU—Berks Broadcasting Co., Reading, Pa.—Granted petition to dismiss without prejudice application (B2-P-3048).
- The McKeesport Broadcasting Co., Inc., McKeesport, Pa.—Granted petition to dismiss without prejudice application for new station (B2-P-3324).
- Donald Flamm, New York City.—Granted petition to dismiss without prejudice application for new station (B1-P-3400).
- Ralph W. S. Bonnett, Sandusky, Ohio.—Granted petition to dismiss without prejudice application for new station (B2-P-3362).

#### APPLICATIONS FILED AT FCC

##### 680 Kilocycles

- KFEQ—KFEQ, Inc., St. Joseph, Mo.—Modification of construction permit (B4-P-2477, as modified, for increase in power, install new transmitter and directional antenna for day and night use, move transmitter and increase hours of operation) for extension of completion date from 5-30-42 to 7-30-42.

##### 770 Kilocycles

- KXA—American Radio Telephone Co., Seattle, Wash.—Authority to determine operating power by direct measurement of antenna power.

##### 940 Kilocycles

- WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Modification of construction permit (B3-P-3043, as modified, which authorized change in frequency, increase in power, install directional antenna for day and night use, and move transmitter) for extension of completion date from 7-6-42 to 10-6-42.

##### 1110 Kilocycles

- KPAS—Pacific Coast Broadcasting Co., Pasadena, Calif.—Modification of construction permit (B5-P-3261, as modified, for new station) for extension of commencement and completion dates from 1-13-42 and 7-13-42 to 7-13-42 and 9-13-42, respectively.

##### 1250 Kilocycles

- WTMA—Atlantic Coast Broadcasting Co.—License to cover construction permit (B3-P-2985) as modified, to install new transmitter, directional antenna for night use, change frequency, increase power and move transmitter.
- WTMA—Atlantic Coast Broadcasting Co.—Authority to determine operating power by direct measurement.

##### 1310 Kilocycles

- WISH—Capitol Broadcasting Corp.—Construction permit to increase power from 1 KW night, 5 KW day to 5 KW day and night and make changes in directional antenna for night use only.

##### 1340 Kilocycles

- WEBR—WEBR, Incorporated, Buffalo, N. Y.—Transfer of control through sale of 1400 shares preferred and 100 shares of common stock (100%) by Edw. H. Butler, individual, Marjorie Mitchell Baird, individual, and Edw. H. Butler, individual, and as trustee under the last Will and Testament of Edw. H. Butler, deceased, d/b as Buffalo Evening News to Buffalo Courier-Express, Inc. (75%) and Paul E. Fitzpatrick (25%).

##### 1380 Kilocycles

- WAWZ—Pillar of Fire, Zarephath, N. J.—Modification of construction permit (B1-P-3200 as modified, for increase in power, install new transmitter and changes in antenna system) for extension of completion date from 5-23-42 to 6-23-42.

##### 1390 Kilocycles

- WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—License to cover construction permit (B4-P-3063) as modified, for new transmitter, install directional antenna for day and night use, increase power, change hours of operation, and move transmitter.
- WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Authority to determine operating power by direct measurement.

##### 1400 Kilocycles

- WELL—Federated Publications, Inc., Battle Creek, Mich.—Authority to determine operating power by direct measurement of antenna power.

##### 1490 Kilocycles

- WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—License to cover construction permit (B2-P-3410), which authorized changes in auxiliary transmitter.

#### MISCELLANEOUS APPLICATIONS

- WNKF—National Broadcasting Company, Inc., area of Chicago, Ill.—Modification of license to show use of station with applicant's standard broadcast station WMAQ, Chicago, Ill., only, and to delete use with station WENR.
- WEJV—National Broadcasting Company, Inc., area of Chicago, Ill.—Modification of license to show use of station with applicant's standard broadcast station WMAQ, Chicago, Ill., only, and to delete use with station WENR.
- W79C—Oak Park Realty & Amusement Co., Chicago, Ill.—Modification of C. P. (B4-PH-117, which authorized new H. F. B. station) for extension of commencement and completion dates only, from 12-28-41 and 6-28-42 to 6-28-42 and 12-28-42, respectively.
- NEW—Blue Network Co., Inc., area of San Francisco, Calif.—License for new relay broadcast station using already licensed equipment (using equipment licensed to NBC relay station KEJP). Frequencies, 31220, 35620, 37020, 39260 kes.; power, 25 watts; emission A1, A2, A3; location, Portable-Mobile, area of San Francisco, Calif.
- NEW—Blue Network Co., Inc., area of San Francisco, Calif.—License for new relay broadcast station using already licensed equipment (licensed to KEJH). Frequencies, 31220, 35620, 37020, 39260 kes.; power, 2 watts; emission, A3; location, Portable-Mobile, area of San Francisco, Calif.
- NEW—Blue Network Co., Inc., area of San Francisco, Calif.—License for new relay broadcast station using already licensed equipment (licensed to station KEJB). Frequencies, 31220, 35620, 37020, 39260 ke.; power, 0.25 watts; emission, A3; location, Portable-Mobile, area of San Francisco, Calif.
- NEW—Blue Network Co., Inc., area of San Francisco, Calif.—License for new relay broadcast station using already licensed equipment (licensed to KEJL). Power, 25 watts; emission, A3; frequencies, 31220, 35620, 37020, 39260 kes.; location, Portable-Mobile, area of San Francisco, Calif.
- NEW—Blue Network Co., Inc., area of San Francisco, Calif.—License for new relay broadcast station using already licensed equipment (licensed to KEJC). Power, 2 watts; emission, A3; frequencies, 31220, 35620, 37020, 39260 kes.; location, Portable-Mobile, area of San Francisco, Calif.
- KEJP—National Broadcasting Company, Inc., area of San Francisco, Calif.—Modification of license to show use of station with applicant's standard broadcast station KPO, San Francisco, Calif., only, and to delete use with station KGO.
- KEJH—National Broadcasting Co., Inc., area of San Francisco, Calif.—Modification of license to show use of station with applicant's standard broadcast station KPO, San Francisco, Calif., only, and to delete use with station KGO.
- KEJB—National Broadcasting Company, Inc., area of San Francisco, Calif.—Modification of license to show use of station with applicant's standard broadcast station KPO, San Francisco, Calif., only, and to delete use with station KGO.

- KEJL—National Broadcasting Co., Inc., area of San Francisco, Calif.—Modification of license to show use of station with applicant's standard broadcast station KPO, San Francisco, Calif., only, and to delete use with station KGO.
- KEJC—National Broadcasting Company, Inc., area of Denver, Colo.—Modification of license for change in area normally served by station from Denver, to San Francisco, and change in standard station with which it is to be used, from KOA, Denver, to KPO, San Francisco.
- NEW—Blue Network Co., Inc., area of San Francisco, Calif.—License for new relay broadcast station using already licensed equipment (licensed to KHCM). Frequencies, **1606, 2074, 2102, 2758 kes.**; power, 25 watts; emission, A1, A2, A3; location, Portable-Mobile, area of San Francisco, Calif.
- NEW—National Broadcasting Co., Inc., area of Hollywood, Calif.—Modification of license to show use of station with applicant's standard station KPO, San Francisco, only, and delete use with station KGO.
- NEW—Blue Network Co., Inc., Portable-Mobile, area of Chicago, Ill.—License for new relay broadcast station using already licensed equipment (using equipment licensed to NBC under call letters "WEJK") on **31220, 35620, 37020, 39260 kes.**, 2 watts, emission, A3.
- NEW—Blue Network Co., Inc., Chicago, Ill.—License for new relay broadcast station using already licensed equipment (using equipment licensed to NBC under call letters "WEJH") on **31220, 35620, 37020, 39260 kes.**, 100 watts, emission, A1, A2, A3.
- NEW—Blue Network Co., Inc., Portable-Mobile, area of Chicago, Ill.—License for new relay broadcast station using already licensed equipment (equipment licensed to NBC under call letters "WNEP") on **31220, 35620, 37020, 39260 kes.**, 25 watts, emission, A1, A2, A3.
- NEW—Blue Network Co., Inc., Portable-Mobile, area of Chicago, Ill.—License for new relay broadcast station using already licensed equipment (equipment licensed to NBC under call letters "WIEX"), **1606, 2074, 2102, 2758 kes.**, 50 watts, emission, A3.
- NEW—Blue Network Co., Inc., Chicago Ill.—License for new relay broadcast station using already licensed equipment (equipment licensed to NBC under call letters "WMFS") on **1606, 2074, 2102, 2758 kes.**, 2 KW, emission, A3.
- NEW—Blue Network Co., Inc., Portable-Mobile, area of Chicago, Ill.—License for new relay broadcast station using already licensed equipment (equipment licensed to NBC under call letters "WEJM") on **31220, 35620, 37020, 39260 kes.**, 25 watts, emission, A3.
- WBEZ—Board of Education, City of Chicago, Chicago, Ill.—Modification of construction permit (B4-PED-22, as modified, which authorized new non-commercial educational broadcast station) for changes in transmitter location from 228 N. LaSalle St., Chicago, Ill., to 79 W. Madison St., Chicago, Ill., changes in antenna system, and extension of completion date from 7-1-42 to 9-1-42. Amended to extend commencement and completion date from 9-29-41 and 7-1-42 to date of grant and 180 days thereafter, respectively.
- NEW—Blue Network Co., Inc., Portable-Mobile, area of Chicago, Ill.—License for new relay broadcast station using already licensed equipment (equipment licensed to NBC under call letters "WNBE") on **1606, 2074, 2102, 2758 kes.**, 25 watts, emission, A3.
- WEJH—National Broadcasting Co., Inc., Chicago, Ill.—Modification of license to show use of station with applicant's standard broadcast station WMAQ, Chicago, Ill., and to delete use with Station WENR.
- WEJK—National Broadcasting Co., Inc., Portable-Mobile, area of Chicago, Ill.—Modification of license to show use of station with applicant's standard broadcast station WMAQ, Chicago, Ill., and to delete use with Station WENR.
- WNEP—National Broadcasting Co., Inc., Portable-Mobile, area of Chicago, Ill.—Modification of license to show use of station with applicant's standard broadcast station WMAQ, Chicago, Ill., and to delete use with Station WENR.
- WIEX—National Broadcasting Co., Inc., Portable-Mobile, area of Chicago, Ill.—Modification of license to show use of station with applicant's standard broadcast station WMAQ, Chicago, Ill., and to delete use with Station WENR.
- WMFS—National Broadcasting Co., Inc., Chicago, Ill.—Modification of license to show use of station with applicant's standard broadcast station WMAQ, Chicago, Ill., and to delete use with Station WENR.
- WNBE—National Broadcasting Co., Inc., Portable-Mobile, area of Chicago, Ill.—Modification of license to show use of station with applicant's standard broadcast station WMAQ, Chicago, Ill., and to delete use with Station WENR.
- WEJX—National Broadcasting Co., Inc., Portable-Mobile, area of Chicago, Ill.—Modification of license to show use of station with applicant's standard broadcast station WMAQ, Chicago, Ill., and to delete use with Station WENR.
- KEGB—Don Lee Broadcasting System, Portable-Mobile, area of San Francisco, Calif.—License to cover construction permit (B5-PRY-264) for a new relay broadcast station.
- NEW—Blue Network Co., Inc., area of Chicago, Ill.—License for new relay broadcast station using already licensed equipment (licensed to NBC relay station WNKF). Frequencies, **31220, 35620, 37020, 39260 kes.**; 2 watts power; emission, A3; location, Portable-Mobile, area of Chicago, Ill.
- NEW—Blue Network Co., Inc., area of Chicago, Ill.—License for new relay broadcast station using already licensed equipment (licensed to WEJV). Frequencies, **31220, 35620, 37020, 39260 kes.**; power, 0.25 watts; emission, A3; location, Portable-Mobile, area of Chicago, Ill.
- WEJM—National Broadcasting Co., Inc., Portable-Mobile, area of Chicago, Ill.—Modification of license to show use with standard station WMAQ, Chicago, Ill., only, and to delete use with station WENR.
- NEW—Blue Network Co., Inc., Portable-Mobile, area of New York, N. Y.—License for new relay broadcast station using already licensed equipment (using equipment licensed to NBC under call letters "WMEF") on **1606, 2074, 2102, 2758 kes.**, 100 watts; emission, A1, A2, A3.
- WMEF—National Broadcasting Co., Inc., area of New York, N. Y.—Modification of license to show use of station with broadcast station WEAJ, New York, N. Y., only, to delete use with Station WJZ, and to change from portable-mobile to portable or portable-mobile.
- WCAH—Board of Education, City of Buffalo, Buffalo, N. Y.—Modification of construction permit (B1-PED-24, which authorized new non-commercial educational station) for extension of commencement and completion date from 3-27-42 and 9-27-43 to 3-27-43 and 9-27-43 respectively.
- NEW—Blue Network Co., Inc., area of Chicago, Ill., Portable-Mobile.—License for new relay broadcast station using already licensed equipment (using equipment licensed to NBC under call letters WEJX) on **31220, 35620, 37020, 39260 kes.**, 0.25 watts, emission, A3.

## FEDERAL TRADE COMMISSION DOCKET

*Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.*

### 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.

**Chicago Wholesale Co.,** Sidney B. Koller and Bernice Feitler, 230 West Monroe St., Chicago, is charged in a complaint with misrepresentation in the sale of jewelry, silverware, luggage, giftware and other merchandise to consumers who buy for their own use and not for retailing and to dealers who order specific articles selected by customers from the respondents' catalogs. (4762)

**Savoy Mfg. Company**—A complaint has been issued charging Charles and Jack Deer, trading as Savoy Manufacturing Co., 12 West 23rd St., New York, with the use of lottery methods and misrepresentation in the sale of electrical appliances, tableware, luggage, house furnishings and other merchandise. (4763)

## CEASE AND DESIST ORDERS

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

**James MacDonald Ltd., et al.**—Five Scottish producers of Harris Tweed fabrics and their sales representatives in the United States have been ordered to cease and desist from engaging in any price-fixing agreement or conspiracy which restrains and monopolizes the sale of their products in trade between Great Britain and the United States, and between the States.

The respondent producers are James MacDonald, Ltd., Kenneth MacKenzie, Ltd., S. A. Newall and Sons, Ltd., W. A. Smith, John Smith and A. P. C. Lawrence, trading as Thomas Smith & Co., all of Stornoway, Scotland, and Kenneth MacLeod, Ltd., Shawbost, Scotland. (4618)

**Model Home Supply Co.**, 34 East 12th St., New York, has been ordered to cease and desist selling or otherwise disposing of merchandise by means of a lottery scheme. The respondents deal in jewelry, cosmetics, clothing and electrical and household articles. (3507)

**Sterling Products**, 170 Varick St., New York, and Vita-Ray Corp., 176 Middle Ave., Lowell, Mass., a subsidiary of Sterling Products, have been ordered to cease misleading representations in the sale of cosmetics. (4197)

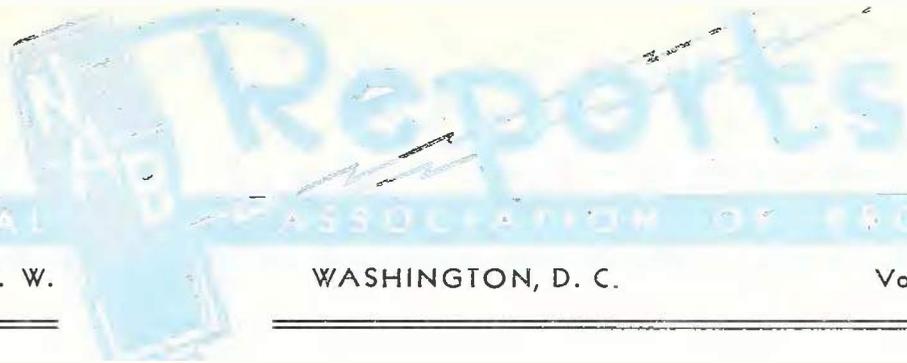
## STIPULATIONS

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

**Garfield Tea Co., Inc.**, 313 Forty-first St., Brooklyn, stipulated to discontinue certain representations in the advertisement and sale of its preparation known as "Garfield Headache Powders." (02983)

**Plee-Zing, Inc.**, 176 West Adams St., Chicago, entered into a stipulation to cease and desist from representing that the product it sells under the name "Plee-Zing Bowl Cleaner" will eliminate odors from toilet bowls. (02984)





## Supreme Court Raps FCC "Monopoly" Procedure

The Supreme Court rapped the knuckles of the FCC this week for trying to grab power without even giving the courts a look-in.

The Court held that the Commission's so-called "monopoly" rules should be subjected to judicial review before they were put into effect.

The Commission had contended that the "monopoly" rules amounted to nothing more than a statement of policy, and that broadcasters had no right to contest these rules in court until they were actually hurt by them.

In other words, some network affiliate would have had to put his license in jeopardy before the rules could have been tested.

But the Supreme Court said, no.

"Such regulations have the force of law before their sanctions are invoked as well as after. When as here they are promulgated by order of the Commission and the expected conformity to them causes injury cognizable by a court of equity, they are appropriately the subject of attack (*in the courts*)."

The case now goes back to a three-judge federal court in New York, for trial "on the merits."

Did the FCC have the power to make such rules under the Federal Communications Act of 1934? If so, are those sections of the Act which gave the Commission such powers constitutional?

Those are the questions now to be decided.

Undoubtedly, these issues will go to the Supreme Court before the case is finally decided.

The Court divided 5 to 3 on the case. Chief Justice Stone read the majority opinion, while Mr. Justice Frankfurter expressed the minority view. Mr. Justice Black, whose wife is the sister of Commissioner Durr's wife, took no part in the case.

The text of the opinions are printed on page 300.

### Sanders Bill Hearings

Leading off for MBS at the hearings on the Sanders Bill on Wednesday, Alfred J. McCosker, Chairman of the MBS Board, declared that Mutual's primary interest is in having the FCC's network regulations go into effect. "It opposes any legislation that would cause further delay," he said, "and that would deprive the Commission of its power to adopt such regulations, or that would cast any doubt on that power." Three of the proposed amendments, namely, Sections 6 and 7 of the Sanders Bill, and the NAB proposal to amend Section 326 of the Communications Act by incorporating language of the Supreme Court in the Sanders Brothers case, apparently come within this description, he declared.

"The first and most important of these is Section 7," Mr. McCosker stated, "While it is innocent enough in appearance and

purports merely to require the Commission to study certain proposals and to report its recommendations to Congress, together with its reasons, it is very cleverly worded and, by implication, actually would take away such powers as the Commission now has over the subject-matter of the network regulations. This is done by clauses 1, 3, and 4." Closely questioned by Representatives Sanders and Hinshaw as to whether by this he implied any impropriety in Congress as the representatives of the people seeking information from the Commission and thereafter declaring policy, Mr. McCosker conceded that Congress should make the decision.

Representative Sanders said he was "intrigued" by Mr. McCosker's statement that he was very much worried "about what happened before the Senate Committee, and seems to be happening again here, is that such proceedings will undermine the Commission and deprive it of the willingness and the courage again to deal constructively with important and controversial issues." In this connection Mr. Sanders remarked, "Is it your

(Continued on page 298)

Neville Miller, *President*

C. E. Arney, Jr., *Assistant to President*

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

## SANDERS BILL HEARINGS

(Continued from page 297)

thought that every time Congress makes an investigation it will undermine the Commission? You take Congress to task, and that is a serious charge."

The witness' objection to Section 6 was that it cut down the Commission's powers over transfers of licenses and deprives it of one of its important legal points in the proceedings now pending in court over the network regulations. "The present law requires the Commission's written consent not only for the transfer of any license but also for the transfer of any *rights* under a license," Mr. McCosker declared, "This has been in the law ever since 1927 and is clearly necessary if the Commission is really to exercise control over transfers and is to determine who shall and who shall not have the right to operate radio stations." Asked by Representative Hinshaw what he meant by "determine who shall and who shall not have the right to operate radio stations," the witness replied that he referred to arrangements whereby the licensee turned the actual operation of a station over to others, thereby circumventing the Commission's control.

A further objection to Section 6, Mr. McCosker said, is that it would deprive the Commission of any power to disapprove a transfer on the ground that the transferee already has enough or too many stations, either in the country as a whole or in any one city.

Objecting to NAB's proposal to insert in Section 326 of the Communications Act,—the section which denies the Commission the power of censorship over radio,—language which would deny the Commission any "control of the business management of the station or control of the policies of the station or the station licensee," Mr. McCosker stated, "The purpose is to deprive the Commission of such power as it has exercised in adopting the network regulations." The language was "lifted" from the Sanders Case, he said, without the context showing what the Supreme Court really meant.

Reverting to the proposals in Section 7 that the Commission should study and report on to Congress, Mr. McCosker stated, "If there are to be any recommendations as to legislation, it seems to me that they should come from the persons and the groups that urge it. They should not hide behind vague proposals for further study and further reports when, as they well know, the principal consequence will be long additional delays and expense." On being questioned by Representative Sanders, the witness stated that by "they" he meant NBC and CBS. Mr. Sanders remarked that Section 7 was his own section, the others being the recommendations of the Federal Communications Bar Association, and that he believed it proper that Congress consider the subject-matter of Section 7. He appeared to resent the accusation that the proposals were "vague."

Fred Weber, MBS General Manager, on Thursday introduced exhibits on the subject of Mutual's competitive position in the industry, and started to discuss the network regulations when he was met with a barrage of questions by numerous members of the committee. Representative McGranery (D-Penna.) got into the record figures showing Mutual's growth in gross billings. He asked the witness if the network regulations didn't work to

the advantage of Mutual and to the disadvantage of the other networks, to which Mr. Weber replied that they provide equal opportunity for all networks. Mr. Weber had not completed his statement when the hearings recessed; it is understood he will resume on Monday.

Louis G. Caldwell, MBS general counsel, will testify Friday, following which Paul Spearman, NAI counsel will take the stand. Present indications are that Chairman Fly will appear Tuesday, to be followed by Commissioner Craven.

## Sales

### STANDARD CONTRACT FORMS APPROVED

As announced at the NAB convention in Cleveland, the new AAAA-NAB standard contract forms for spot radio have been approved after months of negotiations, and copies were placed in the mails last week for all stations. Additional copies are available upon request.

Approval of the forms has climaxed nearly a year of work by the radio and agency committees. Previous attempts to negotiate a standard contract failed to result in complete agreement by both associations, with the result that the NAB issued recommended forms for radio stations in January and March of 1941, while a modified form was generally used by agency members of the AAAA. Those forms have now been superseded by the new contracts, and all agencies and stations are invited to make the change to bring about uniformity in all quarters.

Recognizing that not all advertising agencies are members of the AAAA, and that not all stations belong to the NAB, committees were appointed in 1941 to represent both members and non-members. Serving on the radio committee were Eugene Carr, WGAR, chairman of the Sales Managers Executive Committee, and Robert Dunville, WLW, as NAB members, and Herbert L. Pettey, WHN, representing non-NAB members. On the agency committee were A. K. Spencer of J. Walter Thompson and Leonard Bush of Compton, representing AAAA members, and M. J. Kleinfeld, of Franklin Bruck, representing non-AAAA agencies. Thus it is hoped that the new standard forms will be acceptable to all stations and all agencies.

Besides the form suitable for spot business placed through agencies, an "advertiser" form was also issued to handle local business and national spot business placed direct. The two forms are identical except that the "advertiser" form carries no mention of agency or agency commission.

Mats have been prepared and mailed to stations covering the "standard conditions" on the reverse side of the contracts, for convenience and economy in local printing.

The forms, of course, may be modified by stations in any way desired, although it is hoped they will be adopted as they stand, or with a minimum of changes, so that the industry may be spared the difficulties and annoyances that arise when a multiplicity of contract forms are in use.

In acknowledging the committee's completion of its work, NAB President Neville Miller complimented its members "on this satisfactory solution to a most difficult assignment. Thanks to your hard work and unselfish application over a long period, you have made a substantial contribution to the business of broadcasting and have earned the sincere gratitude of all your industry associates."

### NEW DEPARTMENT STORE TABLE

A new "summary table" on department store use of radio has been prepared from reports submitted by stations to "The Broadcast Advertising Record." Copies are available on request.

## RETAILERS PLAN BOND DRIVE

Here is a telegram received from Benjamin H. Namm, chairman, retail advisory committee to the U. S. Treasury:

"At a joint meeting of the Treasury's Retail Advisory Committee and Treasury officials it has just been decided to hold an intensive 'Retailers for Victory' campaign during the entire month of July. This will take the place of the one week's campaign usually held in September. G. Ray Schaeffer of the Marshall Field organization of Chicago has been named national chairman of the campaign. The undersigned will serve as honorary chairman. Our slogan will be 'A Million Retailers Unite for War Savings—The Commandos of Main Street.' Our goal will be to double and redouble the present sales of war savings stamps and bonds by retail stores. Our purpose will be to help the U. S. Treasury department attain its huge billion dollar quota for the month of July. Would greatly appreciate your passing this information on to the members of your association. Incidentally we have just received the following reply from General MacArthur in Australia in response to a cable of cooperation sent by me in the name of our eight million retail employers and employees as follows: 'Your message is one of victory. Signed MacArthur.'"

Undoubtedly many retail stores will use some paid promotion in connection with this campaign. Although radio stations are giving freely of their facilities to the Treasury in promoting the sale of war bonds and stamps, they also have been equipped by the Treasury Department with a kit of suggested announcements and programs, suitable for sale to local sponsors including retailers. To get ready for the July retailers' campaign, stations may wish to prepare an additional supply of announcements and programs suitable for sponsorship in connection with this drive.

## CONVENTION CRACKS DOWN ON CHISELERS

Because of continued pressure from commercial firms seeking free radio exploitation or per-inquiry deals, the NAB delegates at the Cleveland convention passed the following resolution:

*"Maintenance of a sound broadcasting industry, particularly vital to the nation in these times of war, is predicated on the observance of good business practices and high standards of ethics, both on the part of broadcasters and of those who would use broadcasting facilities. In cooperation with our government the broadcasting industry is doing its utmost in the promotion of the war program by generous, unselfish all-out contributions of time and talent.*

*"However, some organizations and movements outside the government are seeking their commercial advancement or the promotion of special aims through the free use of broadcasting facilities, sometimes even under the guise of participation in the war program. All such efforts are regarded by the National Association of Broadcasters as unwarranted, unsound, and contrary to the best interests of the industry and the nation.*

*"Similarly, efforts by commercial enterprises to purchase radio facilities on a contingent, guaranteed-return, or per-inquiry basis, again sometimes even under the guise of patriotism, or, more reprehensibly, on the basis that the war emergency should persuade broadcasters to relax their standards of ethics, are declared by this Association to lead to unfair and discriminatory practices, to an undermining of the entire structure of commercial radio, and to the deterioration of an industry vital to its government and to the advancement of the American economic system.*

*"Such efforts are, therefore, condemned as unethical, as contrary to the best interests of the industry, and if carried to their logical conclusion as contrary also to the best interests of advertising in general and of the clients served by radio.*

*"It is the will of this Association, therefore, that all such requests should be denied by its members, and discouraged by every other means at their disposal."*

This resolution furnishes an ideal answer for stations to give to would-be chiselers. It has been suggested that stations print or mimeograph copies of this resolution, and that unwarranted proposals be returned to the senders with a copy of this resolution attached. Such action by many stations, it is believed, will do much to check the growing pressure for free time and P-I deals.

Among those reported to the NAB since the last tabulation are: **George Fisher**, Allston, Mass., seeking P-I deals for Photo-Stamps.

**Equity Advertising Agency**, New York, seeking P-I deals for **American School**.

**Mail Photo Service, Inc.**, Louisville, Ky., seeking P-I deals on its snapshot service.

**Comic Book Club**, New York, seeking P-I deals for its comic books.

**Federal Life & Benefit Assn.**, Wilmington, Del., while not seeking outright P-I deals for its hospitalization insurance plan, nevertheless invites guaranteed-returns and free plugging by specifying a required per-inquiry cost and asking "Will you cooperate to bring about a reasonable inquiry cost in the event the initial results are not within reason?"

**W. T. Otto Stamp Co.**, Brooklyn, seeks P-I deals for its stamps and collector's supplies.

**Universal Photo Service**, La Crosse, Wis., wants P-I deals for snapshot finishing.

**Hannon Medicines, Inc.**, Brookhaven, Miss., seeks P-I deals for its medical products, citing a couple of small southeastern stations which have handled the business on that basis.

**Joe Bonomo**, New York, wants to sell his booklets on "health, beauty, charm, physical development, etc." to stations, either as premiums or a direct-selling item.

**The Remnant Shop**, Sesser, Ill., wants P-I deals for its "quilt roll."

Free radio time of one sort or another, generally requested through the conductors of women's programs, is being sought by **Nestle's Chocolate**; by the **Bureau of Fashion Trends**, June Hamilton Rhodes, director, for the **Jewelry Industry Publicity Board**; by the **Lawrence H. Selz Organization** on behalf of carbonated beverages; by the **Milk Industry Foundation**; by **W. Earl Bothwell Advertising Agency** for **Duff's Gingerbread Mix**; by **Children's Play Mate Magazine** (asking free advertising and a mailing list in return for samples to listeners), and by **The Greeting Card Industry**.

We repeat: in the face of this continued barrage of chisel attempts, the resolution printed above was passed unanimously at Cleveland. Its use by stations when returning unwanted material would be effective, and would also aid the war program by persuading many agencies and firms to save a lot of paper.

## WAR SERVICE SUGGESTION

Walter B. Haase, WDRC, Hartford, Conn., makes the following suggestion which the NAB commends:

Here in Hartford, the four stations have had good luck using a system which WDRC suggested in connection with the Hartford County Blood Plasma Bank and the War Bond Pledge Campaign. Instead of using a different address for each agency, we ask listeners to telephone the station. So for Red Cross blood donors, it's "Telephone WDRC right now. We'll do the rest. The number is 7-1188." For recruitment of nurses, our announcements read "For full information, telephone WDRC and leave your name. We'll do the rest. The number is 7-1188!"

We then take the names and telephone them to the proper agency. By using this tactic, we are able to give interested persons a number to call immediately, whether it's 7:00 in the morning or 11:00 at night. Most of these agencies observe regular office hours. It also gives us a nice check on how well our spots and programs are pulling.

## "WORKING FOR RADIO"

"Working for Radio" is going like hot cakes. A great many stations are having their call letters imprinted on the booklets and accompanying envelopes. The price to member stations is five cents each, to cover the cost of printing. The **FREC SERVICE BULLETIN** printed the following review:

"Working for Radio" is the title of a new publication just released by the National Association of Broadcasters and edited by their Director of Labor Relations, Joseph L. Miller. The list of contributors reads like a Who's Who in Radio, for it includes Cecil B. DeMille on the subject of "Acting for Radio," Edward G. Robinson, on "Radio Play Writing," Bing Crosby, on

"Singing for Radio," George A. Mooney on "Writing for Radio," John Benson on "Advertising Agency Work," and a half dozen others equally well qualified to write on such subjects as "Staging a Radio Show," "Radio Announcing," "Musicians in Radio," "Radio Operators and Technicians." and "Selling Radio Advertising."

To the person interested in making a career of radio, this publication should be intensely interesting. While it makes no claim to be all-inclusive, it does cover a variety of radio phases—the ones most frequently asked about.

In his foreword, Neville Miller, President of the NAB, urges readers to be sure to read the article on working for the smaller stations, for it is there, he states, that the average boy or girl looking for a career in radio has his best chance to get started.

## WAGE AND HOUR LAW

The Supreme Court held this week that employees of buildings tenanted by firms engaged in interstate commerce were subject to the Wage and Hour Law.

## FIRST NAB PRESIDENT WRITES NEW BOOK

If you didn't know it, the first president of the National Association of Broadcasters was Commander E. F. McDonald, Jr., now president of Zenith Radio Corporation, Chicago.

A few years ago he became interested in gliders to such an extent that the products of his pen comprise a large share of the current literature on gliding.

"Youth Must Fly" (\$2.50—Harper Bros.) is one of the Commander's recent contributions to gliding.

The recent announcements on gliding, which have appeared in the weekly Army folio, are evidence that the United States of America is going to have gliders. Prior to the evidence of Army use of the glider, the Commander necessarily had to point out that soaring was the ideal connecting link between model-building and flying power, and that it possessed outstanding safety that would appeal to parents and to youth organizations interested in promoting clean safe sport.

Recent Army announcements for radio would indicate that the Army has gone all the way out for the glider. Its conception of the glider is an airplane with remote power.

## KTUL BOND SALE

Radio Station KTUL and the First National Bank & Trust Company, Tulsa, have made history with their broadcast from the bank lobby, "The Greatest Sale In History".

Four hundred civic leaders and eight organizations put punch in the broadcast to sell \$1,521,913.25 worth of War Bonds in fourteen broadcasts.

Thirty-one thousand five hundred copies of a brochure on the promotion, prepared by the bank, have been ordered by the Treasury for distribution according to John Esau, National Sales & Promotion Manager.

## TEN PER CENT PLAN

The Treasury Department has prepared a mimeographed fact sheet on the "Ten Per Cent War Bond Promotion" which begins June 14 and continues through July 5. Buttons and red, white and blue stickers are a part of the tie-up which the Treasury has arranged, according to Charles J. Gilchrist, Chief Radio Section.

## SUMMER RADIO COURSES

One or more courses in radio for teachers will be offered during summer sessions this year by 104 out of 435 colleges and universities. This is according to the finding of a survey just completed by the Federal Radio Education Committee in the U. S. Office of Education.

This is an increase of 30% in institutions over a year ago when only 80 colleges and universities were reported as offering summer courses in radio for teachers.

## KFAR SCHEDULE

The University of Alaska, through Radio Station KFAR, Fairbanks, has just completed (May 8) an important and enlarged broadcast schedule which began early last Fall.

The data provided by Everett R. Erickson, Director of radio broadcasts, lists a total of 61 programs.

## STATE LEGISLATION

LOUISIANA:

H. 657 (MADDEN) MUSIC TAX—Imposes a license tax on printed and recorded music. Referred to Committee on Ways and Means.

## FEDERAL LEGISLATION

H. R. 7173 (SACKS, D-Penna.) COPYRIGHTS—To amend the Act entitled "An Act to amend and consolidate the Acts respecting copyright", approved March 4, 1909, as amended. Referred to Committee on Patents.

## SUPREME COURT OF THE UNITED STATES

No. 1026—October Term, 1941

Columbia Broadcasting System,  
Inc., Appellant,

vs.

The United States of America,  
Federal Communications Commission and Mutual Broadcasting System, Inc.

Appeal from the District  
Court of the United  
States for the Southern  
District of New York.

June 1, 1942

Mr. Chief Justice Stone delivered the opinion of the Court.

The Federal Communications Commission, by its order of May 2, 1941, as amended by its order of October 11, 1941, promulgated regulations which purport to require the Commission to refuse to grant a license to any broadcasting station which enters into certain defined types of contract with any broadcasting network organization. These regulations, it is alleged, affect adversely appellant's contractual relations with broadcasting stations and impair its ability to carry on its business in maintaining and operating its nationwide broadcasting network. The regulations as amended on October 11, 1941, together with a supplemental "minute" promulgated by the Commission on October 31, 1941, are set forth at the end of this opinion. The question for our decision is whether appellant is entitled to secure a judicial review of the order by a suit brought under sec. 402(a) of the Communications Act of 1934, 48 Stat. 1093, 47 U.S.C. sec. 402(a), and the Urgent Deficiencies Act, 38 Stat. 219, 28 U.S.C. sec. 47.

Pursuant to sec. 402(a) appellant brought the present suit against the United States in the Southern District of New York, to enjoin enforcement of the Commission's order as contrary to the public interest and beyond the Commission's statutory authority, and on the further ground, if the order be deemed within that authority, that the statute is an unconstitutional delegation of legislative power by Congress in violation of Article I, sec. 1 of the Constitution, and operates to deprive appellant of property without due process of law in violation of the Fifth Amendment. The case was heard by a court of three judges, which permitted the Commission and the Mutual Broadcasting Company to intervene as defendants. It granted appellees' motion to dismiss the

complaint for want of jurisdiction, —F. Supp.—, and stayed the operation of the Commission's order pending direct appeal to this Court.

In 1938 the Communications Commission authorized an investigation "to determine what special regulations applicable to radio stations engaged in chain or other broadcasting are required in the public interest, convenience, or necessity." Extensive hearings were held by a committee consisting of three members of the Commission, at whose request the national networks, including appellant, intervened. In June, 1940, the committee made a report, on the basis of which briefs were filed and oral argument was presented before the full Commission by the three national networks and other interested parties. In May, 1941, the Commission issued its "Report on Chain Broadcasting" and ordered the adoption of the regulations which, in their amended form, are the subject of the present controversy.

The relevant facts stated in the bill of complaint are as follows: Appellant or its predecessor has been engaged in the business of nationwide network or chain broadcasting since 1927. It has a large amount of physical property used in the business and has built up a valuable goodwill. For its broadcasts it maintains a staff of employees and expends large amounts for musicians and broadcasting performers. It has commitments by long-term contracts aggregating more than \$4,000,000 for broadcasting expenditures, including those for the use of land and buildings and for the furnishing of news and broadcasting programs in the next few years. Appellant's total property devoted to its broadcasting business exceeds \$18,000,000 in value; its earnings from the network exceeded \$3,000,000 in both 1939 and 1940.

Chain broadcasting is the means by which radio programs are made available to all or a large part of the nationwide radio audience. It is defined by the Communications Act, 47 U.S.C. sec. 153(p), as the "simultaneous broadcasting of an identical program by two or more connected stations." The chain broadcaster prepares radio programs, for which it engages performers in advance, and simultaneously broadcasts them over a large number of radio stations to which the programs are transmitted from some central point of origination by wire telephone lines leased by the broadcaster, here the appellant. The programs, which are prepared well in advance of the broadcast and given by persons employed for the purpose by appellant, are of two classes—commercial programs sponsored and paid for by advertisers, and sustaining programs furnished by appellant and not paid for by any advertiser.

Appellant's network comprises 123 stations in 122 cities in the United States. It is so operated as to enable ninety per cent of the radio audience of the United States to listen simultaneously to programs provided by appellant and broadcasted over these stations. Appellant owns and operates seven of the stations and leases an eighth, all licensed by the Commission. With the remaining 115 stations it enters into individual contracts usually for periods of five years, terminable in some instances by appellant on twelve months' notice. By these contracts appellant undertakes to furnish each station with an average of at least sixty hours per week of network sustaining and sponsored programs. The sustaining programs are furnished without charge, the station being free to use them or not as it chooses. Appellant undertakes to furnish the station with all commercial programs which the sponsor requests the station to broadcast and to pay the station a specified hourly rate for the use of its facilities in broadcasting such programs. Appellant agrees not to furnish its programs to other stations in the same city; the affiliated station, with exceptions not now material, agrees not to broadcast the program of any other network. Of critical importance in the present litigation is the stipulation of the affiliated station that it will, upon not less than twenty-eight days' notice from appellant, broadcast the sponsored or commercial program furnished to it by appellant for at least fifty "converted" hours (averaging seventy-nine regular clock hours) per week.

These provisions of appellant's contracts are alleged to be indispensable to the maintenance and efficient operation of its network and to the existence of a strong and efficient network broadcasting system, and necessary to enable appellant to compete with other advertising media. On May 2, 1941, the Commission issued its order which, as amended by its order of October 11, 1941, pro-

mulgated the "Chain Broadcasting Regulations" of which appellant complains, and which the Commission characterized in its Report as "the expression of the general policy we will follow in exercising our licensing power."<sup>1</sup> The regulations provide that no license shall be granted to a broadcast station having contracts with a network organization, containing any of several provisions which are characteristic of appellant's contracts with its affiliates. These include provisions by which the station is prevented from broadcasting the programs of any other network organization (3.101); or which prevent another station serving substantially the same area from broadcasting the network programs not taken by the station applying for license, or prevent another station serving a substantially different area from broadcasting any program of the network organization (3.102); or by which the station contracts for affiliation with the network for a period longer than two years (3.103); or by which the station "options for network programs any time subject to call on less than 56 days' notice or more time than a total of three hours" within each of four specified segments of the broadcast day, the regulation declaring "such options may not be exclusive as against other network organizations and may not prevent or hinder the station from optioning or selling any or all of the time covered by the option, or other time, to other network organizations" (3.104); or which prevent the station (a) from rejecting network programs which the station reasonably believes to be unsatisfactory or unsuitable or (b) from substituting for the network program a program of outstanding local or national importance (3.105).

After making its order of May 2, 1941, the Commission deferred its effective date until further order. By its order of October 11, 1941, the Commission fixed the effective date as November 15, 1941, and directed "that the effective date of Regulation 3.106 with respect to any station may be extended from time to time in order to permit the orderly disposition of properties," and "that the effective date of Regulation 3.107 shall be suspended indefinitely and any further order of the Commission placing said Regulation 3.107 in effect shall provide for not less than six months' notice and for further extension of the effective date from time to time in order to permit the orderly disposition of properties."

The bill of complaint also alleges that the purpose and effect of the regulations are to prohibit station licensees from having agreements of the kind which appellant has with its affiliates; that prior to the order of May 2, 1941, it was the practice of the Commission to renew the licenses of stations annually and that the licensed stations have had a reasonable expectancy of the annual renewal of their licenses; that 115 licensed stations have such contracts with appellant expiring at various times between the original effective date of the regulations and December 31, 1947. It is alleged that when their current licenses expire, at the latest, and perhaps earlier through the revocation of existing licenses, such stations face the loss of their licenses if they perform or continue in force or renew any existing contracts containing the described provisions.

The bill alleges that since the stations fear the loss of their licenses, as a result of the regulations, they will not negotiate for or renew affiliation contracts containing such provisions. And because they fear the loss of their licenses the stations have threatened to cancel and repudiate their affiliation contracts, and many have notified appellant that they will not be bound by their contracts after the regulations become effective. As a consequence appellant's ability to conduct its business and maintain its public broadcasting service is seriously impaired and the regulations will make the operation of appellant's business more costly, reduce its earnings and render its property and business less valuable.

The bill of complaint was filed October 30, 1941. The follow-

<sup>1</sup> The Commission in its Report says, p. 85:

"We believe that the announcement of the principles we intend to apply in exercising our licensing power will expedite business and further the ends of justice.

"Announcements of policy may take the form of regulations or of general public statements. In either case, the applicant's right to a hearing on the question whether he does in fact propose to operate in the public interest is fully preserved. The regulations we are adopting are nothing more than the expression of the general policy we will follow in exercising our licensing power. The formulation of a regulation in general terms is an important aid to consistency and predictability and does not prejudice any rights of the applicant. Good administrative practice would seem to demand that such a statement of policy or rules and regulations be promulgated wherever sufficient information is available upon which they may be based."

ing day the Commission promulgated a supplemental "minute" setting up a procedure by which the validity of the regulations might be tested upon application for a license by an individual licensee. The minute declared that if a station wished to challenge the regulations the Commission would grant a temporary extension of its license until there had been a final court determination of the issues. In the event of such litigation, and if the validity of the regulations were sustained, "the Commission will nevertheless grant a regular license to the licensee, otherwise entitled thereto, who has unsuccessfully litigated that issue, if the licensee thereupon conforms to the decision."

An affidavit subsequently submitted by appellant in support of its motion for a temporary injunction states that since the Commission's minute of October 31st, appellant has continued to receive indications that its affiliates will cancel and repudiate their contracts and refuse to renew them, and has received no indication that the minute has or will have the effect of inducing stations to assume the burden of testing the validity of the regulations. Attached to the affidavit are letters from five affiliates, written after October 31st, indicating their intention not to be bound by the contracts. The affidavit also states appellant's belief that it would have received more such letters had it not been for its circulation of information concerning the pendency of this suit.

Accepting the allegations of the complaint as true, as for present purposes we must; it is evident that application by the Commission of its regulations in accordance with their terms would disrupt appellant's broadcasting system and seriously disorganize its business. As the bill alleges, stations licenses have been renewable by the Commission annually,<sup>1</sup> whereas appellant's contracts are for five year periods and many of them will survive the expiration of the existing licenses to the affiliated stations. Under Regulations 3.101, 3.102, 3.103 and 3.104, each affiliate must repudiate his contract or be denied the renewal of his license. In either case this would deprive appellant of the station's participation in its network, for which its contracts call.

Regulation 3.104 not only requires all options by appellant to be exercised on 56 days' rather than 28 days' notice as at present, but provides that no option time is exclusive of other networks, and thus allows to appellant no option time within which it can command the use of affiliated stations for any program for broadcasting on a national scale. These sections together thus operate to break down the network enterprise in which appellant and its affiliates are by their contracts cooperating, and to substitute a system in which every station is available to every network on a "first come first served basis".

The Commission concedes by its brief that as provided by sec. 312(a) "Any station license may be revoked . . . because of conditions revealed by such statements of fact as may be required [of a licensee] from time to time which would warrant the Commission in refusing to grant a license on an original application". Consequently the regulations by their terms, read in conjunction with sec. 312(a), expose licensees, who renew their affiliation contracts, to revocation proceedings by the Commission whenever upon a statement which the Commission may require it appears that the licensee has entered into an affiliation contract which the regulations proscribe.

A proceeding to set aside an order of the Commission under sec. 402(a) and the Urgent Deficiencies Act is a plenary suit in equity. Hence the questions raised by the motion to dismiss are whether the Commission's order is an "order", review of which is authorized by sec. 402(a) of the Act, and if so whether the bill states a cause of action in equity. The suit cannot be maintained unless both questions are answered in the affirmative.

Section 402(a) makes applicable the provisions of the Urgent Deficiencies Act to "suits to enforce, enjoin, set aside, annul, or suspend any order of the Commission" except orders "granting or refusing an application for a construction permit for a radio station, or for a radio station license, or for renewal of an existing radio station license, or for modification of an existing radio station license, or suspending a radio operator's license". Review of the orders excepted from sec. 402(a) is by appeal to the Court

of Appeals of the District of Columbia under the provisions of sec. 402(b). See *Scripps-Howard Radio, Inc. v. Federal Communications Comm'n*, 315 U. S. —. Since the Commission's order neither grants, denies nor modifies any license, any review in advance or independently of an application for a station license must be under sec. 402(a), and then only if the Commission's order promulgating the regulations is an "order" within the meaning of this section. The particular label placed upon it by the Commission is not necessarily conclusive, for it is the substance of what the Commission has purported to do and has done which is decisive. *Powell v. United States*, 300 U. S. 276, 284-85; *A. F. of L. v. Labor Board*, 308 U. S. 401, 408.

The Commission's investigation of the contractual relation between the networks and the stations, which resulted in the order now under attack, was for the stated purpose of prescribing regulations of such relationships. The order authorizing the investigation recited that the proceeding was taken under sec. 303(i) of the Act, which gives the Commission "authority to make special regulations applicable to radio stations engaged in chain broadcasting". Since the Commission is not in terms given authority to regulate contractual relations between the stations and the networks, regulation of them could be accomplished only by regulating licensed radio stations which participate in chain broadcasting. It was by regulations in terms applicable to such stations that the Commission sought to control their contractual relationships with the networks.

The order is thus in its genesis and on its face, and in its practical operation, an order promulgating regulations which operate to control such contractual relationships, and it was adopted by the Commission in the avowed exercise of its rule-making power. Such regulations which affect or determine rights generally, even though not directed to any particular person or corporation, when lawfully promulgated by the Interstate Commerce Commission, have the force of law and are orders reviewable under the Urgent Deficiencies Act. *Assigned Car Cases*, 274 U. S. 564; *United States v. B. & O. R. Co.*, 293 U. S. 454. And regulations of like character, by which the Communications Commission has prescribed generally the records and accounts to be kept by telephone companies subject to its jurisdiction, are similarly reviewable under sec. 402(a). *A. T. & T. Co. v. United States*, 299 U. S. 232.

The regulations here prescribe rules which govern the contractual relationships between the stations and the networks. If the applicant for a license has entered into an affiliation contract, the regulations require the Commission to reject his application. If a licensee renews his contract, the regulations, with the sanction of sec. 312(a), authorize the Commission to cancel his license. In a proceeding for revocation or cancellation of a license, the decisive question is whether the station, by entering into a contract, has forfeited its right to a license as the regulations prescribe. It is the signing of the contract which, by virtue of the regulations alone, has legal consequences to the stations and to appellant. The regulations are not any the less reviewable because their promulgation did not operate of their own force to deny or cancel a license. It is enough that failure to comply with them penalizes licensees, and appellant, with whom they contract. If an administrative order has that effect it is reviewable and it does not cease to be so merely because it is not certain whether the Commission will enforce the penalty incurred under its regulations for non-compliance. *Assigned Car Cases*, *supra*; *A. T. & T. Co. v. United States*, *supra*.

The regulations are rules which in proceedings before the Commission require it to reject and authorize it to cancel licenses on the grounds specified in the regulations without more. If the regulations are valid they alter the status of appellant's contracts and thus determine their validity in advance of such proceedings. By striking them down by a determination proclaimed in advance that licenses shall be cancelled or refused because of a previous failure to comply with the regulations, they impose a penalty and sanction for non-compliance far more drastic than the fines customarily inflicted for breach of reviewable administrative orders.

<sup>1</sup>On October 11, 1941, the Commission amended Regulation 3.34 to make the normal license period two years.

Most rules of conduct having the force of law are not self-executing but require judicial or administrative action to impose their sanctions with respect to particular individuals. Unlike an administrative order or a court judgment adjudicating the rights of individuals, which is binding only on the parties to the particular proceeding, a valid exercise of the rule-making power is addressed to and sets a standard of conduct for all to whom its terms apply. It operates as such in advance of the imposition of sanctions upon any particular individual. It is common experience that men conform their conduct to regulations by governmental authority so as to avoid the unpleasant legal consequences which failure to conform entails. And in this case it is alleged without contradiction that numerous affiliated stations have conformed to the regulations to avoid loss of their licenses with consequent injury to appellant.

Such regulations have the force of law before their sanctions are invoked as well as after. When as here they are promulgated by order of the Commission and the expected conformity to them causes injury cognizable by a court of equity, they are appropriately the subject of attack under the provisions of sec. 402(a) and the Urgent Deficiencies Act. *A. T. & T. Co. v. United States*, *supra*; *Rochester Tel. Corp. v. United States*, 307 U. S. 125; *Interstate Commerce Commission v. Goodrich Transit Co.*, 224 U. S. 194; *Kansas City So. Ry. v. United States*, 231 U. S. 423; *Assigned Car Cases*, *supra*; *Chicago R. I. & P. Ry. Co. v. United States*, 284 U. S. 80; *United States v. B. & O. R. Co.*, *supra*.

It is no answer to say that the regulations are addressed only to the Commission and merely prohibit it from granting—and authorize it to cancel—licenses in the case of all stations entering into such contracts, and that accordingly all stations are left free to enter into contracts or not as they choose. They are free only in the sense that all those who do not choose to conform to regulations which may be determined to be lawful are free by their own choice to accept the legal consequences of their acts. Failure to comply with the regulations entails such consequences to the station owner and to appellant. These are the loss of the affiliated stations' licenses if they adhere to their contracts, and disruption of appellant's network through the declared unlawfulness of the contracts, if the regulations are valid.

The purposes sought to be accomplished by sec. 402(a) and the Urgent Deficiencies Act would be defeated if a suitor were unable to resort to them to avoid reasonably anticipated irreparable injury resulting from such legal consequences of the Commission's order, merely because the Commission as yet has neither refused to renew a license, as the regulations require, nor cancelled a license, as the regulations permit. Such an argument addressed to the form rather than the substance of the order was rejected in *Powell v. United States*, *supra*; cf. *A. F. of L. v. Labor Board*, *supra*, 408. The *Powell* case likewise repudiates the suggestion that merely because the order is not in terms addressed to those whose rights are affected, they cannot seek its review. See also *Western Pacific v. South. Pac. Co.*, 284 U. S. 47; *Claiborne-Annapolis Ferry Co. v. United States*, 285 U. S. 382.

The order here is not one, as the Government argues and as the court below seemed to think, where the complainant's rights are affected only on the contingency of future administrative action as in *United States v. Los Angeles R.R.*, 273 U.S. 299; cf. *Rochester Telephone Corp. v. United States*, *supra*, 130. As the Court declared in the *Los Angeles* case, 309, 310, reviewable orders are "an exercise either of the quasi-judicial function of determining controversies or of the delegated function of rate making and rule making." And the Court pointed out that the "so-called order" in that case did not "determine any right or obligation" or change the plaintiff's "existing or future status or condition," and that it was "merely the formal record of conclusions reached after a study of data collected in the course of extensive research conducted by the Commission" and "is the exercise solely of the function of investigation."

Here the Commission exercised its rule-making power by adopting regulations whose operation is not made subject to future administrative determinations, save only as the Commission may be called on to decide in any given case whether a station's con-

tract with a network is within the regulations. The regulations' applicability to all who are within their terms does not depend upon future administrative action. Instead they operate to control such action and to determine in advance the rights of others affected by it. The Commission gave its own recognition that such is their operation by its successive postponements of the effective date of the order for a period now expired, and by its suspension of Regulations 3.106 and 3.107, in order to enable the networks to dispose of their properties.

Of course the Commission was at liberty to follow a wholly different procedure. Instead of proclaiming general regulations applicable to all licenses, in advance of any specific contest over a license, it might have awaited such a contest to declare that the policy which these regulations embody represents its concept of the public interest. As a matter of sound administrative practice, both the rule-making proceeding and the specific license proceeding undoubtedly have much to commend them. But they are by no means the same, nor do they necessarily give rise to the same kind of judicial review. Having adopted this order under its rule-making power, the Commission cannot insist that the appellant be relegated to that judicial review which would be exclusive if the rule-making power had never been exercised and consequently had never subjected appellant to the threatened irreparable injury.

The court below assumed that if appellant had any equitable cause of action, it must be prosecuted in an ordinary suit and not under the provisions of the Urgent Deficiencies Act. But we think this mistakes both the nature of the regulations and the purpose of suits under that Act, as incorporated in sec. 402(a). Such a cause of action obviously can arise only because of the operation of the regulations. The regulations are the effective implement by which the injury complained of is wrought, and hence must be the object of the attack. It is because they are an exercise of the rule-making power, and because they presently determine rights on the basis of which the Commission is required to withhold licenses and authorized to cancel them, that there is an order within the meaning of sec. 402(a) and the Urgent Deficiencies Act.

The Commission argues that since its Report characterized the regulations as announcements of policy, the order promulgating them is no more subject to review than a press release similarly announcing its policy. Undoubtedly regulations adopted in the exercise of the administrative rule-making power, like laws enacted by legislatures, embody announcements of policy. But they may be something more. When, as here, the regulations are avowedly adopted in the exercise of that power, couched in terms of command and accompanied by an announcement of the Commission that the policy is one "which we will follow in exercising our licensing power," they must be taken by those entitled to rely upon them as what they purport to be—an exercise of the delegated legislative power—which, until amended, are controlling alike upon the Commission and all others whose rights may be affected by the Commission's execution of them. The Commission's contention that the regulations are no more reviewable than a press release is hardly reconcilable with its own recognition that the regulations afford legal basis for cancellation of the license of a station if it renews its contract with appellant.

Appellant's standing to maintain the present suit in equity is unaffected by the fact that the regulations are not directed to appellant and do not in terms compel action by it or impose penalties upon it because of its action or failure to act. It is enough that, by setting the controlling standards for the Commission's action, the regulations purport to operate to alter and effect adversely appellant's contractual rights and business relations with station owners whose applications for licenses the regulations will cause to be rejected and whose licenses the regulations may cause to be revoked. *Chicago Junction Case*, 264 U.S. 258, 266-68; *Western Pacific v. South. Pac. Co.*, *supra*; *Claiborne-Annapolis Ferry Co. v. United States*, *supra*; compare, in the case of an attack upon the validity of a statute, *Truax v. Raich*, 239 U.S. 33, 38-39; *Pierce v. Society of Sisters*, 268 U.S. 510.

What we have said of the allegations of the complaint, and of the effect of the Commission's order if those allegations are sustained upon the trial, is enough to establish the threat of irreparable injury to appellant's business and to show also that the injury can not be avoided, as the Commission suggests, by appellant's

SUPREME COURT OF THE  
UNITED STATES

No. 1026—October Term, 1941

Columbia Broadcasting System,  
Inc., Appellant,

vs.

The United States of America,  
Federal Communications Com-  
mission and Mutual Broadcast-  
ing System, Inc.

Appeal from the District  
Court of the United  
States for the Southern  
District of New York.

June 1, 1942

Mr. Justice Frankfurter dissenting.

The criteria governing judicial review of "orders" under the Urgent Deficiencies Act were defined by a unanimous Court in *United States v. Los Angeles R. R.*, 273 U. S. 299, 309-10: "The so-called order here complained of is one which does not command the carrier to do, or to refrain from doing, any thing; which does not grant or withhold any authority, privilege or license; which does not extend or abridge any power or facility; which does not subject the carrier to any liability, civil or criminal; which does not change the carrier's existing or future status or condition; which does not determine any right or obligation." If "broadcasting company" were substituted for "carrier", this analysis of the legal consequences of the action of the Interstate Commerce Commission in the *Los Angeles* case would fit perfectly the legal consequences of the action of the Federal Communications Commission in making public the challenged regulations.

The fact that an action of an administrative agency occasions even irreparable loss does not in itself afford sufficient grounds for judicial review. Even if the Commission committed a wrong, the question of judicial reviewability still remains that put in the *Los Angeles* case, 273 U. S. at 313, to wit, is it "a wrong for which Congress provides a remedy under the Urgent Deficiencies Act" of October 22, 1913, 38 Stat. 208, 219, as incorporated in §402 (a) of the Communications Act of 1934?

For Congress has not authorized resort to the federal courts merely because someone feels aggrieved, however deeply, by an action of the Federal Communications Commission. A District Court of the United States can take a case only when Congress has authorized that type of case to be taken. Congress did not leave opportunity for reviewing damaging action by the Federal Communications Commission to the general equity powers of the district courts. It circumscribed the power of the courts in relation to the Commission in the most detailed way. Its incorporation by reference, in the Communications Act of 1934, of the scope of review allowed in reviewing an "order" of the Interstate Commerce Commission gave all the precise, definite, and technical boundaries which the concept of a reviewable "order" had acquired through the decisions of this Court prior to the enactment of the Communications Act. The precise requirements of an "order" of the Commission for purposes of judicial review are therefore as inflexible as though they were written into the Act itself.

Our problem, then, is this: Does the issuance of the chain broadcasting regulations constitute an "order" reviewable in a proceeding brought under § 402(a) of the Communications Act, in the light of the settled rules for determining what such an "order" is when a determination of the Interstate Commerce Commission is made the basis of judicial review. It is therefore necessary to put out of mind what this case is not. It is not the invocation of equity jurisdiction in order to avoid threatened irreparable harm resulting from the criminal enforcement of an unconstitutional statute, as in *Pierce v. Society of Sisters*, 268 U. S. 510. Nor do we have here a resort to equity because it is essential for the protection of asserted rights that criminal prosecutions unauthorized by law be restrained, as in *Shields v. Utah Idaho R. Co.*, 305 U. S. 177, 183.

intervention in proceedings upon application for renewal of licenses by its affiliates or in proceedings to cancel their licenses, if and when such proceedings are instituted. Appellant has sufficiently alleged that the affiliates are cancelling or threatening to cancel their contracts in order to conform to the regulations. It is to avoid the irreparable injury which would result from such wholesale cancellations of its contracts, induced by the force of the regulations, that appellant makes its attack on them now rather than in later proceedings on the individual applications for licenses in those cases, if any, in which the stations are willing to seek licenses without complying with the prerequisites laid down by the regulations.

The issues in such a proceeding are not necessarily the same as the issues here. Intervention in it would afford appellant no assurance either of an adjudication of appellant's contentions or that the action of other stations would be governed by it. Moreover, if the Commission's order is as we hold a reviewable order, appellant is free to seek review under sec. 402(a). It is not thereby, as the court below seemed to think, improperly substituting a different procedure and court for that which Congress has prescribed for the trial of like issues so far as they may be raised on review of an order denying a license. Such issues may likewise be involved in a proceeding, upon the Commission's own motion, for modification or cancellation of a license, which concededly is reviewable under sec. 402(a). See *Scripps-Howard Radio, Inc. v. Federal Communications Commission, supra*. But review of the order by a licensee in such a proceeding affords no adequate remedy. If ever instituted, which is uncertain, it would come too late to save appellant from the injury wrought by the outlawry of its contracts.

Nor does the Commission's minute, filed after the present suit was brought, afford an adequate basis for requiring appellant to seek relief by intervention in a proceeding on application for a license reviewable under sec. 402(b). In that event the minute would not operate to broaden the issues involved in the renewal application. Nor would it afford a basis for restraining enforcement of the regulations as to other affiliated stations, pending adjudication of the validity of the regulations. Without full exploration of the subject, such as can be had only at the trial, we cannot say that the minute will afford a sufficient inducement to persuade the affiliated stations to cease cancellations and assume the initiative in litigating the validity of the regulations and of the contracts which they undertake to condemn. The affidavit filed in the court below on the application for a stay is to the contrary. And in any case we are of the opinion that there are no equitable principles by which the right of appellant, upon the showing made by its complaint and affidavit, to test the order under sec. 402(a) can justly be suspended to await action which the station owners may or may not take in assuming the burden of challenging the regulations.

We need not stop to discuss here the great variety of administrative rulings which, unlike this one, are not reviewable—either because they do not adjudicate rights or declare them legislatively, or because there are adequate administrative remedies which must be pursued before resorting to judicial remedies, or because there is no occasion to resort to equitable remedies. But we should not for that reason fail to discriminate between them and this case in which, because of its peculiar circumstances, all the elements prerequisite to judicial review are present. The ultimate test of reviewability is not to be found in an overrefined technique, but in the need of the review to protect from the irreparable injury threatened in the exceptional case by administrative rulings which attach legal consequences to action taken in advance of other hearings and adjudications that may follow, the results of which the regulations purport to control.

We conclude that the Commission's promulgation of the regulations is an order reviewable under sec. 402(a) of the Act, and that the bill of complaint states a cause of action in equity. The stay now in effect will be continued, on terms to be settled by the court below.

*Reversed.*

Mr. Justice Black took no part in the consideration or decision of this case.

In promulgating these regulations the Communications Commission merely announced its conception of one aspect of the public interest, namely, the relationship of certain provisions in network-affiliation contracts to the obligation of a station licensee to render the most effective service to the listening public. The regulations themselves determine no rights. They alter the status of neither the networks nor licensees. As such they require nobody—neither the networks, the licensees, nor the Commission—to do anything. They are merely an announcement to the public of what the Commission intends to do in passing upon future applications for station licenses. No action of the stations or the networks can violate the regulations, for there is nothing the regulations require them to do or refrain from doing.

Announcements of general policies intended to be followed by administrative agencies customarily take any one of various forms. Sometimes they are noted in the agency's annual report to Congress, sometimes in a public announcement or press release, and sometimes, as was the case here, they are published as "rules" or "regulations". See Final Report of the Attorney General's Committee on Administrative Procedure (1941), pp. 26-27. But whatever form such announcements may take, their nature and effect is the same. The reason why the Commission formulated its chain broadcasting policy in the form of a "regulation" is given in its report: "We believe that the announcement of the principles we intend to apply in exercising our licensing power will expedite business and further the ends of justice. . . . Good administrative practice would seem to demand that such a statement of policy or rules and regulations be promulgated wherever sufficient information is available upon which they may be based." Report on Chain Broadcasting, Federal Communications Commission, Order No. 37, Docket No. 5060, p. 85.

With respect to its jurisdiction over matters relating to radio broadcasting, the Communications Commission is essentially a licensing agency. Its regulatory power over the industry is derived, for the most part, from its authority to grant and withhold station licenses. Under § 309 of the Communications Act of 1934 the Commission is required to examine each application for a station license and to determine in each case whether a grant would serve public interest, convenience, or necessity. As was noted in *Federal Communications Commission v. Pottsville Broadcasting Co.*, 309 U. S. 134, 138, the Act "expresses a desire on the part of Congress to maintain, through appropriate administrative control, a grip on the dynamic aspects of radio transmission." To that end Congress established an administrative procedure under which the Commission must make a specific determination in each case whether the public interest would be served by granting the particular application before it. No announcement of general licensing policy can relieve the Commission of its statutory obligation to examine each application for a license and determine whether a grant or denial is required by the public interest.

The Commission recognized this fact in issuing these regulations. It explicitly stated that a determination of the requirements of the public interest will, in spite of the regulations, still have to be made in passing upon particular applications: "Announcements of policy may take the form of regulations or of general public statements. In either case, the applicant's right to a hearing on the question whether he does in fact propose to operate in the public interest is fully preserved. The regulations we are adopting are nothing more than the expression of the general policy we will follow in exercising our licensing power. The formulation of a regulation in general terms is an important aid to consistency and predictability and does not prejudice any rights of the applicant." Report on Chain Broadcasting, *supra*, p. 85.

Subsequent to the promulgation of the regulations, the Commission found that substantial modifications were necessary. In its supplemental report on these amendments the Commission gave further evidence of the flexible nature of the regulations: "The Commission stands ready at all times to amend and modify its regulations upon the petition of any network, national or regional, or any station or group of stations if it can be shown that those regulations prevent profitable network operations, or unduly disturb any aspect of broadcasting, or that because of special or changed circumstances the chain broadcasting regulations should not be

applicable to any particular situation." Moreover, in its Minute of October 31, 1941, designed primarily to protect the interests of station licensees who contest the validity of the regulations, the Commission again made it abundantly clear that the regulations were not final: "If a station wishes to contest the validity of the Chain Broadcasting Regulations . . . , or the reasonableness of their application to the particular station, its license will be set for hearing."

The regulations do not, therefore, commit the Commission to any definitive course of action in passing upon applications for licenses. Consistently with the regulations (and, parenthetically, consistently with the authority of the Commission to depart from general regulations where such departure is in the public interest, see *Radio Commission v. Nelson Bros. Co.*, 289 U. S. 266, 285), the Commission is free to dilute them with amendments and exceptions. The construction of the regulations and their application to particular situations is still in the hands of the Commission. Administrative adjudication is still open. Before its completion it is not ripe for judicial review.

The characteristics of the administrative determinations in all the cases on which the Court's opinion relies were wholly different. In each one the force of the law either through criminal prosecution or injunction or fine or some other judicial remedy could immediately be brought to bear to enforce the command of the administrative agency. In none of the cases was an administrative action held reviewable which in itself entailed no immediate legal consequences.

Thus, in the *Assigned Car Cases*, 274 U. S. 564, suit was brought under the Urgent Deficiencies Act to annul an order of the Interstate Commerce Commission prescribing for all railroads within its jurisdiction a rule governing distribution of cars for the transportation of bituminous coal. Under § 402 of the Transportation Act of 1920, 41 Stat. 456, 476, 49 U. S. C. § 1 (12) (14), the carriers were required "to make just and reasonable distribution of cars," and the Commission was authorized to "establish reasonable rules, regulations, and practices with respect to car service by carriers by railroad." Failure of a carrier to comply with such regulations issued by the Commission was declared unlawful, subjecting the carrier to a fine of \$100 for each offense. Since the order of the Commission commanded carriers to take specified actions, and since the failure to comply with the order would bring immediate legal sanctions, the order was held reviewable.

Similarly, in *United States v. B. & O. R. Co.*, 293 U. S. 454, the Interstate Commerce Commission required railroads subject to its jurisdiction to equip locomotives with a suitable type of power-operated reverse gear. The Boiler Inspection Act, 36 Stat. 913, 916, expressly provided that violation by a carrier of any rule or regulation issued by the Commission under the Act was punishable by a fine recoverable in a civil action. A suit under the Urgent Deficiencies Act to set aside the Commission's order was therefore entertained.

*A. T. & T. Co. v. United States*, 299 U. S. 232, was a suit under § 402(a) of the Communications Act of 1934, the same provision upon which jurisdiction of the present litigation is based, to set aside an order of the Federal Communications Commission prescribing a uniform system of accounts for telephone companies within the Act. Section 220(a) authorized the Commission to prescribe such forms of accounts, and § 220(d) made the failure or refusal of a company to keep accounts in the manner prescribed by the Commission unlawful, punishable by a \$500 forfeiture for each day of the continuance of the offense. Because of the legal sanctions immediately attaching upon its violation, the order was held reviewable.

In *Interstate Commerce Commission v. Goodrich Transit Co.*, 224 U. S. 194, the Commission, under the authority vested in it by § 20 of the Interstate Commerce Act, issued orders prescribing forms of accounts, records, and memoranda and calling for annual reports of carriers by water. Section 20(7) made it unlawful for such carriers to keep any accounts other than those prescribed by the Commission. A suit to set aside the orders was therefore entertained. Similarly, in *Kansas City So. Ry. v. United States*, 231 U. S. 423, suit was brought to annul regulations of the Interstate Commerce Commission prescribing a uniform bookkeeping and accounting system for interstate railway carriers. Since carriers

who failed to keep accounts as ordered by the regulations were subject to penalties under § 20(7) of the Act, jurisdiction was taken. And in *Chicago, R. I. & P. Ry. Co. v. United States*, 284 U. S. 80, the Interstate Commerce Commission prescribed car-hire settlement rules governing use by common carriers of each other's cars. Violation of such rules by carriers was declared unlawful and subject to fines. Consequently, a suit to set aside the rules was entertained.

Of course, the mere fact that an administrative order determines a status does not mean that it is not reviewable. If an administrative determination of status has the effect of subjecting a person to legal obligations, whether embodied in statute or previously formulated administrative commands, or otherwise affecting legal rights, such a determination possesses the elements of a reviewable order. Thus, in *Rochester Tel. Corp. v. United States*, 307 U. S. 125, the Federal Communications Commission had issued orders requiring all telephone carriers subject to the Communications Act of 1934 to file schedules of their charges, copies of contracts with other carriers, etc. Section 203(e) of the Act provides that a carrier which fails or refuses to comply with such rules of the Commission shall forfeit \$500 for each offense, and \$25 for each day of its continuance. After investigation and hearing, the Commission determined that the Rochester Telephone Corporation was a telephone carrier subject to the Act and therefore subject to the previously promulgated general orders directed to carriers within the Commission's jurisdiction. "The order of the Communications Commission in this case was therefore reviewable. It was not a mere abstract declaration of status of the Rochester under the Communications Act, nor was it a stage in an incomplete process of administrative adjudication. The contested order determining the status of the Rochester necessarily and immediately carried direction of obedience to previously formulated mandatory orders addressed generally to all carriers amenable to the Commission's authority. Into this class of carriers the order under dispute covered the Rochester, and by that fact, in conjunction with the other orders, made determination of the status of the Rochester a reviewable order of the Commission." *Rochester Tel. Corp. v. United States*, 307 U. S. at 143-44. Compare *A. F. of L. v. Labor Board*, 308 U. S. 401, 408. Unlike the action taken by the Federal Communications Commission in the *Rochester* case, its action here carried no directions of obedience of any kind to anyone.

It is said that the regulations derive legal effect through § 312(a) giving the Commission authority to revoke licenses, and that "by virtue of the regulations alone", the networks and their affiliates are now subjected to legal detriment. But this is merely another way of phrasing the main contention that the regulations at once and without further action by the Commission release legal sanctions. But the regulations have no such effect. To be sure, the Commission can revoke a station license "because of conditions revealed by such statements of fact as may be required from time to time which would warrant the Commission in refusing to grant a license on an original application". But the Commission may never require a licensee to file a statement of fact under § 312(a); its provisions may therefore never come into operation. In any event, the regulations as such do not subject licensees to any sanctions. A license can be revoked under § 312(a) because of the licensee's failure to operate its station in the public interest, as required by the statute. The regulations adopted by the Commission cannot operate to revoke any licenses. It is only after a proceeding has been started (in which the licensee is entitled to a hearing during which the revocation order is suspended) and adversely concluded against a party that legal sanctions come into play—the Commission can bring proceedings to enforce its order of revocation and, correspondingly, the licensee can bring suit under § 402(a) challenging the validity of the Commission's termination of the license.

Section 502 of the Communications Act provides that the violation of "any rule, regulation, restriction, or condition made or imposed by the Commission under authority of this Act" shall be a criminal offense. Would the renewal by a licensee of its network-affiliation contract subject it to the criminal penalties imposed by

§ 502? Obviously not, for the regulations do not forbid a licensee from taking that or any other action. And, for the same reason, a license could not be revoked under the provision of § 312(a) which authorizes revocation "for violation of or failure to observe . . . any regulation of the Commission authorized by this Act. . . ." If the Commission had issued regulations which ordered licensees to do or refrain from doing something, the problem would be entirely different. Violation by a licensee of such a regulation would be grounds for revocation of its license, under § 312(a), and for the imposition of criminal penalties, under § 502. And, the other requisites being present, such a regulation could be reviewed as a final administrative determination.

This leaves only the suggestion that since the action taken by the Commission, although not the completion of its adjudicatory process, nevertheless drastically affects substantial business interests, it is proper for the courts to intercede at this stage. Even if this argument were to be considered as if it had never before been made to and rejected by this Court, its infirmities are obvious. As a practical matter, the impact upon the business operations of the networks and their affiliated stations would probably be as disturbing as if the policies formulated in the regulation had been expressed through a press release, or if only the report, which is not only the foundation of the regulations but also embodies them, had been published without the regulations which are only the summary of the report, or if Congress itself had incorporated these regulations into the text of the Communications Act. It will hardly be argued that any of these steps could be the subject of judicial review before the Commission acted upon particular applications. But assume that the greater formality given to the announcement of the Commission's statement of policy through the regulations intensified the practical business consequences. Congress has not conferred upon the district courts jurisdiction over "practical business consequences". They can review action of administrative agencies only when there is an "order", and when Congress in § 402(a) made only an "order" of the Communications Commission reviewable, it incorporated the settled doctrine established by an unbroken series of decisions in this Court that the courts could review only a final determination by an agency whereby its process has been concluded.

This is not the first time that the federal courts have been urged to sit in judgment upon "practical business consequences" where the action to be reviewed did not represent the final stage of administrative adjudication. The arguments made in this case have been made in the past but heretofore have always been rejected by this Court. The classic formulation and application of the doctrine of finality as to orders under the Urgent Deficiencies Act was contained in *United States v. Los Angeles R. R.*, 273 U. S. 299. In view of the thoroughness of the argument at the bar, and the weightiness of the opinion, that case has ever since been regarded as furnishing the guideposts in this field of law. It should govern here.

Suit was brought there to annul and enjoin an order of the Interstate Commerce Commission determining the final valuation for rate-making purposes of the Los Angeles & Salt Lake Railroad Company which operated a thousand miles of railroad lines. The valuation fixed by the Commission was \$45,200,000; the carrier claimed that if the Commission had employed proper standards of valuation, the figure would be \$70,000,000, a difference of \$24,800,000. At the time suit was brought approximately 250,000 miles of railroad lines throughout the country were undergoing valuation. The validity of the criteria employed by the Commission in the case of the Los Angeles & Salt Lake Railroad Company was therefore of enormous national significance. In the words of Commissioner Eastman. "This case deals with an issue of greater moment to the country than any that we have ever determined." 75 I. C. C. 523. These issues involving practically every phase of valuation law, were canvassed in an adversary proceeding before the Commission lasting nearly a year and a half, resulting in a report of one hundred and forty pages, and expressed in a formal "order" of ten pages. Counsel for the railroad company there, as do counsel for the broadcasting company here,

relied upon the practical finality of the order as a basis for review: "As a practical matter, the Commission in any and all proceedings in which it has occasion to use this valuation will give it not *prima facie* but conclusive effect. In the valuation proceeding before the Commission which resulted in this order petitioner introduced its evidence of the value of the properties and the proceeding resulted in a valuation greatly at variance with the evidence and contentions of petitioner. No greater effect will be given to evidence which petitioner may introduce in some future proceeding before the Commission in an attempt to overcome the *prima facie* effect accorded by the Act to this valuation order. Therefore, unless and until set aside and annulled, this valuation will stand as a continuing menace against petitioner, and may be repeatedly used to petitioner's prejudice in rate, division, consolidation, security-issue and recapture proceedings." Brief for Appellee, pp. 64, 65.

The Court specifically referred to this argument of counsel: "One [argument in support of jurisdiction] is that since the Commission has by reason of errors of law and of judgment grossly undervalued the property, its report will, unless suppressed, injure the credit of the carrier with the public." Finding, however, that the order did not finally determine any legal rights, the Court refused review: "Its [the Commission's] conclusions, if erroneous in law, may be disregarded. But neither its utterances, nor its processes of reasoning, as distinguished from its acts, are a subject for injunction." 273 U. S. at 314-15.<sup>1</sup>

To argue that irreparable injury implies reviewability is in effect to contend that there must be a remedy because the plaintiff claims serious damage. But in these situations—in reviewing "orders" under the Urgent Deficiencies Act—federal courts can give a remedy only to enforce a legal right, and a legal right cannot be derived merely by concluding that a particular claim of hardship should afford a remedy. While formally we may appear to be dealing with technicalities, behind these considerations lie deep issues of policy in the division of authority as between administrative agencies and courts in carrying out the constitutional will of Congress. The source of the misconception underlying the claim for equitable relief in this case is the assumption that this is merely an ordinary invocation of equity, as though it were a controversy between two litigants of which only the courts are or can be seized. What we are here concerned with is due regard for the proper distribution made by Congress of legal authority as between two law-enforcing agencies of government, the administrative and the judicial. See *United States v. Morgan*, 307 U. S. 183, 190-91; *Federal Communications Commission v. Pottsville Broadcasting Co.*, 309 U. S. 134.

This case illustrates anew the influence of a particular instance of felt hardship in derailing legal principles from customary tracks. But this is not an isolated case. If threatened damage through general pronouncement of policy for future administrative action, to equitable review apart from the rule that judicial review is premature because of want of administrative finality, the same basis of irreparable harm which is here equated to jurisdiction will bear rich litigious fruit in the case of "regulations" issued by the Securities and Exchange Commission which are damaging in their immediate repercussions to stock exchange and holding companies, or regulations announced by the Treasury for the guidance of taxpayers but which adversely affect business interests, or regulations by the Federal Power Commission, etc. Suppose, for example, that the Commissioner of Internal Revenue issues a ruling that profits derived by radio stations from their network operations are subject to a tax deemed by them onerous and illegal. Could a network successfully bring a suit in equity prior to the imposition of such taxes to invalidate the ruling on the ground that its practical consequence was the cancellation of or refusal

<sup>1</sup>To the same effect is *United States v. Illinois Cent. R. R. Co.*, 244 U. S. 82. There the Interstate Commerce Commission issued an order fixing the time and place for hearing complaints made by various coal companies seeking damages against railroads for failing to supply a sufficient number of coal cars for their shipping needs. The railroads brought suit under the Urgent Deficiencies Act to annul this order, alleging that unless the hearing were restrained, the railroads would be put to enormous expense and inconvenience. The Court held that the notice of hearing "had no characteristics of an order affirmative or negative", and since it "was a mere incident in the proceeding", the suit could not be entertained. 244 U. S. at 89.

to renew network affiliations? One had supposed that the answer was clearly no. But surely in principle the problem is essentially that of the cases before us.

A final consideration remains. We are not dealing with the reviewability of administrative orders *in vacuo*. The reviewability of an order of the Federal Communications Commission depends upon the statutory scheme of judicial review embodied in § 402 of the Communications Act of 1934. Therefore, even if the regulations could be deemed to possess the essential attributes of a reviewable order, it would not inevitably follow that the order is reviewable in the manner provided for by § 402(a) of the Act. The scope and historical background of the provisions for judicial review contained in the Communications Act of 1934 have too recently been canvassed, see *Scripps-Howard Radio, Inc. v. Federal Communications Commission*, — U. S. —; *Federal Communications Commission v. Columbia Broadcasting System*, 311 U. S. 132; *Federal Communications Commission v. Pottsville Broadcasting Co.*, 309 U. S. 134, to require detailed consideration here. Briefly, the Act created two avenues by which orders of the Federal Communications Commission were open to review by the federal courts. Under § 402(a), incorporating the provisions of the Urgent Deficiencies Act of October 22, 1913, 38 Stat. 208, 219, relating to judicial review of orders of the Interstate Commerce Commission, a suit to enforce, set aside, annul, or suspend an order of the Federal Communications Commission may be brought in a specially constituted district court, with a right of direct appeal to this Court, only if the order does not fall within the exceptions enumerated by § 402(b), namely, orders granting or denying applications for station licenses or construction permits and for renewal or modification of licenses. Review of the orders comprehended within § 402(b) is available only through an appeal to the Court of Appeals for the District of Columbia, with no right of direct appeal to this Court.

If the regulations do constitute an order, what kind of an order can it be? It must be in the nature of a blanket denial, operating *in futuro*, to be sure, of applications for renewal of station licenses. But the Act expressly precludes judicial review of orders denying renewal applications of licenses in any manner other than that prescribed by § 402(b), to wit, by an appeal to the Court of Appeals for the District of Columbia. As the court below held, the effect of taking jurisdiction in these cases is to substitute a different court and a different procedure for those specified by Congress. This Court has not in the past displayed such an indifference to the particularities of legislation defining the jurisdiction of the lower federal courts. On the contrary, only last Term did the Court insist upon strict compliance with the statutory scheme for judicial review established by the Communications Act of 1934. See *Federal Communications Commission v. Columbia Broadcasting System*, 311 U. S. 132.

Even if we were free to disregard the scheme for judicial review which Congress has established, I could not agree that an appeal under § 402(b) would not be an adequate means for testing the claims made in the present litigation. There is essentially only one issue on the merits in this proceeding, namely, whether the adoption by the Commission of the policies expressed in the regulations transgresses its statutory and constitutional authority. But this issue could be raised and fully determined in an appeal under § 402(b) from an order denying a renewal application. Indeed, in its Minute of October 31, 1941, the Commission explicitly stated that the validity of the regulations could be put in issue in a renewal proceeding. If anything, therefore, the issues in an appeal under § 402(b) would be broader and not narrower than the issues here. Moreover, since the reasonableness of the application of the regulations to the particular situation would also be in issue in the renewal proceeding, the reviewing court would have before it a record containing elements of concreteness and particularity not present in the record now before us.

The Commission's Minute enables a licensee to contest the validity of the regulations, or the reasonableness of applying them to the particular case, without fear of losing its license. "In order to insure that the station may remain on the air and be in no way injured by any such Commission proceeding [contesting the validity of the regulations] and appeal to court from a decision in such proceeding, the Commission will grant such licensee a temporary

extension of its license, with renewals from time to time until there has been a final determination of the issues raised at such hearing. In the event of such litigation, and if the validity of the application of the Chain Broadcasting Regulations to such licensee is sustained by the courts, the Commission will nevertheless grant a regular license to the licensee, otherwise entitled thereto, who has unsuccessfully litigated that issue, if the licensee thereupon conforms to the decision."

Plainly, therefore, a licensee is under no compulsion to cancel or modify its affiliation contract. Licensees who regard the regulations as invalid are free to continue their existing contracts and at the same time challenge the regulations in the orderly manner provided by the Act—and without any danger of losing their right to continue broadcasting. Similarly, the interests of the networks may be protected through intervention in renewal proceedings. Under the Commission's procedure, Rule 1.102 of the Rules of Practice and Procedure, where a renewal application is designated for hearing because of the licensee's contractual arrangements with others, the latter are customarily permitted to intervene. See, for example, Application of E. J. Regan and F. Arthur Bostwick, Docket No. 5788; Application of John H. Stenger, Jr., Docket No. 5430; Application of Ocala Broadcasting Co., Docket No. 6000; Application of Panama City Broadcasting Co., Docket No. 6001.

We need go no farther than this litigation to perceive the unfortunate effects of premature judicial review. The chain broadcasting regulations were issued on May 2, 1941, more than a year ago. They were adopted by the Commission as a consequence of its finding, after an investigation lasting more than three years, that certain features of network-affiliation contracts prevented licensees from effectively discharging their obligation to render the fullest service to the listening public. The policy formulated by the Commission may or may not be wise—that is not our concern. But we cannot blink the fact that this litigation

has for more than a year prevented the Commission from testing by experience the practical wisdom of a policy found by it to be required by the public interest. The commencement of a proceeding under § 402(b) would not have presented the jurisdictional problems present in this proceeding. Surely those desirous of a speedy adjudication of the issue of the validity of the regulations were aware that the commencement of a proceeding under § 402(a) would not produce a prompt adjudication on the merits, but that it would instead result in postponing for a considerable period the effective date of the regulations, with all the contingent advantages afforded by such postponement.

Hardship there may well come through action of an administrative agency. But to slide from recognition of a hardship to assertion of jurisdiction is once more to assume that only the courts are the guardians of the rights and liberties of the people. In denying that it had power to review the action of the Federal Communications Commission because that body had not yet determined a legal right, the court below, as Judge Learned Hand's opinion abundantly proves, was not respecting a rule of etiquette. On the contrary, it merely recognized that the federal courts are entrusted with the correction of administrative errors or wrongdoing only to the extent of Congressional authorization. To say that the courts should reject the doctrine of administrative finality and take jurisdiction whenever action of an administrative agency may seriously affect substantial business interests, regardless of how intermediate or incomplete the action may be, is, in effect, to imply that the protection of legal interests is entrusted solely to the courts. The unbroken current of this Court's decisions in construing the scope of judicial review under the Urgent Deficiencies Act, and which is the only warrant for jurisdiction in this case, repels such a contention. The decision should therefore be affirmed.

Mr. Justice Reed and Mr. Justice Douglas join in this dissent.

# NORTH DAKOTA

## Estimated Radio Homes, 1940

Number of Occupied Dwelling Units as reported by U. S. Bureau of the Census in advance release, Series H-7. Percent radio-equipped calculated from Series H-7 Bulletin following the Census Bureau practice. Number of radio units, or radio homes, estimated by applying percent ownership to those units not answering radio question and adding such to those reporting radio.

County	All Units			Urban Units			Rural-Nonfarm Units			Rural-Farm Units		
	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units
Adams.....	1,149	87.7	1,008	.....	.....	.....	499	88.5	442	650	87.1	566
Barnes.....	4,446	91.0	4,044	1,642	93.7	1,538	896	88.5	793	1,908	89.8	1,713
Benson.....	2,828	88.5	2,504	.....	.....	.....	1,257	84.6	1,063	1,571	91.7	1,441
Billings.....	562	75.9	427	.....	.....	.....	98	77.3	76	464	75.7	351
Bottineau.....	3,351	87.3	2,926	.....	.....	.....	1,365	84.8	1,158	1,986	89.0	1,768
Bowman.....	1,033	81.9	845	.....	.....	.....	465	80.7	375	568	82.8	470
Burke.....	1,989	88.7	1,764	.....	.....	.....	905	89.5	810	1,084	88.0	954
Burleigh.....	5,472	92.3	5,051	3,907	94.6	3,697	375	85.5	321	1,190	86.8	1,033
Cass.....	13,222	94.8	12,538	8,618	95.7	8,247	2,032	91.6	1,860	2,572	94.5	2,431
Cavalier.....	3,118	87.2	2,720	.....	.....	.....	1,141	87.8	1,002	1,977	86.9	1,718
Dickey.....	2,375	87.6	2,080	.....	.....	.....	1,175	87.0	1,022	1,200	88.2	1,058
Divide.....	1,878	90.1	1,691	.....	.....	.....	730	87.8	641	1,148	91.5	1,050
Dunn.....	1,814	79.7	1,445	.....	.....	.....	508	82.7	420	1,306	78.5	1,025
Eddy.....	1,363	91.5	1,247	.....	.....	.....	671	92.8	623	692	90.2	624
Emmons.....	2,268	80.0	1,814	.....	.....	.....	915	76.6	701	1,353	82.2	1,113
Foster.....	1,394	89.9	1,254	.....	.....	.....	770	88.8	684	624	91.3	570
Golden Valley.....	896	87.5	784	.....	.....	.....	419	88.0	369	477	87.1	415
Grand Forks.....	8,616	93.1	8,018	5,313	94.9	5,041	1,144	87.1	996	2,159	91.7	1,981
Grant.....	1,802	76.7	1,382	.....	.....	.....	573	77.2	442	1,229	76.5	940
Griggs.....	1,410	88.6	1,250	.....	.....	.....	563	89.2	502	847	88.3	748
Hettinger.....	1,622	83.1	1,348	.....	.....	.....	655	84.8	556	967	81.9	792
Kidder.....	1,507	85.5	1,289	.....	.....	.....	560	83.9	470	947	86.5	819
LaMoure.....	2,388	87.9	2,098	.....	.....	.....	1,060	85.5	906	1,328	89.7	1,192
Logan.....	1,574	80.3	1,264	.....	.....	.....	585	76.5	447	989	82.6	817
McHenry.....	3,355	85.6	2,873	.....	.....	.....	1,451	84.9	1,232	1,904	86.2	1,641
McIntosh.....	1,995	78.1	1,559	.....	.....	.....	959	75.2	721	1,036	80.9	838
McKenzie.....	2,179	84.3	1,837	.....	.....	.....	644	84.0	541	1,535	84.5	1,296
McLean.....	3,806	83.5	3,179	.....	.....	.....	1,520	82.6	1,256	2,286	84.1	1,923
Mercer.....	2,075	78.1	1,620	.....	.....	.....	1,009	79.5	802	1,066	76.7	818
Morton.....	4,482	89.3	3,994	1,593	94.7	1,508	1,126	82.0	923	1,763	88.7	1,563
Mountrail.....	2,679	86.6	2,320	.....	.....	.....	1,073	87.3	937	1,606	86.1	1,383
Nelson.....	2,185	90.3	1,972	.....	.....	.....	959	90.9	871	1,226	89.8	1,101
Oliver.....	824	85.7	706	.....	.....	.....	181	87.1	158	643	85.3	548
Pembina.....	3,625	89.3	3,236	.....	.....	.....	1,782	85.8	1,530	1,843	92.5	1,706
Pierce.....	1,993	86.1	1,716	.....	.....	.....	862	83.2	717	1,131	88.3	999
Ramsey.....	3,714	93.1	3,458	1,544	94.2	1,455	752	88.6	666	1,418	94.3	1,337
Ransom.....	2,449	90.9	2,227	.....	.....	.....	1,200	90.7	1,089	1,249	91.1	1,138
Renville.....	1,461	91.5	1,337	.....	.....	.....	538	91.5	492	923	91.6	845
Richland.....	4,867	91.5	4,452	982	95.7	940	1,458	88.6	1,292	2,427	91.5	2,220
Rolette.....	2,663	71.3	1,898	.....	.....	.....	900	84.8	763	1,763	64.4	1,135
Sargent.....	2,120	88.1	1,869	.....	.....	.....	881	85.2	751	1,239	90.2	1,118
Sheridan.....	1,484	86.6	1,285	.....	.....	.....	507	80.9	410	977	89.6	875
Sioux.....	942	71.2	671	.....	.....	.....	484	71.2	345	458	71.3	326
Slope.....	746	84.5	630	.....	.....	.....	225	92.3	208	521	81.1	422
Stark.....	3,396	86.2	2,927	1,485	89.5	1,329	649	77.3	502	1,262	86.9	1,096
Steele.....	1,425	87.7	1,249	.....	.....	.....	470	85.8	403	955	88.6	846
Stutsman.....	5,166	90.5	4,677	2,245	94.8	2,129	889	83.3	741	2,032	88.9	1,807
Towner.....	1,755	90.3	1,583	.....	.....	.....	776	88.2	684	979	91.8	899
Traill.....	2,897	91.2	2,642	.....	.....	.....	1,442	89.9	1,278	1,475	92.5	1,364
Walsh.....	4,555	88.1	4,015	762	95.9	731	1,267	83.9	1,063	2,526	87.9	2,221
Ward.....	8,139	91.8	7,471	4,393	95.2	4,181	1,485	87.1	1,293	2,261	88.3	1,997
Wells.....	2,682	91.1	2,442	.....	.....	.....	1,248	90.1	1,124	1,434	91.9	1,318
Williams.....	4,307	88.3	3,801	1,585	91.4	1,449	946	87.1	824	1,776	86.0	1,528
State Total.....	152,043	88.4	134,437	34,069	94.6	32,245	47,024	85.7	40,295	70,950	87.2	61,897

### Cities of 25,000 or More Population

City	County	Units	% Radio	Radio Units
Fargo.....	Cass	8,618	95.7	8,247

## FEDERAL COMMUNICATIONS COMMISSION

### FOREIGN LANGUAGE "TIME BROKERS"

The FCC has directed its staff to ascertain the activities of "time brokers" in foreign language broadcasts over domestic radio stations. A letter requesting full information in this respect is to be addressed to licensees using their facilities for broadcast programs in foreign tongues.

Approximately 210 standard broadcast stations in this country have foreign language programs, and it is estimated that nearly half of these sell time to "brokers". These "brokers" are not station employees, but rather are independent contractors, apparently independent of any one station for their livelihood. In general, they obtain blocks of time over a given station and arrange their foreign language programs, selling on their own account spot announcements for use during their allotted time. Many act as their own announcers and seem to enjoy large followings among foreign-born listeners.

The FCC seeks to learn which "brokers" operate over which stations; the precise relationship existing between the "brokers" and their respective stations; the titles of the programs aired; the nature of the programs; and whether in the opinion of the licensee there are objections to, or useful functions for, the broker system. Copies of contracts and agreements concerning the operations of the brokers and stations in connection with the foreign language programs are to be filed with the Commission.

### NEW ASSISTANT TO CHAIRMAN

Peter Shuebruk entered upon his duties today as the new Assistant to the Chairman, succeeding Robert G. Seaks (now a Lt., j. g., U. S. N.).

Son of Walter and Alice (Linnell) Shuebruk, he was born at Hull, Mass., on June 24, 1912. He attended Cohasset High School for four years and Phillips Exeter for one year. In 1933 he graduated summa cum laude from Harvard College and then went to England for a year's study at Oxford, under the Julia Henry Fellowship. He received his LL.B. degree in 1937 from Harvard Law School, magna cum laude, where he was an editor of the Harvard Law Review.

Since graduation he has been associated with the Boston law firm of Ropes, Gray, Best, Collidge and Rugg. He married Eileen Edwards of Cohasset, Mass., in 1935. They have one daughter, Susan L., aged three years.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

### HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, June 8. They are subject to change.

#### Monday, June 8

NEW—Mosby's Incorporated, Anaconda, Mont.—C. P., 1230 kc., 250 watts, unlimited.

#### Consolidated Hearing

NEW—The Constitution Broadcasting Co., Atlanta, Ga.—C. P., 550 kc., 1 KW night, 5 KW day, DA-night, unlimited.

NEW—Bob Jones College, Inc., Cleveland, Tenn.—C. P., 550 kc., 1 KW night, 5 KW day, DA-night, unlimited.

Tuesday, June 9

NEW—Chambersburg Broadcasting Company, Chambersburg, Pa.—C. P., 1340 kc., 250 watts, unlimited.

Wednesday, June 10

WRAL—Capitol Broadcasting Co., Inc., Raleigh, N. C.—C. P., 850 kc., 1 KW night, 5 KW day, DA-night, unlimited.

#### Further Consolidated Hearing

WICA—WICA, Incorporated, Ashtabula, Ohio—C. P., 970 kc., 1 KW night, 5 KW day, unlimited, DA-night.

WWSW—Walker & Downing Radio Corporation, Pittsburgh, Pa.—C. P., 970 kc., 5 KW, unlimited, DA-day and night.

WPRP—Julio M. Conesa, Ponce, Puerto Rico—C. P., 1480 kc., 1 KW night, 5 KW day, unlimited.

WPRP—Julio M. Conesa, Ponce, Puerto Rico—Modification of Construction Permit, 1520 kc., 1 KW night, 5 KW day, unlimited.

WPRP—Julio M. Conesa, Ponce, Puerto Rico—Renewal of License, 1420 kc., 250 watts, unlimited.

Thursday, June 11

WRUF—University of Florida, Gainesville, Fla.—C. P., 850 kc., 5 KW, DA-night, unlimited.

WSOO—Hiawathaland Broadcasting Co., Sault Ste. Marie, Mich.—Renewal of License, 1230 kc., 100 watts night, 250 watts day, unlimited.

Friday, June 12

#### Further Hearing

NEW—A. M. Burton, Nashville, Tenn.—C. P., 1410 kc., 1 KW, DA-day and night, unlimited.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

WALL—Community Broadcasting Corp., Middletown, N. Y.—Granted modification (B1-MP-1537) of construction permit for new station to operate on 1340 kc., 250 watts, unlimited time, for approval of transmitter and studio sites, approval of antenna and change type of transmitter.

WHK—WHKC-WCLE—The Plain Dealer Publishing Co. (Transferor); The Forest City Publishing Co. (Transferee); United Broadcasting Co. (Licensee), Cleveland, Ohio; Columbus, Ohio; Cleveland, Ohio—Granted consent (B2-TC-289) to transfer control of United Broadcasting Company from the Plain Dealer Publishing Co. to the Forest City Publishing Co., on condition that no authority contained herein shall be construed as a finding with respect to, or as an approval of any future transfer of control of the licensee arising out of changes in the stockholdings of Forest City Publishing Co. or otherwise.

WJZM—William D. Hudson and Violet Hutton Hudson (Assignors); Roland Hughes (Assignee), Clarksville, Tenn.—Granted voluntary assignment of license (B3-AL-343) for station WJZM, from William D. and Violet Hutton Hudson, to Roland Hughes, for a total consideration of \$26,500.

Western Evergreen Broadcasting Association, Seattle, Wash.—Granted authority (B5-FP-97) to transmit to and exchange with, the Canadian Broadcasting Corporation programs for rebroadcasting.

Blue Network Company, Inc., New York City—Granted authority (B1-FP-98) to transmit programs to Canadian Stations CFCF and CBL and to such other stations in Canada as the Canadian Broadcasting Corp. desires.

The Plain Dealer Publishing Co. (Transferor); The Forest City Publishing Co. (Transferee); United Broadcasting Co. (Licensee), Area of Cleveland, Ohio—Granted consent to relay stations WEHX, WEHU, WEHV, WRPM, from the Plain Dealer Publishing Co. to The Forest City Publishing

Co., on condition that no authority contained herein shall be construed as a finding with respect to, or as an approval of any future transfer of control of the licensee arising out of changes in the stockholdings of Forest City Publishing Co. or otherwise.

W6XLA—Television Productions, Inc., Los Angeles, Cal.—Granted construction permit (B5-PVB-87) for new television relay station (in lieu of B5-MPVB-46, which expired Oct. 15, 1941) to operate on frequencies 204,000-216,000 kc., (Channels 11 and 12), 800 watts peak visual power only, A-5 emission and time of operation in accordance with Sec. 4.4(a).

### MISCELLANEOUS

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Granted license (B4-L-1667) to cover construction permit (B4-P-3063) for new transmitter, install directional antenna for day and night use, increase power to 5 kilowatts, change in hours of operation to unlimited and move transmitter; also authority to determine operating power by direct measurement of antenna power (B4-Z-1400).

WTTM—Trent Broadcast Corp., Trent, N. J.—Granted license (B1-L-1630) to cover construction permit (B1-P-2861, for a new station to operate on 920 kc., 1 kilowatt, unlimited time). Also authority to determine operating power by direct measurement of antenna power (B1-Z-1383).

WASK—WFAN, Inc., Lafayette, Ind.—Granted license (B4-L-1622) to cover construction permit (B4-P-3146, for new station to operate on 1450 kc., 250 watts, unlimited time, subject to condition that permittee shall satisfy legitimate complaints of blanketing within the 250 m/v contour, including external and cross modulation). Also authority to determine operating power by direct measurement of antenna input (B4-Z-1359).

WASK—WFAN, Inc., Lafayette, Ind.—Granted modification of license (B4-ML-1117) to move studio to 4th and Perry St. Wallace Building, Lafayette, Ind.

KTTS—Independent Broadcasting Co., Springfield, Mo.—Granted license (B4-L-1665) to cover construction permit (B4-P-3156 for new station to operate on 1400 kc., 250 watts, unlimited time). Also authority to determine operating power by direct measurement of antenna power (B4-Z-1398).

KRMC—Jamestown Broadcasting Co., Inc., Jamestown, No. Dak.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-1395).

KEGB—Don Lee Broadcasting System, Portable-Mobile, Area of San Francisco.—Granted license (B5-LRY-272) to cover construction permit (B5-PRY-264) authorizing new relay broadcast station to be used with standard station KFRC; frequencies 1646, 2090, 2190, 2830 kc., 100 watts power.

KOB—Albuquerque Broadcasting Co., Albuquerque, New Mexico.—Granted modification of construction permit authorizing new equipment and increase in power, for extension of completion date to August 1, 1942 (B5-MP-1561).

KHSL—Golden Empire Broadcasting Co., Chico, Cal.—Granted modification (B5-MP-1569) of construction permit authorizing increase in power and installation of DA for day and night, for extension of completion date to July 16, 1942.

KOL—Seattle Broadcasting Co., Seattle, Wash.—Granted modification (B5-MP-1567) of construction permit (B5-P-3030) authorizing increase in power and installation of directional antenna, for extension of completion date to Sept. 1, 1942.

WBTM—Piedmont Broadcasting Corp., Danville, Va.—Granted license (B2-L-1657) to cover construction permit (B2-P-3217, which authorized increase in night power, installation of new antenna and move of transmitter); also authority to determine operating power by direct measurement (B2-Z-1388).

KPMC—Pioneer Mercantile Co., Bakersfield, Cal.—Granted license (B5-L-1663) to cover construction permit (B5-P-3118, which authorized change in frequency to 1560 kc.); also authority to determine operating power by direct measurement (B5-Z-1397).

WMSL—Tenn. Valley Broadcasting Co., Inc., Decatur, Ala.—Granted license (B3-L-1663) to cover construction permit (B3-P-3464 for installation of new transmitter).

WFTM—Fort Myers Broadcasting Co., Fort Myers, Fla.—Granted license (B3-L-1662) to cover construction permit (B3-P-3432, which authorized move of transmitter).

KPO—National Broadcasting Co., Inc., San Francisco, Cal.—Granted license (B5-L-1640) to cover construction permit (B5-P-3251, which authorized changes in equipment).

Scripps-Howard Radio, Inc., Texas Star Broadcasting Co., Greater Houston Brdcastg. Co., Inc., Houston, Texas.—Granted motion of applicants to dismiss without prejudice their applications for a new station in Houston (Dockets 6088, 6089 and 6096).

KITE—First National Television, Inc., Kansas City, Mo.—Granted motion to accept delayed entry of appearance in re hearing on application for renewal of license. Dismissed application for continuance of hearing.

WROL—S. E. Adcock, d/b as Stuart Broadcasting Co., Knoxville, Tenn.—Granted petition for leave to amend application for construction permit to eliminate request for construction and to request only 1 kilowatt power unlimited; denied as to removal from docket and for cancellation of hearing now scheduled for June 17.

Andrew L. Todd, Murfreesboro, Tenn.—Granted petition to dismiss without prejudice application for new station.

WOAI—Southland Industries, Inc., San Antonio, Texas.—Granted petition to dismiss without prejudice application for construction permit to operate on 1200 kc.

WGST—Georgia School of Technology, Atlanta, Ga.—Granted in part petition for extension of time in which to file proposed findings now due June 3, and extended time to June 8.

### APPLICATIONS FILED AT FCC

#### 640 Kilocycles

WHKC—United Broadcasting Co., Columbus, Ohio.—License to cover construction permit (B2-P-3255) for new vertical antenna system and move of transmitter.

WHKC—United Broadcasting Co., Columbus, Ohio.—Authority to determine operating power by direct measurement.

#### 850 Kilocycles

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

#### 1130 Kilocycles

WDGY—George W. Young, Minneapolis, Minn.—Special service authorization to change hours of operation from limited time to unlimited time, using power of 5 kilowatts day, 500 watts night except winter months when power will be reduced to 250 watts after sunset at Albuquerque, New Mexico.

#### 1230 Kilocycles

KWG—McClatchy Broadcasting Co., Stockton, Calif.—Construction permit to make changes in transmitter and antenna and increase power from 100 watts to 250 watts.

#### 1240 Kilocycles

KROY—Royal Miller, Sacramento, Calif.—Construction permit to install new transmitter and increase power from 100 watts to 250 watts.

KICD—Iowa Great Lakes Broadcasting Co., Spencer, Iowa.—Modification of construction permit (B4-P-3178, which authorized a new broadcast station) for change in type of transmitter proposed.

#### 1290 Kilocycles

WTOC—Savannah Broadcasting Co., Savannah, Ga.—Modification of construction permit (B3-P-2944 as modified, which authorized increase in power, installation of directional antenna for night use) for extension of completion date from 6-15-42 to 8-15-42.

#### 1340 Kilocycles

WCLS—WCLS, Incorporated, Joliet, Illinois.—License to cover construction permit (B4-P-3455) for move of transmitter.

#### 1380 Kilocycles

WAWZ—Pillar of Fire, Zarephath, N. J.—License to cover construction permit (B1-P-3200) as modified, for increase in power, install new transmitter and changes in directional antenna system.

WAWZ—Pillar of Fire, Zarephath, N. J.—Authority to determine operating power by direct measurement.

#### 1400 Kilocycles

WJZM—William D. Hudson and Violet Hutton Hudson, Clarksville, Tenn.—Voluntary assignment of license from William D. Hudson and Violet Hutton Hudson to Roland Hughes.

#### 1450 Kilocycles

KMYC—Marysville-Yuba City Broadcasters, Inc., Marysville, Calif.—Construction permit to move transmitter and studio from Riverside Ave. and Island Road, 2 mile S. E. of Marysville, Calif. to Ellis Lake, facing 14th St., Marysville, Calif. Amended to request change in proposed transmitter and studio location to N. W. Corner of East half of Block 1, Laurellan Tract, on county road in Reclamation District No. 10, N. W. of Marysville, Calif.

#### 1490 Kilocycles

WMRN—The Marion Broadcasting Co., Marion, Ohio—Transfer of control through sale of 130 shares (65%) of stock by Frank E. Mason and Ellen Mason to Howard F. Guthery and Florence Guthery.

#### 1500 Kilocycles

WHIP—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Modification of construction permit (B4-P-2399, as modified, which authorized change in hours of operation and directional antenna system) for extension of completion date from 5-30-42 to 7-30-42.

#### 1510 Kilocycles

WLAC—J. T. Ward, trading as WLAC Broadcasting Service, Nashville, Tenn.—Modification of construction permit (B3-P-1250, as modified, which authorized new transmitter and directional antenna for night use, increase in power, and move transmitter) for extension of completion date from 6-1-42 to 8-1-42.

#### 1550 Kilocycles

WHAT—Independence Broadcasting Co., Philadelphia, Pa.—Modification of license to change frequency from 1340 to 1550 kc., and change hours of operation from Shares-WTEL to unlimited time.

#### 1590 Kilocycles

WAKR—Summit Radio Corp., Akron, Ohio—Extension of special service authorization to operate with 5 KW power daytime (non-directional) using 5 KW transmitter specified under construction permit B2-P-3038 for period of one year.

### FM APPLICATIONS

W39NY—City of New York, Municipal Broadcasting System, New York, N. Y.—Modification of construction permit (B1-PH-83, which authorized new high frequency broadcast station) for extension of completion date from 6-14-42 to 11-14-42.

K45LA—Don Lee Broadcasting System, Los Angeles, Cal.—Modification of construction permit (B5-PH-26, as modified, which authorized a new high frequency broadcast station) for extension of commencement and completion dates from 2-14-42 and 8-13-42 to 8-13-42 and 1-9-43, respectively.

W71SB—South Bend Tribune, South Bend, Ind.—Modification of construction permit (B4-PH-54, as modified, which authorized a new high frequency broadcast station) for extension of completion date from 6-25-42 to 12-25-42.

### MISCELLANEOUS APPLICATIONS

KEJA—National Broadcasting Co., Inc., Portable-Mobile, Area of San Francisco, Cal.—Modification of license to show use of station with Standard Station KPO San Francisco, Calif. only, and delete use with Station KGO.

NEW—Blue Network Co., Inc., Portable-Mobile, Area of San Francisco, Cal.—License for new relay broadcast station using already licensed equipment (equipment KEJA) on 31220, 35620, 37020, 39260 kc., 0.25 watts, A3 emission.

KEJK—National Broadcasting Co., Inc., Portable-Mobile, Area of San Francisco, Cal.—Modification of license to show use of station with Standard Station KPO, San Francisco, Calif. only, and delete use with Station KGO.

NEW—Blue Network Co., Inc., Portable-Mobile, Area of San Francisco, Cal.—License for new relay broadcast station using already licensed equipment (equipment KEJK) on 31220, 35620, 37020, 39260 kc., 25 watts, A3 emission.

KEJI—National Broadcasting Co., Inc., Portable-Mobile, Area of San Francisco, Cal.—Modification of license to show use of station with Standard Station KPO, San Francisco, Calif. only, and delete use with Station KGO.

NEW—Blue Network Co., Inc., Portable-Mobile, Area of San Francisco, Cal.—License for new relay broadcast station using already licensed equipment (equipment KEJI) on 31220, 35620, 37020, 39260 kc., 2 watts, A3 emission.

NEW—Blue Network Co., Inc., Portable-Mobile, Area of San Francisco, Cal.—License for new relay broadcast station using already licensed equipment (equipment KEJG) on 31220, 35620, 37020, 39260 kc., 0.25 watts, A3 emission.

NEW—Blue Network Co., Inc., Portable-Mobile, Area of San Francisco, Cal.—License for new relay broadcast station using already licensed equipment (equipment licensed to WEJO) on 31220, 35620, 37020, 39260 kc., 2 watts, A3 emission.

KWID—The Associated Broadcasters, Inc., San Francisco, Cal.—License to cover construction permit (B5-PIB-34) as modified, for a new international broadcast station.

WNYD—City of New York, Municipal Broadcasting System, Portable-Mobile, Area of New York, N. Y.—Reinstatement of construction permit (B1-PRY-238) for a new relay broadcast station to be operated on 1622, 2058, 2150, 2790 kc., 50 watts, A3 emission.

WNYG—City of New York, Municipal Broadcasting System, Portable-Mobile, Area of New York, N. Y.—Reinstatement of construction permit (B1-PRY-238) for a new relay broadcast station to be operated on 1622, 2058, 2150, 2790 kc., 50 watts, A3 emission.

NEW—Blue Network Co., Inc., Portable-Mobile, Area of San Francisco, Cal.—License for a new relay broadcast station using already licensed equipment (Licensed to WNJC) on 31220, 35620, 37020, 39260 kc., 0.25 watts, A3 emission.

WNJC—National Broadcasting Co., Inc., Portable-Mobile—Modification of license for change in area normally served by station from Chicago, Ill., to San Francisco, Calif., and change in station with which used from WENR and WMAQ, Chicago, Ill. to KPO, San Francisco, Calif.

NEW—Blue Network Co., Inc., Portable-Mobile, Area of San Francisco, Cal.—License for new relay broadcast station using already licensed equipment (Licensed to WIEO) on 1606, 2074, 2102, 2758 kc., 50 watts, A1, A2, A3 emission.

WIEO—National Broadcasting Co., Inc., Portable-Mobile—Modification of license for change in area normally served by station from New York, N. Y. to San Francisco, Calif., and change in station with which to be used from WEF and WJZ, New York, N. Y. to KPO, San Francisco, Calif.

NEW—Blue Network Co., Inc., Portable-Mobile, Area of San Francisco, Cal.—Construction permit for a new relay broadcast station to be operated on 31220, 35620, 37020, 39260 kc., 25 watts, A3 emission.

NEW—National Broadcasting Co., KNBC Inc., Portable-Mobile, Area of San Francisco, Cal.—Modification of license to show use of station with Standard Station KPO San Francisco, Calif. only, and to delete use with Station KGO.

NEW—Blue Network Co., Inc., Portable-Mobile, Area of San Francisco, Cal.—License for new relay broadcast station using already licensed equipment (equipment licensed to KNBC) on 1606, 2074, 2102, 2758 kc., 100 watts, A3 emission.

KSFM—National Broadcasting Co., Portable-Mobile, Area of San Francisco, Cal.—Modification of license to show use with Standard Station KPO, San Francisco, Calif. only, and delete use with Station KGO.

NEW—Blue Network Co., Inc., Portable-Mobile, Area of San Francisco, Cal.—License for new relay broadcast station using already licensed equipment (equipment KSFM) on 1606, 2074, 2102, 2758 kc., 100 watts, A1, A2, A3 emission.

NEW—W. A. Patterson, Portable-Mobile, Area of Chattanooga, Tenn.—Construction permit for a new relay broadcast station to be operated on 1622, 2058, 2150, 2790 kc., 35 watts, A-3 emission.

KWFR—Wichita Broadcasting Co., Portable-Mobile, Area of Wichita Falls, Texas.—License to cover construction permit (B3-PRY-273) which authorized a new relay broadcast station.

## FEDERAL TRADE COMMISSION DOCKET

*Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.*

### 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.

**Jung Arch Brace Co.**, 109 West Central Parkway, Cincinnati, is charged, in a complaint, with misrepresentation in the sale of appliances, devices, and medicinal preparations advertised for use in treating ailments of the feet. (4767)

**En-Ex Company**—A complaint charging misrepresentation in the sale of a medicinal preparation designated "En-Ex" has been issued against Phillip Bartell, trading as The En-Ex Co. and The En-Ex Distributing Co., 614 Society for Savings Building, Cleveland. (4766)

**Georgia Marble Finishing Works**, Canton, Ga., is charged in a complaint with misrepresenting the enduring qualities of tombstones and monuments it manufactures. (4764)

**La Vida Bottling Company, Inc.**—Alleging misrepresentation in the sale of a mineral water advertised for medicinal use, a complaint has been issued against La Vida Bottling Co., Inc., Carbon Canyon, Placentia, Calif., and Paul G. Hausman, William N. Miller, and Alfred D. Mitchell, officers of the corporation. (4768)

**Merchandise Company, Inc.**—Misrepresentation in connection with the sale of tooth brushes is alleged in a complaint issued against New York Merchandise Co., Inc., 32 West 23rd St., New York. (4765)

**New York Merchandise Co., Inc.**—Misrepresentation in connection with the sale of tooth brushes is alleged in a complaint issued against New York Merchandise Co., Inc., 32 West 23rd St., New York. (4765)

### CEASE AND DESIST ORDERS

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

**Bigelow-Sanford Carpet Co., Inc.**, 140 Madison Ave., New York, has been ordered to cease misleading representations in the sale of rugs. (4207)

**S. Reiffe & Sons, Inc.**, trading as Fairmount Merchandise Co. and Crown Mail Order Co., 160 Monroe St., New York, have been ordered to cease misrepresentations in the sale by mail order of clothing for men and women. According to Commission findings, most of the respondent's products are old, worn and previously used, although it sells some new clothing.

### STIPULATIONS

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

**Ar-Jay Laboratories, Inc.**, 304 East Sixth St., Ontario, Calif., stipulated that it will discontinue disseminating any advertisement of a coal tar hair dye designated "Ar-Jay Liquid Color Rinse" which does not reveal the material fact that there is potential danger in the use of the product by certain individuals. (02985)

**Germo Mfg. Company**—Germo Manufacturing Co., 112 South Main St., St. Louis, has entered into a stipulation to cease advertising that its drug preparation "Cholerine" promotes the health or vitality of poultry; normalizes the appetite of baby chicks; assures increased weight, more eggs or better profits; or improves the functioning of digestive organs of chicks by removal of mucus. The respondent also agrees to cease representing that Cholerine is a tonic and that it is indicated or is an effective treatment for such conditions or symptoms as lifeless or dull appearance of young chickens. (02986)

**Miami Advertising Agency**—Stipulations to cease certain representations in the sale of "Old Mohawk," a pharmaceutical preparation, have been accepted from Edgar S. Gebhart, trading as the Miami Advertising Agency, 1048 Redfern St., Dayton, Ohio, (3484); and from J. W. Daugherty, trading as Mohawk Medicine Co., and The Quaker Herb Co., trading as The Quaker Medicine Co., 220 George St., Cincinnati. (3485)

**Joseph H. Trindl, Inc.**, and Trindl Products, Ltd., also trading as Dynamic Welder Co., and as Electro-Torch Co., 2227 Calumet Ave., Chicago, entered into a stipulation to cease and desist from certain representations in the sale of electric welding products designated "Dynamic Super-Charged Welder" and "3 in 1 Electric Torch." (3483)

### FTC CASE CLOSED

The Federal Trade Commission closed the case growing out of its complaint charging James Bell Co., Inc., 36 Green St., Newark, N. J., with violation of the Federal Trade Commission Act in the sale and distribution of aluminum ware, enamel ware, radios and other merchandise. The Commission closed the case without prejudice to its right to resume proceedings, should future facts so warrant.

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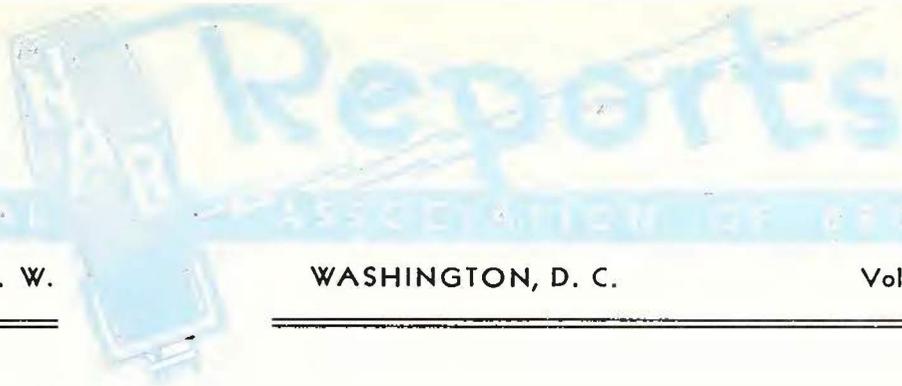
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## Sanders Hearings

Louis G. Caldwell, MBS counsel, appeared before the House Committee on Foreign and Interstate Commerce in connection with the hearings on the Sanders Bill (H. R. 5497). "The Communications Act does, in my opinion, have certain defects which call for amendment, both on the procedural and the substantive side," said Mr. Caldwell.

"\* \* \* As for H. R. 5497, in my opinion, the bill proposes some changes in the law that are sound and should be eventually adopted. It contains others which, while too broad or too drastic in their present form, can probably be rephrased so as to be unobjectionable and perhaps desirable. It contains still others which I believe are either unnecessary or wholly unsound."

In conclusion he said:

"To summarize, while H. R. 5497 has several commendable features it goes too far in the direction of procedural red tape and unnecessary obstacles to the efficient and expeditious administration of the Act. It also ties this Commission down rigidly to one pattern of procedure when it may not only be not the best but may be substantially different from what you may decide to require of all federal administrative agencies."

The witness then proposed some additional amendments as follows:

"There are four suggestions I should like to add to the several proposals which have been made to you for amendment of the Communications Act.

"The list would be larger if we were not in a state of war. For example, I have always felt that Section 606 of the Act goes too far, at least in emergencies *short* of war, in permitting the shutting down or taking over of broadcasting stations for reasons not directly connected with imperative military need. I am afraid that someday it will prove to be the entering wedge for governmental operation of broadcasting stations. Yet, I realize it would be futile, and might be misunderstood, if any such proposal were urged at this time.

"*Amendment to Section 326.* My first, and by all odds most important proposal, is that Section 326, forbidding the Commission to exercise censorship of radio, be amended so as to carry out the original intent of Congress. There is no difficulty in ascertaining what that intent was, by reference to the debates in both the House and the Senate, including explicit explanations by Mr. White and Mr. Dill.

"For example, even before the section was inserted in the bill which became the Radio Act of 1927, Mr. White stated:

'The pending bill gives the Secretary no power of interfering with freedom of speech in any degree.'

"Thereupon ensued the following colloquy:

'Mr. LaGuardia. It is the belief of the gentleman and the intent of Congress in passing this bill not to give the Secretary any power whatever in that respect in considering a license or the revocation of a license.

'Mr. White of Maine. No power at all.'

"In the Senate, after a member of that body had suggested that the Commission might exercise censorship, Mr. Dill stated:

'I want to correct a statement which the Senator has made. . . . The bill does not give to the Commission the power to

cancel programs, but instead there is a provision in the bill which specifically prohibits the Commission from censoring programs in any way.'

Other references might be cited, but I think the foregoing are enough.

"By what to me is one of the strangest paradoxes in my legal experience, the statutory standard 'public interest, convenience or necessity' has turned out to be the Achilles' heel of the Act on the subject of freedom of speech and censorship of programs. Back in 1930 and 1931 the Commission began to assert rather regularly the power to refuse to grant a renewal of license if, in its opinion, the programs broadcast by the station in the past did not meet the standard 'public interest, convenience or necessity.' Stations were put off the air solely on this basis. Appeals were taken to the District Court of Appeals, where the Commission's power was confirmed, and the Supreme Court refused certiorari.

"Bear in mind that these cases did not involve programs violating any specific prohibition in the Act, such as obscene language or lottery information. They did involve rather vigorous, perhaps scurrilous speeches by the broadcaster against men in public office. To show how far the Commission thought it was entitled to go, it was said in one case, involving one Norman Baker of Iowa:

'Many of his utterances are vulgar, if not indeed indecent. Assuredly they are not uplifting or entertaining.

'Though we may not censor, it is our duty to see that broadcasting licenses do not afford mere personal organs, and also to see that a standard of refinement fitting our day and generation is maintained.'

"It is true that only in very few instances were stations actually closed down. In a number of others, they were spanked publicly in written decisions but were given renewals on assurances of future good behavior. The important thing, however, is not whether these particular individuals survived or were banished from the ether.

"The important thing is the effect on the whole industry, and on broadcasting as a means of mass communication. From the time when the Commission's power was confirmed by the courts, its pronouncements of views and policies on program matters had a magical effect. All it had to do was put out a release, even a speech by an individual commissioner, disapproving of a particular type of program, and most or all the stations henceforth avoided that type of program.

"The matter was carried a step further through the method by which complaints were handled. Large numbers of complaints against programs have poured into the Commission from listeners, crack-pots as well as others. In most cases, all the Commission had to do was to notify the station that a particular program had been the subject of complaint and demand that the station send in a transcript of the program and an explanation and the station saw the error of its ways. If this did not suffice, further conferences with the law department usually did. The threat of hearing and publicity was enough punishment to cause broadcasters to obey the views of the Commission (or just as frequently its law department) on what constitutes good programming.

"Matters progressed from one step to another until we arrived at an era where the Commission was just about to promulgate a set of standards on programs. Then occurred a series of dramatic incidents, such as the Mae West program, the action of the Commission in setting a large number of renewal applications for hearing because of the broadcasting of a network program 'Beyond the Horizon,' and the use of the word 'Flash' in the famous attack on New Jersey and other areas by the Men from Mars.

(Continued on page 316)

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

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

## SANDERS HEARINGS

(Continued from page 315)

There was also the matter of the International Broadcasting Regulations.

"This again is a subject on which I have written frequently and I must not yield to the temptation to try to tell you in too much detail. I will say that during the past two or three years the tendencies in this direction have diminished and at present seem almost non-existent, but the power is there. It should not exist, if the First Amendment is to mean anything in radio.

"This *ex post facto* censorship is about the most effective that can be devised by government. There are no rules or standards to which broadcasters can conform. Consequently, they must stay clear of the doubtful zone by a safe margin. It is not possible that this method of regulation be exercised uniformly or fairly as between stations, unless the Commission is to maintain a large staff doing nothing also but snooping on programs and copying down what they hear. Otherwise, disciplinary action is going to result only when an interested party, such as a competitor, brings the matter to a head.

"I therefore suggest that Section 326 of the Act be amended by adding thereto the following:

'No construction permit or station license shall be revoked, modified, or otherwise adversely affected by any action of the Commission, and no application for construction permit, station license, renewal, or modification of station license, or other instrument of authorization required or authorized by the Act shall be refused in whole or in part, because of the character or contents of any program or other communication transmitted or proposed to be transmitted by a radio station, unless such program or other communication contains matter expressly forbidden by specific provision of this Act or by regulation of the Commission authorized by this Act and then only after the licensee has been finally adjudged guilty by a Federal court of one or more violations of such provision or provisions and the offense is of so serious or repeated a nature as to show clearly that the licensee or applicant is not qualified in character to operate or to continue to operate a radio station.'

"The foregoing is taken from H. R. 8509, 76th Congress, 3rd Session, the bill introduced early in 1940 by Representative Ditter and the corresponding bill introduced by Senator Bailey.

"*Considerations on Renewal of Licenses.* I suggest that there be deleted from Section 307(d) of the Act the following language:

'but action of the Commission with reference to the granting of such application for the renewal of a license shall be limited to and governed by the same considerations and practice which affect the granting of original applications.'

"This sentence was not in the Radio Act of 1927, as originally enacted. It was inserted in the Communications Act of 1934 for no good reason. The idea of its sponsor apparently was that any new applicant for a radio station should stand upon exactly the same footing as a licensee who had been in the business for years and, in fact, the newcomer was almost to be preferred because he was a newcomer. This idea is so shocking to natural equity, I am sure it will find no defender. Its pernicious possibilities have not yet been explored, but some day they will be.

"The sentence has the further bad feature of forcing the Commission to be more drastic, and to bring about greater hardship,

than it otherwise would on particular problems. Under the sentence, if the Commission is going to lay down a rule applicable to new stations, it must apply the same rule to applicants for renewal of licenses of existing stations. Suppose it should decide that henceforth it will not grant any person a second station in the same city. If it could restrict itself to future stations of this sort, I think no one would seriously complain. Indeed, I doubt whether anyone seriously questions the Commission's power to make such a rule, provided it is not retroactive. This sentence in Section 307(d), however, stands in the way.

"The same may prove true on the question of newspaper ownership of stations. I do not think the Commission has power to make newspaper owners ineligible for licenses. I hope I am right in this, but a lawyer must be reckless indeed to prophesy what the Supreme Court will hold these days. I know that if it develops that the Commission has the power, it would be far more just to make it applicable simply to future instances rather than to have it retroactive.

"*Term of Licenses.* Section 307(d) limits broadcasting licenses to three years and other radio licenses to five years. Until last fall, broadcasting licenses were limited by Commission regulation to one year. By its order of October 11, 1941, the period was increased to two years.

"In my judgment, there is no reason whatsoever for any time limitation on licenses any more than there is on certificates of convenience and necessity on railroad lines and extensions, or extensions of telephone or telegraph lines. The rights of the public are fully protected through the Commission's power to revoke licenses under Section 312(a), or to compel a modification of license under Section 312(b).

"The fixing of a maximum license period has had extremely unfortunate consequences, both as a matter of procedure and as a matter of substantive law. Back in 1928 and 1929 the license period was limited to three months, due to what I think was over-hasty legislation by Congress. In any event, the Commission never used the revocation procedure which was intended to cover all cases of discipline. Instead, it used the procedure attendant upon an application for renewal of license, in which the burden was at least partly upon the applicant, and the Commission was relieved, in part at least, of the necessity of charging and proving any offense. After some years of experience in this field, I feel confident in saying there is no procedure more susceptible to abuse, evasion of due process, and arbitrary and capricious conduct than that which accompanies hearing on applications for renewal of license. Traditional processes of law are turned into reverse gear.

"If you want a suggestion which, more than any other that can be made, will tend to eliminate arbitrary and capricious decisions, you will take whatever steps that are necessary to require that the Commission assume the burden of alleging and proving guilt, and relieve the licensee of the burden of proving innocence.

"This is really not a radical proposal when you compare it with the methods of regulation regularly employed by almost all administrative agencies. If, however, you are not willing to go this far, then I suggest at least a license period of very substantial duration, such as from 10 to 20 years, corresponding to many public utility franchises.

"*Revocation Procedure.* The present section on revocation of license, after providing that 'any license may be revoked' for certain causes, goes on to provide:

'*Provided, however,* That no such order of revocation shall take effect until fifteen days' notice in writing thereof, stating the cause for the proposed revocation, has been given to the licensee. Such licensee may make written application to the Commission at any time within said fifteen days for a hearing upon such order, and upon the filing of such written application said order of revocation shall stand suspended until the conclusion of the hearing conducted under such rules as the Commission may prescribe. Upon the conclusion of said hearing the Commission may affirm, modify, or revoke said order of revocation.'

"This is a curiously worded provision. The Commission revokes first and hears afterwards. Thus, the respondent gets adverse publicity giving the impression that he has already been found guilty instead of being merely charged with guilt. Also, the provision is susceptible of the interpretation that the burden of proof is on the respondent.

"This may sound like a small thing and perhaps it is. It has had no great practical importance, since the Commission has so rarely used the revocation procedure and has usually employed

proceedings based on applications for renewal of license for disciplinary purposes. Still I have heard it said that one reason the Commission has not employed the revocation method is that it is unduly harsh because of this very feature. Consequently, I recommend an amendment, to be worded somewhat as follows:

"SEC. 312. (a) Any station license may be revoked for false statements either in the application or in the statement of fact which may be required by section 308 hereof, or because of conditions revealed by such statements of fact as may be required from time to time which would warrant the Commission in refusing to grant a license on an original application, or for failure to operate substantially as set forth in the license, or for violation of or failure to observe any of the restrictions and conditions of this Act or of any regulation of the Commission authorized by this Act or by a treaty ratified by the United States; *Provided, however,* That no such order of revocation shall be entered unless the Commission shall first have given the licensee written notice stating clearly and definitely the charges against the licensee and fixing a time and place for a hearing thereon, and shall have given the licensee an opportunity for hearing. Such hearing shall be held not less than fifteen days after service of such notice on the licensee, and the Commission shall sustain the burden of proving the truth of the charges."

The foregoing is, like my proposed amendment of Section 326, taken from the bill introduced by Mr. Ditter early in 1940.

### Conclusion

"I have been intrigued by a thought suggested by counsel for Columbia earlier in these hearings. In answer to a question from a member of the Committee, he stated that the relationship between a broadcasting station and a network was exactly like that between a newspaper and a press association, such as Associated Press.

"Let us examine that thought. At present the *Washington Post* has an Associated Press franchise. It also receives the United Press service, the *New York Times* service, and perhaps others. There is nothing in its arrangements with any of them preventing it from taking the service of another service, or which requires it to use any news furnished by any one of them, or to assign any particularly important space in the newspaper to its material.

"Then let us apply an analogy drawn from the situation in broadcasting. I suggest it would be something like this: At the top of the front page would be 'The Associated Press' in large type, and underneath, in small type, would be '*The Washington Post*.' No other news from any other agency would be permitted. All but one or one-and-a-half columns on the front page would have to be devoted to the Associated Press material, with 'Associated Press' printed in large type over and over again, and the better positions in the rest of the paper would have to be treated likewise. In addition, the Associated Press would secure most of the national advertising using the *Washington Post* and insist that the advertising be placed immediately adjacent to its news.

"Of course, the analogy can be carried to the point of being absurd, and I do not mean to do so. The real point is that, instead of some 1800 or 1900 vigorous independent and competitive newspapers of this country, you would have three organizations in New York, controlling all of them and, through them, controlling most of what the public reads. They would have the power to kill off a competitor at birth. The economic prosperity or failure of every newspaper in the country would be for them to determine. Every advertiser would be at their mercy.

"Fortunately, as shown by the Commission's regulations, we can still meet the technical needs of network broadcasting for a reasonable amount of clearance against local obstacles without yielding to the importunity of those who would control it all. The way has been shown by the Commission's regulations. If you nullify these regulations you will be putting the Congressional seal of approval on one of the clearest possible cases of unreasonable restraint of trade, a restraint of trade that is vastly more harmful to the public interest than most restraints because it has to do with an agency of the mass-communication of intelligence."

Paul D. P. Spearman appeared before the Committee in behalf of Network Affiliates, Inc. Following are his conclusions:

"Summarized, we take the positions that:

"1. Class I-A stations should not be allowed through the use of more and more power to attempt to overcome the great dis-

tances from the listeners in whom they claim to be so deeply interested while maintaining their locations in the most densely populated metropolitan areas of the country, and far away from such listeners, while they take the cream of the business which advertisers do by radio;

"2. Class I-A stations should not be put in position to dominate the radio advertising business as these few would be able to do if their ambitions on the power question should be realized;

"3. Regional and local stations are too important, much too important, to the cities and areas they serve, and serve so well, to be sacrificed on the altar of super power;

"4. No small group of stations should be put in the powerful position the members of the Clear Channel Group would be in or be given the power they could wield in influencing public opinion or controlling public thought if permitted to operate with 500 kw. power or more, and they should not be placed in such position even if it should be admitted that this little group of nineteen licensees were not disposed to take advantage of it, human nature being what it is;

"5. Nothing should be done to disturb the present satisfactory service being rendered by local and regional stations, which means the Clear Channel Group should not be placed in position to take their network and spot advertising business or any appreciable part of it from them as the Class I-A stations surely would do to many of them if all of them are permitted to operate with 500 kw. power or more;

"6. Instead of permitting any stations to operate with 500 kw. power on the claim that they want to and would serve rural and remote listeners, they ought to be relocated as contemplated by Section 307 (b) of the Communications Act of 1934, as amended, so that the 'fair, efficient, and equitable distribution' referred to in that Section may first be tried out. In this connection, and without undertaking to defend the Commission, which would be presumptuous for me to undertake, it is but fair to say that applications to bring about this distribution must first be filed as the Commission is powerless to act in the absence of applications.

"7. The Congress should include in any new Act or amendment to existing law a specific limitation of 50 kw. as the maximum power with which any station would be permitted to operate. This would accomplish two things: First, it would settle the argument about power and super power, which, like Banquo's ghost, will not down, and Secondly, it would put the good faith of the Clear Channel Group to the test as those who were sincerely desirous of serving the rural and remote listeners could move and do so, and those who merely used the farmer and the other remote listeners as excuses in trying to secure authority to operate with more and more power could settle down to the business of serving their highly populous metropolitan areas, just as most of them do now."

FCC Chairman James Lawrence Fly was on the stand briefly Thursday morning and gave a general outline of the work of the Commission. It was his opinion that broadcasting should remain in status quo for the duration with everyone digging in with the materials on hand to do the best job possible to win the war. He stated that the most significant work being done today was that of policing the industry which required the energies of approximately one-half of the FCC staff and one-half of its appropriation to care for the activities of approximately 100 monitoring stations. He explained at length the operation of a typical monitoring station.

The Committee recessed to meet on Friday morning after which it will adjourn until Wednesday, June 17.

## Petrillo Threatens Recordings

James C. Petrillo, president of the American Federation of Musicians, notified his convention in Dallas this week that A. F. of M. members would be ordered to stop making records and transcriptions, except for home consumption, on August 1.

"The next move is up to the record and transcription companies," Mr. Petrillo told the NAB after disclaiming that he was directing the move primarily against the entire broadcasting industry.

Juke-boxes and broadcasting stations which employ no musicians, he indicated, were his primary concern.

## HAGGERTY AGAIN ACTIVE

John B. Haggerty, President of the International Allied Printing Trades Association, a consistent proponent of a punitive tax on radio has again become active. Mr. Haggerty has sent the following letter to all members of Congress and to various union organizations asking them to use their influence upon Congress:

"The pending Revenue Bill, as reported in the press, indicates that many millions of wage workers and small business persons, those least able to pay, will be forced to accept substantial reductions in their living standards in order to help pay for our winning of the war. These conditions will be accepted by all true Americans, without much complaint, so long as those who are known to be well able to pay are taxed proportionately.

"Surely, something is wrong when we find a small group, well able to pay, exempt, so far, from taxes which the House of Representatives, upon recommendations of the Ways and Means Committee, voted last year. The same is true when we find that the Treasury Department has, as yet, failed to propose this year taxes of many millions of dollars, which were proposed last year, on those which the Treasury Department, after a study, had reported 'possess unusual tax-paying ability which, in view of the Government's present requirements, could properly be subject to special taxation.'

"The Treasury Department report to the Ways and Means Committee, further stated: 'The case for a special tax on radio broadcasting distinct from a tax on advertising, one medium of which is radio, is supported by several considerations. \* \* \* a franchise to operate a broadcasting station in any particular area carries with it a measure of monopolistic privilege and the opportunity for an extremely profitable investment. The principal operators in commercial broadcasting earn high rates of return on relatively small investments. They possess unusual tax-paying ability which, in view of the Government's present requirements, could properly be subject to special taxation. Radio broadcasting requires public regulation. Such regulation is provided at public expense, with great benefits to the industry, but without any special costs to that industry.'

"The undersigned, on behalf of some 200,000 highly skilled and organized workers, respectfully asks your consideration of the facts and your insistence that those who, as the Treasury Department report stated, 'possess unusual tax-paying ability, could properly be subject to special taxation', pay their proportionate share of the taxes to be imposed.

"We trust we will have your support and we will be able to report to our members in your District your favorable attitude toward our request."

Mr. Haggerty accompanies this letter with an exhibit showing the consolidated CBS income statement of May 1942. He then observes:

"The statement portrays the current radio networks net profits and merely illustrates the need for levying of substantial excise or franchise taxes, on these holders of governmental licenses free of any Government tax, if taxes are to be levied on ability to pay.

"This report indicates a net profit after payment of all taxes of some 684% on actual invested capital."

He concludes as follows:

"Reports of the Federal Communications Commission reveal that of the total net broadcasting revenues of the entire industry, in 1939, not less than 93% was received by the 154 stations which had a gross income of more than \$150,000.

"Radio broadcasters secure entry into American homes through their dissemination of entertainment. All other purveyors of amusement are taxed on gross income. Radio broadcasters should not be exempt. Otherwise one disseminator of entertainment on a national scale unfairly escapes the payment of taxes payable by its competitors."

"Reports of the Federal Communications Commission show that the net profits of the two major networks, namely, National Broadcasting Company and the Columbia Broadcasting System amounted to \$59,509,349 for the years 1931-1940 inclusive. These figures are taken from the Federal Communications Commission Monopoly Investigating Committee's report, Volume 1 and 2, and reports of the Federal Communications Commission for the years 1939 and 1940. These net profits of \$59,509,349 for the ten year period yielded an average annual net profit for these two

companies alone of \$5,950,934. The total combined investment in these two companies, on which these unusual earnings were made, was \$4,614,694. The average annual net profits, after deduction of all operating costs, payment of Federal income and all other taxes, and including depreciation of \$10,182,021, were therefore some 129 percent.

"It should be added that the net profits for the years of 1936-1940 inclusive were much greater than those for the years of 1931-1935 inclusive. National Broadcasting Company and Columbia combined net profits increased from a total of \$19,017,613 in the first half of the ten year period to \$40,491,736 during the second half of the ten year period, an increase for the years 1936-1940 of 213 percent over the profits for the five year period 1931-1935 inclusive."

## Supreme Court Rules On Overtime Pay

The Supreme Court ruled Monday that the Wage and Hour Act requirement of time-and-a-half payment for overtime beyond 40 hours a week meant 150% of an employee's regular pay rate, not 150% of the Act's minimum pay provisions.

In another case the court, in a 5-4 decision, upheld a system by which an employer contracted to pay his employees a fixed sum each week, the amount being designed to cover overtime at the statutory time-and-a-half rate but the fixed sum would be paid for either a regular or an overtime week. Mr. Justice Byrnes wrote the majority opinion.

The court ruled on the meaning of "regular rate of pay". The weekly wage divided by hours equals regular rate. Time-and-a-half regular rate for hours employed beyond statutory maximum equals compensation for overtime hours. This formula applies to those salaried employees who work a regular number of hours each week and to those whose work week varies each week.

The decisions, interpreting the law's overtime pay provisions for the first time, were made in two cases which may be summarized as follows:

1. The Overnight Motor Transportation Co. of Baltimore employed William H. Missel at \$27.50 a week. His hours were variable but he averaged 65 a week and sometimes worked 80. The law then fixed 25 cents an hour as the minimum wage and Missel got nothing extra for overtime because the company contended it already was paying him more than required, figuring 40 hours at 25 cents, or \$10, plus 40 more at 37½ cents, or \$15, totaling \$25.

Under the court's ruling, however, Missel's regular pay was \$27.50 for 40 hours. Since this came to about 68 cents an hour, he would be entitled to pay at the rate of \$1.02 an hour for hours beyond 40. The court upheld Missel's right to claim damages equal to the overtime pay even though the employer acted in good faith.

2. The A. H. Belo Corporation, publisher of the Dallas (Tex.) Morning News and owner of radio station WFAA, contracted with its employees when the wage-hour law took effect to continue paying them their existing salaries for their existing hours. The contracts stipulated an hourly rate, obtained in most cases by dividing the guaranteed weekly salary by 60.

Thus if a man's salary was \$60 a week his regular hourly rate would be \$1 and his overtime rate \$1.50. If he worked 40 hours he would get the full \$60 but he might be required to work up to 53 hours for the same pay, since 40 hours at \$1 and 13 at \$1.50 would come to only \$59.50. But if he worked 54 hours or more he would get more than \$60.

The type of contract ruled upon, illustrated with the above figures, would read as follows:

In order to conform our employment arrangements to the scheme of the Wage and Hour Act without reducing the amount of money which you receive each week, we advise that from and after —, 1942, your basic rate of pay will be \$1.00 per hour for the first 40 hours each week, and that for time over 40 hours each week you will receive for each hour of work not less than time-and-a-half time such basic rate above-mentioned, with a guaranty

on our part that you shall receive weekly, for regular time and such overtime as the necessities of the business may demand, a sum not less than \$60. We print the opinions in full below:

No. 622.—OCTOBER TERM, 1941.

L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, Petitioner,  
vs.  
A. H. Belo Corporation.

On Writ of Certiorari to  
The United States Circuit Court of Appeals  
for the Fifth Circuit.

[June 8, 1942.]

Mr. Justice BYRNES delivered the opinion of the Court.

This is a proceeding by the Administrator of the Wage and Hour Division of the Department of Labor to restrain the respondent corporation from alleged violation of the Fair Labor Standards Act.<sup>1</sup> The Administrator sought to prevent the use by respondent under certain contracts with its employees of wage agreements deemed by the Administrator violative of the time and a half for overtime provisions of section 7(a)<sup>2</sup> as implemented by section 15(a)(1) and (2).<sup>3</sup>

The respondent, a Texas corporation, is the publisher of the Dallas *Morning News* and other periodicals, and the owner and operator of radio station WFAA. It has some 600 employees. Those in the mechanical departments work under a collective bargaining agreement and are not affected by the Fair Labor Standards Act. The others, and particularly those in the newspaper business, work irregular hours. Prior to the effective date of the Act, October 24, 1938, respondent had been paying all but two or three of these employees more than the minimum wage required by the Act. They received vacations of approximately two weeks each year at full pay; special bonuses at the end of the year amounting to approximately one week's earnings; and full pay during periods of illness, sometimes continuing for weeks and sometimes for months. At the time of the trial 28 superannuated employees were carried on the payroll at full rates of pay. Employees were permitted absences to attend to personal affairs without deductions from pay. When they were required to work long hours in any week, they were given compensating time off in succeeding weeks. Life insurance was carried for them at respondent's expense.

After the enactment of the Fair Labor Standards Act but before its effective date, respondent endeavored to adjust its compensation system to meet the requirements of the Act by negotiating a contract with each of its employees except those in the mechanical departments. These contracts were in the form of letters

<sup>1</sup> Enforcement of the requirements of the Act by injunction is authorized by section 17. "The district courts of the United States and the United States courts of the Territories and possessions shall have jurisdiction, for cause shown, and subject to the provisions of section 20 (relating to notice to opposite party) of the Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914, as amended (U. S. C., 1934 edition, title 28, sec. 381), to restrain violations of section 15." 52 Stat. 1069; 29 U. S. C. § 217.

<sup>2</sup> "Sec. 7. (a) No employer shall, except as otherwise provided in this section, employ any of his employees who is engaged in commerce or in the production of goods for commerce—

(1) for a workweek longer than forty-four hours during the first year from the effective date of this section,

(2) for a workweek longer than forty-two hours the second year from such date, or

(3) for a workweek longer than forty hours after the expiration of the second year from such date,

unless such employee receives compensation for his employment in excess of the hours specified at a rate not less than one and one-half times the regular rate at which he is employed." 52 Stat. 1063; 29 U. S. C. § 207.

<sup>3</sup> "Sec. 15. (a) After the expiration of one hundred and twenty days from the date of enactment of this Act, it shall be unlawful for any person—

(1) to transport, offer for transportation, ship, deliver, or sell in commerce, or to ship, deliver, or sell with knowledge that shipment or delivery or sale thereof in commerce is intended, any goods in the production of which any employee was employed in violation of section 6 or section 7, or in violation of any regulation or order of the Administrator issued under section 14 except that no provision of this Act shall impose any liability upon any common carrier for the transportation in commerce in the regular course of its business of any goods not produced by such common carrier, and no provision of this Act shall excuse any common carrier from its obligation to accept any goods for transportation;

(2) to violate any of the provisions of section 6 or section 7, or any of the provisions of any regulation or order of the Administrator issued under section 14; . . . ." 52 Stat. 1068; 29 U. S. C. § 215.

stating terms which were agreed to by the employees. The following is a typical letter:

"The Fair Labor Standards Act which goes into effect on October 24, 1938, provides for the following minimum wages and maximum hours of employment:

"First year—25¢ per hour minimum  
44 hours maximum per week  
"Second year—30¢ per hour minimum  
42 hours maximum per week  
"Third year—40¢ per hour minimum<sup>4</sup>  
40 hours maximum per week

except that employees may work more than the number of hours specified above, provided that overtime rates shall be a minimum of one and one-half times the basic rate.

"In order to conform our employment arrangements to the scheme of the Act without reducing the amount of money which you receive each week, we advise that from and after October 24, 1938, your basic rate of pay will be . . . 67 . . . cents per hour for the first forty-four hours each week, and that for time over forty-four hours each week you will receive for each hour of work not less than one and one-half times such basic rate above mentioned, with a guaranty on our part that you shall receive weekly, for regular time and for such overtime as the necessities of the business may demand, a sum not less than . . . \$40 . . ."

In most cases, as in this example, the specified hourly rate was fixed at 1/60th of the guaranteed weekly wage. The result was that during the first year under the Act when the statutory maximum of regular hours was 44, the employee was required to work 54½ hours before he became entitled to any pay in addition to the weekly guaranty.<sup>5</sup> When the employee worked enough hours at the contract rate to earn more than the guaranty, the surplus time was paid for at the rate of 150% of the hourly contract wage. If the employee received an increase in pay, the hourly rate and weekly rate were readjusted.

For eighteen months the system embodied in these contracts was followed to the apparent satisfaction of employer and employees. Respondent was then advised that the arrangement was in violation of the Act and that it was liable to its employees in an amount of from 30 to 60 thousand dollars. It was informed by the regional director in Dallas and by an official in the Administrator's office in Washington that an employee's complaint had precipitated the investigation. These officials declined to give the name of the employee.

Respondent thereupon brought suit for a declaratory judgment in the District Court for the Northern District of Texas joining the regional director and three of its employees as defendants. The defendant employees answered that they and all the other employees affected by the system approved of it. The regional director moved to dismiss on two grounds, one of which was that he represented none of the employees. The motion to dismiss was denied. 35 F. Supp. 430. In the meantime petitioner instituted this suit to enjoin respondent from continuing to operate the wage system based upon its contracts with its employees. The two suits were consolidated and tried together. The District Court entered a declaratory judgment for the respondent and dismissed the bill for an injunction. 36 F. Supp. 907.

Petitioner appealed to the Circuit Court of Appeals from the dismissal of its complaint. That Court affirmed the judgment of the District Court. 121 F. 2d 207. It found that the contracts were "actual bona fide contracts of employment" and that "they were intended to, and did, really fix the regular rates at which each employee was employed." We granted certiorari because of the importance of the question in the administration of the Act. — U. S. —

It is no doubt true, as petitioner contends, that the purpose of respondent's arrangement with its employees was to permit as far as possible the payment of the same total weekly wage after the Act as before. But nothing in the Act bars an employer from contracting with his employees to pay them the same wages that

<sup>4</sup> In later letters this misstatement, immaterial here, was corrected. The minimum wage for the first 40 hours remains 30 cents until October 24, 1945. See § 6 of the Act.

<sup>5</sup> 44 hours at 67 cents equals \$29.48; 10½ hours at the statutory minimum overtime rate of \$1.00 (150% × \$.67) equals \$10.67; \$29.48 plus \$10.67 equals \$40.15.

they received previously, so long as the new rate equals or exceeds the minimum required by the Act.<sup>6</sup>

The Act requires that for each hour of work beyond the statutory maximum the employees must be paid "not less than one and one-half times the regular rate at which he is employed." This case turns upon the meaning of the words "the regular rate at which he is employed." Respondent contends that the regular rate under the illustrative contract, which is set out above and to which we shall refer throughout, is 67 cents an hour. Petitioner argues, however, that the 67 cents hourly rate mentioned in the contract is meaningless and that the agreement is in effect for a weekly salary of \$40 without regard to fluctuations in the number of hours worked each week. Treating the contract as one for a fixed weekly salary, he urges that the regular hourly rate for any single week is the quotient of the \$40 guaranty divided by the number of hours actually worked in that week.<sup>7</sup> Under this formula the employee is entitled to the regular hourly rate thus determined for the first 44 hours each week and to not less than one and one-half times that rate for each hour thereafter.

In its initial stage the question to which this dispute gives rise is a question of law, a question of interpretation of the statutory term "regular rate". But it is agreed that as a matter of law employer and employee may establish the "regular rate" by contract. In the case before us such an effort has been made, and in the example given the regular rate has been specified as 67 cents an hour. The difficulty arises from the inclusion of the \$40 guaranty. The problem is whether the intention of the parties to set 67 cents an hour as the regular rate squares with their intention to guarantee a weekly income of \$40. The Administrator's position is that these two objectives are inherently inconsistent and that the intention to fix the regular hourly rate at 67 cents is overridden by the intention to guarantee the \$40 per week.

We cannot agree. In the first place, when an employee works more than 54½ hours in a single week, he is admittedly entitled to more than the \$40 guarantee. The record shows that in such a case, the employee is paid at the rate of \$1.00 an hour (150% × \$.67) for each hour of overtime. In this situation, then, it is clearly the guaranty that becomes inoperative and the 67 cent hourly rate fixed by the contract that is controlling.

In the second place, although it is perfectly true that when the employee works less than 54½ hours during the week his pay is determined by the \$40 guaranty, it does not dispose of the problem simply to say this. The question remains whether the \$40 contemplates compensation for overtime as well as basic pay. The contract says that the employee is to receive 67 cents an hour for the first 44 hours and "not less than one and one-half times such basic rate" for each hour over 44. (Consequently, if an employee works 50 hours in a given week, it might reasonably be said that his \$40 wage consists of \$29.48 for the first 44 hours (44 × \$.67) plus \$10.52 for the remaining six hours (6 × \$1.753). To be sure, \$1.753 is more than 150% of \$.67. But the Act does not prohibit paying more; it requires only that the overtime rate be "not less than" 150% of the basic rate. It is also true that under this formula the overtime rate per hour may vary from week to week. But nothing in the Act forbids such fluctuation.

<sup>6</sup> Section 19 provides: "No provision of this Act shall justify any employer in reducing a wage paid by him which is in excess of the applicable minimum wage under this Act, or justify any employer in increasing hours of employment maintained by him which are shorter than the maximum hours applicable under this Act." Whatever the legal effect of this language, it is certainly not a prohibition and the Administrator does not rely upon it. The finding of the Circuit Court of Appeals that respondent's effort to maintain the weekly incomes of its employees at their pre-Act level was in good faith gains support from the circumstance that at the very time when respondent was formulating its new wage policy the Wage and Hour Administrator declared:

"Clerical forces, we all feel, are included in the Act. But I cannot see where there is going to be any practical difficulty there because your clerical force in any plant of any consequence certainly is earning on a basis of more than 25 cents an hour weekly wages divided by the hours they work. If they are well above 25 cents an hour, it seems to me that there would not be much question about time and a half for overtime, because you could figure in that weekly wage that time and a half over the 44 hours had been given consideration as remuneration for their full week's pay."

Speech before the Southern States Industrial Council at Birmingham, Alabama, on September 29, 1938. 3 Wage and Hour Reporter 228.

<sup>7</sup> This has been the Administrator's interpretation of the Act, as set forth in Interpretative Bulletin No. 4, issued October 21, 1938, and revised in November, 1940.

<sup>8</sup> For the first year after passage of the Act; now 40 hours.

The gist of the Administrator's objection to this interpretation is that both the basic rate and the overtime rate are so "artificial" that the parties to the contract cannot fairly be supposed to have intended that it be so construed. It cannot be denied that the flexibility of the overtime rate is considerable, but this flexibility may well have been intended if it was the only means of securing uniformity in weekly income. Moreover, under the Administrator's interpretation, the regular rate in the example given is \$40 divided by the number of hours worked each week. Since the number of hours worked fluctuates so drastically from week to week, this "regular" rate is certainly "irregular" in a mathematical sense. And inasmuch as it cannot be calculated until after the work week has been completed, it is difficult to say that it is "regular" in the sense that either employer or employee knows what it is or can plan on the basis of it.

The artificiality of the method urged by the Administrator is accentuated by the nature of his counter-proposal of two plans by which the weekly wage of an employee whose hours vary from week to week may be stabilized. One of these officially approved plans is known as the "time-off plan" and is explained in Interpretative Bulletin No. 4. Under this plan the employment must be placed upon an hourly rate basis with no mention of a guaranty. The pay days must be spaced at intervals of two weeks or longer. If the pay period is set at two weeks and the employee is required to work overtime during the first week, he is given sufficient time off during the second week to keep his paycheck at a constant level. In our view this counter-proposal far exceeds in technicality the plan adopted by respondent. Moreover its operation is to provide a ceiling but not a floor for the wage. Since the pay is by the hour and there is no guaranty, in a pay period in which an employee works few hours, his wage may fall far below the level aimed at.

The other officially approved arrangement is known as the "pre-payment plan", and is also explained in Bulletin No. 4. Under this plan virtually the same arrangement as that which we have been using as an example can stand. That is to say, an employee may be promised 67 cents an hour for the first 44 hours, \$1.00 for each hour over 44,<sup>9</sup> with a guaranty of \$40 a week. However, in any week in which the employee's earnings at the stated hourly rates do not equal the \$40 guaranty, the balance necessary to fulfill the guaranty must be treated as a loan to him. If in any succeeding week his earnings at the stated hourly rates exceed the guaranty, the excess is withheld by the employer as a repayment of the loan. But if his earnings do not exceed the guaranty in any succeeding week, and after receiving his pay check he does not return to work, the employer is presumed to make an effort to collect the excess amount paid to the employee in a previous week. If the employer does not recover this excess amount, then for all practical purposes the plan operates just as does the plan, followed by the respondent in this case. About the only difference is that one is called a "guaranty plan" while the other is called a "pre-payment plan". In the opinion of the Administrator, the "pre-payment plan" is lawful; the "guaranty plan" is unlawful.

But the guaranty contract in this case carries out the intention of the Congress. It specifies a basic hourly rate of pay and not less than time and a half that rate for every hour of overtime work beyond the maximum hours fixed by the Act. It is entirely unlike the *Missel* case, decided this day. In the contract in that case there is no stated hourly wage and no provision for overtime. Under the decision in that case an employer who engages a worker for a fixed weekly wage of \$40 for irregular hours and works him 65 hours (in a year when the maximum workweek is 44 hours), owes the employee \$46.38. See *Missel* case. For the same hours under the *Belo* contract, at the hourly contract rate of 67 cents, the worker would receive \$50.48. There is a difference in compensation, but that is the agreement of the parties and it is within the letter and the intention of the law.

The problem presented by this case is difficult—difficult because we are asked to provide a rigid definition of "regular rate" when Congress has failed to provide one. Presumably Congress re-

<sup>9</sup> It should be noted that respondent's contract, set out above, does not fix \$1.00 as the hourly rate for overtime. Instead it provides that the overtime rate shall be "not less than one and one-half" times 67 cents.

frained from attempting such a definition because the employment relationships to which the Act would apply were so various and unpredictable. And that which it was unwise for Congress to do, this Court should not do. When employer and employees have agreed upon an arrangement which has proven mutually satisfactory, we should not upset it and approve an inflexible and artificial interpretation of the Act which finds no support in its text and which as a practical matter eliminates the possibility of steady income to employees with irregular hours. Where the question is as close as this one, it is well to follow the Congressional lead and to afford the fullest possible scope to agreements among the individuals who are actually affected. This policy is based upon a common sense recognition of the special problems confronting employer and employee in businesses where the work hours fluctuate from week to week and from day to day. Many such employees value the security of a regular weekly income. They want to operate on a family budget, to make commitments for payments on homes and automobiles and insurance. Congress has said nothing to prevent this desirable objective. This Court should not.

*Affirmed.*

Mr. Justice REED, *dissenting.*

The Court holds, "When employer and employees have agreed upon an arrangement which has proven mutually satisfactory, we should not upset it and approve an inflexible and artificial interpretation of the Act which finds no support in its text and which as a practical matter eliminates the possibility of steady income to employees with irregular hours." Yet it is recognized by the Court that the validity of the contract "turns upon the meaning of the words 'the regular rate at which he is employed,'" the phrase left undefined by Congress, which it is said the courts also should leave undefined and flexible. Not only does the Court's conclusion assume that the typical Belo contract conforms to the Fair Labor Standards Act by the provision for hourly wages and time and a half for overtime, but in the opinion just announced, the Court approves this type contract for hiring "so long as the new rate equals or exceeds the minimum required by the Act." In so deciding the Court gives the phrase "regular rate" an interpretation as inflexible and artificial as that which it condemns.

The Court's interpretation that, in the absence of bad faith, any form of contract which assures the payment of the minimum wage and the required overtime complies with the Act may be assumed to be correct. But since the overtime hours must be compensated "at a rate not less than one and one-half times the regular rate at which he is employed" (Sec. 7(a)(3)), the regular rate cannot be left without "definition", "flexible" or unfound for this case. And once so found, it must be applied to the circumstances of this litigation. No all inclusive definition will be attempted. The possibilities of variation in contracts are too great. Certainly, however, the Court does not mean to say that the employer and employee may capriciously select a certain figure, unrelated to the wages paid, and say "That is the regular rate of employment." Every contract of employment is assumed, by the statute, to contain a "regular rate," and for each contract it is a legal, not a factual, conclusion. What that rate is here is the object of our inquiry. Once determined for this case, that conclusion becomes a precedent for other similar contracts and so in one sense, whether we wish it or not, a definition to be applied in the administration of the Act.

This Court accepts the view that the Fair Labor Standards Act was intended not only to put a floor under wages but also a ceiling over hours. The limitation of hours in turn had two purposes—the spreading of work and extra compensation for overtime, no matter how high the regular wage may be. *Overnight Motor Transportation Co. v. Missel*, No. 939, October Term 1941, decided June 8, 1942, slip opinion page 4. Since overtime pay must at least equal time and a half the regular rate, as section 7(a) specifies, employers and employees may not be permitted to contract in avoidance of the statutory requirement. Contracts for a regular rate per hour conform easily to the requirements but contracts for compensation in other forms compel an analysis of their terms to find the regular rate. Fixed salaries, as this Court agrees today in *Missel's* case, are to be reduced to hourly rates

on the basis of a week as the unit of time. Belo's contract contains elements both of hourly wage and fixed weekly wage contracts. We come then to this point Are the contracts here involved for weekly wages with variable hours or for hourly rates with time and a half of such rates for overtime? If the latter, respondent contends the Act has left him free to contract with his employees at such hourly regular rates as may be agreed upon, limited only by the minimum wage requirements. As a court, we must appraise the nature of these contracts and in my judgment they are agreements for weekly wages for variable hours, with a provision for additional compensation per hour contingent upon work in excess of an ascertainable number of hours—the number of hours of work required for the wages earned under the hourly wage terms of the contract to equal the guaranty.<sup>1</sup> Until these hours are exceeded, the stipulated wage per hour has no demonstrable effect.

The contracts stated they were drawn to comply with the "scheme of the Act without reducing" weekly wages. The hourly rate was customarily written as one-sixtieth of the weekly wages. The overtime above the maximum hours was set at 150% of the hourly wage or one-fortieth of the weekly. This was then followed by a guaranty that the employee should "receive weekly," for regular and overtime, the former weekly wage. This guaranty was the dominating feature of the contract. Without the guaranty, the adoption of a low hourly rate would encounter the full weight of employee bargaining power. The guaranty avoids this conflict by fixing the minimum weekly wage. This guaranty controls the weekly wage up to 54½ hours of work, the number of hours contracted for by Belo without paying more than the fixed weekly wage. In a 54½ hour week or less the regular rate should be the guaranty divided by the hours actually worked.

It seems obvious that the guaranty was the heart of the arrangement. The effect of the contract in the illustrative case is to pay 73 cents an hour for work up to 54½ hours and \$1.00 (expressed in the circumlocution of time and a half 67 cents) for overtime beyond those hours, with a guaranty that there will be \$40 worth of work each week. The "basic" hourly rate, the hours contracted for at the basic rate and the stated percentage paid for overtime may be varied without effect on earnings provided the guaranty and real overtime rate are kept fixed.<sup>2</sup>

The employee willing, the number of hours which must be worked to earn the guaranty can be increased by suitable adjustment of the contract figures of hourly rate, hours contracted and overtime percentages. By such a verbal device, astute management may avoid many of the disadvantages of ordinary overtime, chief of which is a definite increase in the cost of labor as soon as the hours worked exceed the statutory workweek. If the intention of Congress is to require at least time and a half for overtime work beyond a fixed maximum number of hours (40, 42 or 44 hours), that intention is frustrated by today's holding. Under *Missel's* case, an employer who engages a worker for a fixed weekly wage of \$40 for irregular hours and works him 54½ hours a week in a year with a 44 hour maximum, owes \$43.86. Under the Belo contract, the worker would receive \$40. Because there is no increase of labor cost between the statutory maximum and the hours contracted for (54½), the employer has a financial inducement to require hours beyond the statutory maximum.

As pointed out above, this contract is not only an agreement to pay a fixed wage, \$40.00, for variable hours up to 54½, but there is a provision for additional compensation for the hours

<sup>1</sup> Cf. *Carleton Screw Products Co. v. Fleming*, 126 F. 2d 537.

<sup>2</sup> An example will illustrate the lack of significance of the other numbers in the contract. Varying rates, hours and overtime percentages are substituted for those in the Belo contract quoted in the Court's opinion. "In order to conform our employment arrangements to the scheme of the Act without reducing the amount of money which you receive each week, we advise that from and after October 24, 1938, your basic rate of pay will be [50] cents per hour for the first [29] hours each week, and that for time over [29] hours each week you will receive for each hour of work not less than [double] time such basic rate above mentioned, with a guaranty on our part that you shall receive weekly, for regular time and for such overtime as the necessities of the business may demand, a sum not less than \$40.00."

29 hours × \$.50 = \$14.50. 54.5 hours — 29 hours = 25.5 hours at \$1.00 per hour = \$25.50. Time plus overtime = \$40.00. Thereafter the employee receives \$1.00 per hour.

The same is true of a basic rate of \$.60 for 36¾ hours and time and two-thirds thereafter, with a guaranty of \$40.

over the contract maximum. Where the hours worked exceed the number necessary to entitle the employee to hourly pay under the contract, equal in the aggregate to the guaranty, the employee is entitled to receive his regular rate for the statutory maximum hours and 150% of that rate for all overtime. The contracts in most instances fixed the basic rate at one-sixtieth of the guaranty, but the effect of the guaranty, in our view, is to make the regular rate of employment for the precise number of hours necessary under the contract to earn the guaranty, the quotient of the guaranty divided by the hours.<sup>3</sup> For the surplus hours over 54½ the same regular rate continues to be applicable.<sup>4</sup>

It is the guaranty which gives character to these contracts, which determines the amount to be received by the employee under its terms, except in the instances of work beyond 54½ hours. It is only work beyond the 54½ hours which calls for extra pay from the employer. Consequently it seems proper to find the regular rate of employment by using the guarantee as the dividend and the maximum hours possible without increased contract pay as the divisor. The objection that this permits statutory overtime pay to be computed on contract overtime pay springs from the wording of the contract making the guarantee cover overtime up to the 54½ hours. This objection loses its force with the determination that the guaranty fixes the quality of the contract, rather than the so-called basic or hourly rate of pay.

The judgment of the Circuit Court of Appeals should be reversed and this action remanded to the District Court for further proceedings.

Mr. Justice Black, Mr. Justice Douglas and Mr. Justice Murphy join in this dissent.

No. 939—October Term, 1941

Overnight Motor Transportation Company, Inc., Petitioner, }  
 vs. }  
 William H. Missel. }  
 On Writ of Certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

[June 8, 1942.]

Mr. Justice Reed delivered the opinion of the Court.

This case involves the application of the overtime section of the Fair Labor Standards Act of 1938<sup>2</sup> to an employee working irregular hours for a fixed weekly wage.

Respondent, Missel, was an employee of the petitioner, Overnight Motor Transportation Company, a corporation engaged in interstate motor transportation as a common carrier. He acted as rate clerk and performed other incidental duties, none of which were connected with safety of operation. The work for which he was employed involved wide fluctuations in the time required to complete his duties. The employment of respondent began before the effective date of the Fair Labor Standards Act, October 24, 1938, and terminated October 19, 1940. Until November 1, 1938, his salary was \$25.50 per week and thereafter \$27.50. Time records are available for only a third of the critical period, and these show an average work week of 65 hours, with a maximum of 80 for each of two weeks in the first year of the Act's operation and a maximum of 75 hours in each of three weeks in the second year. Nothing above the weekly wage was paid, because these maximum workweeks, computed at the statutory minimum rates with time and

<sup>3</sup> Weekly guaranty—\$40. Hours worked—54½. Straight hourly contract wage—\$40÷60=\$.66⅔. Straight contract hours—44. 44×\$.66⅔=\$29.33⅓. Overtime hourly contract wage—\$1.00. Overtime contract hours—10⅓. 10⅓×\$1=\$10.66⅔. Total contract wage paid—\$40. Statutory regular rate—40÷54½=\$.732 per hour. Statutory maximum hours—44. 44×\$.732=\$32.20. Statutory overtime rate—\$1.098. Statutory overtime hours—10⅓. 10⅓×\$1.098=\$11.71. Total required compensation—\$43.91.

<sup>4</sup> Hours worked—60. Statutory maximum hours—44. Regular rate—\$.732. 44×\$.732=\$32.20. Statutory overtime hours—16. Overtime rate—\$1.098. 16×\$1.098=\$17.57. Total required compensation—\$49.77.

<sup>1</sup> "Sec. 7. (a) No employer shall, except as otherwise provided in this section, employ any of his employees who is engaged in commerce or in the production of goods for commerce—

(1) for a workweek longer than forty-four hours during the first year from the effective date of this section.

(2) for a workweek longer than forty-two hours during the second year from such date, or

(3) for a workweek longer than forty hours after the expiration of the second year from such date,

unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is employed." 52 Stat. 1063; 29 U. S. C. § 207.

a half for overtime for the years in question, would not require an addition to the weekly wage.

Respondent brought a statutory action to recover alleged unpaid overtime compensation in such sum as might be found due him, an additional equal amount as liquidated damages, and counsel fee.<sup>2</sup> The trial court, refusing to hear evidence on the precise amount claimed, decided in favor of the petitioner on the ground that an agreement for a fixed weekly wage for irregular hours satisfied the requirements of the Act. Under such circumstances the court was of the view that pay would be adequate which amounted to the required minimum for the regular hours and time and a half the minimum for overtime. 40 F. Supp. 174. The Circuit Court of Appeals reversed with directions to enter judgment for the plaintiff in accordance with its opinion, an order which we interpret as authorizing a hearing in the trial court as to the amounts due. 126 F. 2d 98. As the questions involved were important in the administration of the Fair Labor Standards Act, we granted certiorari. — U. S. —.

Petitioner renews here its contentions that the private right to contract for a fixed weekly wage with employees in commerce is restricted only by the requirement that the wages paid should comply with the minimum wage schedule of the Fair Labor Standards Act, section 6, with overtime pay at time and a half that minimum, that in any event the Act does not preclude lump sum salaries in excess of the minimum, and that a contrary interpretation of the statute would render it unconstitutional.

It is plain that the respondent as a transportation worker was engaged in commerce within the meaning of the Act,<sup>3</sup> and unless specifically exempted was entitled to whatever benefits the overtime provisions conferred.

While now conceding that *United States v. Darby*, 312 U. S. 100, settles the constitutional power of Congress to legislate against labor conditions detrimental to a minimum standard of living required for the general well-being of workers, petitioner argues that there is no power under the Constitution to regulate the hours or wages of workers whose pay, in every instance, at least equals the minimum and whose hours are not injurious to health. Freedom of contract between employer and employee, it is urged, is destroyed by such an interpretation.<sup>4</sup> But hours or wages not patently burdensome to health may yet be subject to regulation to achieve other purposes. We assume here the statutory objectives discussed later, i. e., that the act is aimed at hours as well as wages. The commerce power is plenary,<sup>5</sup> may deal with activities in connection with production for commerce<sup>6</sup> and as said in the *Darby* case, may extend "to those activities intrastate which so affect interstate commerce or the exercise of the power of Congress over it as to make regulation of them appropriate means to the attainment of a legitimate end, the exercise of the granted power of Congress to regulate interstate commerce." P. 118. Long hours may impede the free interstate flow of commodities by creating friction between production areas with different length workweeks, by offering opportunities for unfair competition through undue extension of hours, and by inducing labor discontent apt to lead to interference with commerce through interruption of work. Overtime pay probably will not solve all problems of overtime work, but Congress may properly use it to lessen

<sup>2</sup> "Sec. 16. . . .

"(b) Any employer who violates the provisions of section 6 or section 7 of this Act shall be liable to the employee or employees affected in the amount of their unpaid minimum wages, or their unpaid overtime compensation, as the case may be, and in an additional equal amount as liquidated damages. Action to recover such liability may be maintained in any court of competent jurisdiction by any one or more employees for and in behalf of himself or themselves and other employees similarly situated, or such employee or employees may designate an agent or representative to maintain such action for and in behalf of all employees similarly situated. The court in such action shall, in addition to any judgment awarded to the plaintiff or plaintiffs, allow a reasonable attorney's fee to be paid by the defendant, and costs of the action." 52 Stat. 1069, 29 U. S. C. § 216.

<sup>3</sup> "Sec. 3. As used in this Act—

(b) 'Commerce' means trade, commerce, transportation, transmission, or communication among the several States or from any State to any place outside thereof." 52 Stat. 1060, 29 U. S. C. § 203.

<sup>4</sup> "It is Petitioner's contention that though the constitutionality is clearly settled as to the question of correcting 'sub-standard labor conditions', a construction of the Act which has no relationship whatsoever to 'sub-standard labor conditions' would nonetheless be unconstitutional, for the potentiality of such a construction is to destroy freedom of contract between employer and employee."

<sup>5</sup> *Labor Board v. Jones & Laughlin Steel Corp.*, 301 U. S. 1, 37.

<sup>6</sup> *Santa Cruz Co. v. Labor Board*, 303 U. S. 453, 464.

the irritations. Substandard labor conditions were deemed by Congress to be "injurious to the commerce and to the states from and to which the commerce flows." *United States v. Darby*, 312 U. S. 100, 115. To protect that commerce from the consequences of production of goods under substandard conditions, it may choose means reasonably adapted to those ends, including regulation of intrastate activities, p. 121, by minimum wage and maximum hour requirements, p. 123. Compare *Santa Cruz Co. v. Labor Board*, 303 U. S. 453, 466. If overtime pay may have this effect upon commerce, private contracts made before or after the passage of legislation regulating overtime cannot take the overtime transactions "from the reach of dominant constitutional power." *Norman v. B. & O. R. Co.*, 294 U. S. 240, 306-311. If in the judgment of Congress time and a half for overtime has a substantial effect on these conditions it lies with Congress' power to use it to promote the employees' well-being.

**Statutory Construction.** The petitioner attacks the basic conceptions upon which the Circuit Court of Appeals determined that the compensation paid by the respondent violated section 7(a) of the act.<sup>7</sup> That court felt that "one of the fundamental purposes of the Act was to induce work-sharing and relieve unemployment by reducing hours of work." We agree that the purpose of the act was not limited to a scheme to raise substandard wages first by a minimum wage and then by increased pay for overtime work. Of course, this was one effect of the time and a half provision, but another and an intended effect was to require extra pay for overtime work by those covered by the act even though their hourly wages exceeded the statutory minimum. The provision of section 7(a) requiring this extra pay for overtime is clear and unambiguous. It calls for 150% of the regular, not the minimum, wage. By this requirement, although overtime was not flatly prohibited, financial pressure was applied to spread employment to avoid the extra wage and workers were assured additional pay to compensate them for the burden of a workweek beyond the hours fixed in the act. In a period of widespread unemployment and small profits, the economy inherent in avoiding extra pay was expected to have an appreciable effect in the distribution of available work. Reduction of hours was a part of the plan from the beginning. "A fair day's pay for a fair day's work" was the objective stated in the Presidential message which initiated the legislation.<sup>8</sup> That message referred to a "general maximum working week", "longer hours on the payment of time and a half for overtime" and the evil of "overwork" as well as "underpay." The message of November 15, 1937, calling for the enactment of this type of legislation referred again to protection from excessive hours.<sup>9</sup> Senate Report No. 884 just cited, page 4, the companion House Report<sup>10</sup> and the Conference report<sup>11</sup> all spoke of maximum hours as a separately desirable object. Indeed, the form of the act itself in setting up two sections of standards, Section 6 for wages and Section 7 for hours, emphasizes the duality of the Congressional purpose. The existence of such a purpose is no less certain because Congress chose to use a less drastic form of limitation than outright prohibition of overtime. We conclude that the act was designed to require payment for overtime at time and a half the regular pay, where that pay is above the minimum, as well as where the regular pay is at the minimum.<sup>12</sup>

We now come to the determination of the meaning of the words "the regular rate at which he is employed." Since we have previously determined in this opinion, in the discussion of petitioner's objection to the application of the Act on the ground of unconstitutionality, that the scope of the commerce power is broad enough to support federal regulation of hours, we are concerned at this point only with the method of finding the regular rate under the contract with respondent. Congress might have sought its objective of clearing the channel of commerce of the obstacles of

burdensome labor disputes by minimum wage legislation only. We have seen that it added overtime pay. The wages for minimum pay are expressed in terms of so much an hour. Sec. 6(a) (1)— "Not less than 25 cents an hour" with raises for succeeding years or by order of the Administrator under Sec. 8. Cf. *Cotton Mills v. Administrator*, 312 U. S. 126. Neither the wage, the hour nor the overtime provisions of sections 6 and 7 on their passage spoke specifically of any other method of paying wages except by hourly rate.<sup>13</sup> But we have no doubt that pay by the week, to be reduced by some method of computation to hourly rates, was also covered by the act.<sup>14</sup> It is likewise abundantly clear from the words of section 7 that the unit of time under that section within which to distinguish regular from overtime is the week. "No employer shall . . . employ any of his employees . . . (1) for a workweek longer than forty-four hours . . ." Sec. 7(a) (1).<sup>15</sup>

No problem is presented in assimilating the computation of overtime for employees under contract for a fixed weekly wage for regular contract hours which are the actual hours worked,<sup>16</sup> to similar computations for employees on hourly rates. Where the employment contract is for a weekly wage with variable or fluctuating hours the same method of computation produces the regular rate for each week. As that rate is on an hourly basis, it is regular in the statutory sense inasmuch as the rate per hour does not vary for the entire week, though week by week the regular rate varies with the number of hours worked. It is true that the longer the hours the less the rate and the pay per hour. This is not an argument, however, against this method of determining the regular rate of employment for the week in question. Apart from the Act if there is a fixed weekly wage regardless of the length of the workweek, the longer the hours the less are the earnings per hour. This method of computation has been approved by each circuit court of appeals which has considered such problems. See *Warren Bradshaw Drilling Co. v. Hall*, 124 F. 2d 42, 44; *Bumpus v. Continental Baking Co.*, 124 F. 2d 549, 552, cf. *Carleton Screw Products Co. v. Fleming*, 126 F. 2d 537, 541. It is this quotient which is the "regular rate at which an employee is employed" under contracts of the types described and applied in this paragraph for fixed weekly compensation for hours, certain or variable.<sup>17</sup>

Petitioner invokes the presumption that contracting parties contemplate compliance with law and contends that accordingly there is no warrant for construing the contract as paying the employee only his base pay or "regular rate," regardless of hours worked. It is true that the wage paid was sufficiently large to cover both base pay and fifty per cent additional for the hours actually worked over the statutory maximum without violating section six. But there was no contractual limit upon the hours which petitioner could have required respondent to work for the agreed wage, had he seen fit to do so, and no provision for additional pay in the

<sup>13</sup> Sec. 3(m) defined wage to include board, lodging or other facility customarily furnished employees. The Joint Resolution of June 26, 1940, for work relief and relief for the fiscal year 1941, Sec. 3(f) deals with piece work in Puerto Rico or the Virgin Islands. 54 Stat. 611, 616.

<sup>14</sup> Any other interpretation would render almost useless the exemptions from the act of employees in "executive, administrative, professional or local retailing capacity, or in the capacity of outside salesman." Sec. 13(a)(1). Such employees are rarely paid by the hour.

<sup>15</sup> The legislative history of the Fair Labor Standards Act is inconclusive as to the intended meaning of the words "the regular rate at which he is employed." The committee reports do not discuss them. The bill which came out of the Conference and was adopted changed "regular hourly rate" of previous bills (S. 2475, introduced May 24, 1937; H. R. 7200, introduced May 24, 1937; and S. 2475 in the Senate, April 20, Calendar Day May 25, 1938) to "regular rate." Conference Report, 83 Cong. Rec. 9247, 75th Cong., 3rd Sess. "Hourly" may have been omitted as not descriptive of piecework or salary payments.

<sup>16</sup> Wage divided by hours equals regular rate. Time and a half regular rate for hours employed beyond statutory maximum equals compensation for overtime hours.

<sup>17</sup> This has been the Administrator's interpretation of the Act. Interpretative Bulletin No. 4 issued October 21, 1938, revised November, 1940. While the interpretative bulletins are not issued as regulations under statutory authority, they do carry persuasiveness as an expression of the view of those experienced in the administration of the Act and acting with the advice of a staff specializing in its interpretation and application. Cf. *United States v. American Trucking Associations*, 310 U. S. 534, 549; *United States v. Darby*, 312 U. S. 100, 118, n. 2; *Graves v. Armstrong Creamery Co.*, 154 Kansas 365, 370, 118 P. 2d 613, 616. Even negative construction may be significant. *Trade Comm'n v. Bunte Bros.*, 312 U. S. 349, 351, 352.

Regulations on records issued pursuant to section 11(a) have since September 15, 1941, referred to Interpretative Bulletin 4 for the method of computation. 6 Fed. Reg. 4695, n. 9.

<sup>7</sup> Note 1 *supra*.

<sup>8</sup> May 24, 1937. 81 Cong. Rec. 4983, 75th Cong., 1st Sess.; Sen. Rep. No. 884 on S. 2475, July 6, 1937, p. 2.

<sup>9</sup> 82 Cong. Rec. 11, 75th Cong., 2d Sess.

<sup>10</sup> House Rep. 1452, 75th Cong., 1st Sess., pp. 14, 15.

<sup>11</sup> 83 Cong. Rec. 9246, 9254.

<sup>12</sup> Cf. *Bumpus v. Continental Baking Co.*, 124 F. 2d 549, 551; *Carleton Screw Products Co. v. Fleming*, 126 F. 2d 537, 539; *Tidewater Optical Co. v. Wittkamp*, 179 Va. 545, 551, 19 S. E. 2d 897, 899; *McMillan v. Wilson & Co.*, 2 N. W. 2d 838, 839 (Minn. Sup. Ct.); see *United States v. Darby*, 312 U. S. 100, 125.

event the hours worked required minimum compensation greater than the fixed wage. Implication cannot mend a contract so deficient in complying with the law. This contract differs from the one in *Wallig v. Belo*, decided today, where the contract specified an hourly rate and not less than time and a half for overtime, with a guaranty of a fixed weekly sum, and required the employer to pay more than the weekly guaranty where the hours worked at the contract rate exceeded that sum.

In the Circuit Court of Appeals<sup>18</sup> it was held that the liquidated damages provision, section 16(b) of the Act, 52 Stat. 1069, was mandatory on the courts, regardless of the good faith of the employer or the reasonableness of his attitude. Petitioner attacks this conclusion as a denial of due process because if the damage provision is mandatory, the employer is "without opportunity to test the issues before the courts," citing *Ex parte Young*, 209 U. S. 123, *Wadley Southern Ry. v. Georgia*, 235 U. S. 651, and other similar cases. Petitioner points out that if there was a failure to pay the statutory overtime, it resulted from an inability to determine whether the employee was covered by the Act.

Section 13 (b) (1)<sup>19</sup> exempts from section 7 employees for whom the Interstate Commerce Commission has power to establish maximum hours of service. This exemption was derived from the Motor Carrier Act of 1935, 49 Stat. 543, which authorized the Commission to regulate "maximum hours of service of employees." A definitive order leaving employees with the duties of respondent subject to the Fair Labor Standards Act was not passed by the Commission until March 4, 1941,<sup>20</sup> after respondent's employment ended. This conclusion, however, was foreshadowed by the ruling of the Commission, December 29, 1937<sup>21</sup> that it would limit regulations concerning maximum hours to employees whose functions affected the safety of operations. Other orders, bulletins and opinions pointing to the final conclusion intervened.<sup>22</sup> These various determinations now make it clear that respondent was subject at all times since the effective date of the Fair Labor Standards Act to its provisions. The Interstate Commerce Commission never had the power to regulate his hours.

Perplexing as petitioner's problem may have been, the difficulty does not warrant shifting the burden to the employee. The wages were specified for him by the statute,<sup>23</sup> and he was no more at fault than the employer. The liquidated damages for failure to pay the minimum wages under sections 6(a) and 7(a) are compensation, not a penalty or punishment by the Government.<sup>24</sup> Cf. *Hunt-ington v. Attrill*, 146 U. S. 657, 667, 668, 674, 681; *Cox v. Lykes Brothers*, 237 N. Y. 376, 143 N. E. 226. The retention of a workman's pay may well result in damages too obscure and difficult of proof for estimate other than by liquidated damages. *Atchison, etc. Ry. v. Nichols*, 264 U. S. 348, 351; *James-Dickinson Co. v. Harry*, 273 U. S. 119. Nor can it be said that the exaction is vio-

lative of due process. It is not a threat of criminal proceedings or prohibitive fines, such as have been held beyond legislative power by the authorities cited by petitioner. Even double damages treated as penalties have been upheld as within constitutional power.<sup>25</sup>

*Affirmed.*

The Chief Justice concurs in the result. Mr. Justice Roberts dissents.

J. NINIAN BEALL and JOHN R. NORRIS for petitioner; GEORGE A. MAHONE (W. HAMILTON WHITEFORD and WILLIAM O. TYDINGS with him on the brief) for respondent; CHARLES FAHY, Solicitor General, ARNOLD RAUM, WARNER W. GARDNER, Solicitor, United States Department of Labor, MORTIMER B. WOLF, Assistant Solicitor, and JACOB D. HYMAN filed brief on behalf of the Administrator of the Wage and Hour Division, United States Department of Labor, as amicus curiae; J. NINIAN BEALL filed brief on behalf of American Trucking Associations, Inc., as amicus curiae.

## Sales

### NO CAUSE FOR JITTERS

Because concern over so-called "threats to advertising" by government officials is being felt in some quarters, by broadcasters and other media men, repeated statements have been issued by high authorities disclaiming any intention to curtail or eliminate advertising.

It is true that the War and Navy Departments have issued statements governing advertising deductions to determine costs of manufacture on contracts for government supplies. It should be emphasized, however, that these rulings are limited in their scope and application, applying chiefly to prime or sub-contractors.

On the broader field of consumer or institutional advertising, several reassuring statements have been issued by such authorities as Leon Henderson, OPA head; Assistant Attorney General Thurman Arnold; Donald Montgomery, AAA Consumers' Council head, and others.

Among the more recent of these are statements reported in the *New York Times* May 30 and in various trade journals last week. Said *Advertising Age* on June 1:

"Mr. Henderson reiterated the statements he made at the joint meeting of the AAAA and ANA last November, and asserted that his attitude toward advertising has in no wise changed since then; and Mr. Arnold declared again that he is not interested in advertising per se, but only in the use of advertising and other business tools in a monopolistic manner.

"Mr. Montgomery, whose views have not been so frequently stated as those of the other two, asserted that shortages of goods may lead to curtailment of product advertising, but continued:

"But there will still be a great need, in my opinion, for a whole lot of national advertising. It is time advertising people started advertising the United States and particularly the big job it has to do at the moment . . . In my opinion if the private advertiser has vision—as some have shown they have—he will fulfill this new function *while the war is on*. In other words, although the opportunity for specific commodity advertising is undoubtedly going to be curtailed, *the need for advertising as a whole will not be curtailed* if advertisers have enough vision."

It has been pointed out that misunderstandings exist among some manufacturers and retailers regarding the true attitude of high government officials, and that in some cases these misunderstandings have been fostered by minor officials or field men. Broadcasters are urged to clear up these erroneous notions wherever they are found to exist.

### AFA CONVENTION JUNE 21-24

Radio will present its case before delegates to the annual convention of the Advertising Federation of America, to be held at

<sup>25</sup> Cf. *Missouri Pacific Ry. Co. v. Humes*, 115 U. S. 512; *Minneapolis & St. Louis Ry. Co. v. Beckwith*, 129 U. S. 26; *Kansas City Southern Ry. Co. v. Anderson*, 233 U. S. 325.

<sup>18</sup> 126 F. 2d 98, 111, and cases cited which so construed the Act.

<sup>19</sup> "SEC. 13 . . . (b) The provisions of section 7 shall not apply with respect to (1) any employee with respect to whom the Interstate Commerce Commission has power to establish qualifications and maximum hours of service pursuant to the provisions of section 204 of the Motor Carrier Act, 1935; . . ." 52 Stat. 1068; 29 U. S. C. § 213(b).

<sup>20</sup> *Ex parte* MC-2, 28 M. C. C. 125.

<sup>21</sup> *Ex parte* MC-2, 3 M. C. C. 665, 667.

<sup>22</sup> March 25, 1939, Interpretative Bulletin, Wage & Hour Division No. 9; May 9, 1939, *Ex parte* MC-28, 13 M. C. C. 481, 488; June 15, 1939, *Ex parte* MC-C-139, 16 M. C. C. 497; May 27, 1940, *United States v. American Trucking Assns.*, 310 U. S. 534.

<sup>23</sup> Cf. *Labor Board v. Electric Vacuum Cleaner Co.*, No. 588, this Term, slip opinion p. 9.

<sup>24</sup> The Government has collected the cases under the Act upon the point: "One line of cases holds that the 'double damages' do not constitute a penalty incurred under the laws of the United States within the meaning of Sections 24(9) and 256 of the Judicial Code (28 U. S. C. secs. 41(9) and 371). *Robertson v. Argus Hosiery Mills*, 121 F. (2d) 285, 286 (C. C. A. 6th), certiorari denied, No. 638, present term; *Stewart v. Hickman*, 36 F. Supp. 861 (W. D. Mo.); *Kuligowski v. Hart*, 4 Wage Hour Rept. 203 (N. D. Ohio); *Wingate v. General Auto Parts Co.*, 40 F. Supp. 364 (W. D. Mo.); *Barron v. F. H. E. Oil Co.*, 4 Wage Hour Rept. 551 (W. D. Tex.); *Hart v. Gregory*, 218 N. C. 184, 10 S. E. (2d) 644; *Forsyth v. Central Foundry Co.*, 240 Ala. 277, 198 So. 706; *Graves v. Armstrong Creamery Co.*, 154 Kans. 365, 118 P. (2d) 613; *Emerson v. Mary Lincoln Candies*, 173 Misc. 531, affirmed 261 App. Div. 879, affirmed, 287 N. Y. 33, 38 N. E. (2d) 234; *Abroe v. Lindsay Bros. Co.*, 300 N. W. 456 (S. Ct. Minn.); *Tapp v. Price-Bass Co.*, 147 S. W. (2d) 107 (S. Ct. Tenn.); *Duke v. Helena-Glendale Ferry Co.*, 5 Wage Hour Rept. 206 (S. Ct. Ark.); *Dennis v. Equitable Equipment Co.*, decided March 16, 1942 (Ct. App. La.); *Adair v. Traco Division*, 192 Ga. 59, 14 S. E. 2d 466.

. . . The other line of cases holding Section 16(b) to be remedial rather than penal involves determination of the applicable statute of limitations. *Collins v. Hancock*, 4 Wage Hour Rept. 522 (D. La. Caddo Parish); *Tucker v. Hitchcock*, No. 370, S. D. Fla., Oct. 2, 1941; *Klotz v. Ippolito*, 40 F. Supp. 422 (S. D. Texas)."

Hotel Commodore, New York City, June 21-24. The radio meeting will be held Wednesday morning, June 24, from 9:30 A.M. until noon, and will conform to the general wartime theme of the convention.

Under the auspices of the NAB Department of Broadcasting Advertising, three talks on radio will comprise the program. Speakers will be Samuel R. Rosenbaum, president of WFIL, speaking on "Radio's Greatest Challenge;" John M. Outler, commercial manager, WSB, on "Radio as an Advertising Medium in Wartime," and Lieut. Col. Edward M. Kirby, chief of the War Department's radio branch, on "Radio Goes to War."

Attending from the NAB staff will be Arthur C. Stringer and Frank E. Pellegrin, who also will have charge of a radio exhibit at the convention's Advertising Exposition.

Complimentary tickets to the Exposition are enclosed with this issue of REPORTS, and all NAB members are cordially invited to attend and to bring their clients and friends. Additional complimentary tickets may be obtained by writing the NAB.

## OUTLER APPOINTMENT

Appointment of John M. Outler, Jr., commercial manager of WSB, Atlanta, Ga., as chairman of the Sales Managers Executive Committee of the National Association of Broadcasters, was announced today by NAB President Neville Miller.

Outler served last year as a member of the committee, representing large stations. As chairman he succeeds Eugene Carr, now with the Office of Censorship in Washington.

A 49-year-old native of Georgia, Outler was graduated from Emory University in 1914, and served in the army from 1917 to 1919, including 16 months with the A. E. F. as First Lieutenant in the Field Artillery.

He began his advertising career in 1914 as an ad solicitor for the Augusta Herald, and joined the Atlanta Journal in 1915. After the war he returned to that paper as automobile editor from 1919 to 1926 and manager of the rotogravure advertising department from 1926 to 1931.

In 1931 he joined WSB as commercial manager and has held that position since. He is married, has two girls and a boy, and is a member of the Atlanta Advertising Club, the Atlanta Athletic Club and the Executives' Association of Atlanta.

Long active in NAB sales managers affairs, Outler was a member of the original steering committee in 1936 which set up the plans for the sales managers division of the NAB, which has since become the Department of Broadcast Advertising, headed by Frank E. Pellegrin. Besides serving on the executive committee last year, Outler also, for the past two years, was sales managers chairman of the Fifth District, comprising Alabama, Georgia and Florida. He is also widely known in the industry as a forceful speaker on sales topics and as a humorist and raconteur.

Appointment of other members of the committee will be announced as soon as acceptances are received, Mr. Miller said.

## CBS Revises Rates

The Columbia Broadcasting System on June 8 released the announcement of revision of discounts applying to their current rate card. These revisions will be effective July 15, 1942, on all new contracts, and effective July 15, 1943, or any time prior thereto on existing contracts. Two changes mark this discount revision. The first is a reduction in their weekly "station hour" discounts. The new schedule is as follows:

Less than 25 station-hours per week	Net
25 or more but less than 45 station-hours per week	2½%
45 or more but less than 70 station-hours per week	5%
70 or more station-hours per week	7½%
Annual discount	12½%

The second revision is completely new, granting a 15% discount to all users of the full network of 115 CBS stations.

In addition to the above, CBS notes in its announcement that it has acceded to the requests of the 4 A's and the ANA in the matter of cash discount by considering the first 2% of each discount as a cash discount and labelled only as such.

By this revision, CBS is offering incentive to the full network user purchasing maximum time. The implications are important to the industry, and it is suggested that stations study the four-page announcement.

## WPB ELECTRIC POWER CURTAILMENT ORDER EXPLAINED

Early in May the Power Branch of WPB issued an order (Limitation Order L-94), titled "To provide for the Curtailment of Electric Power in the United States." In listing the power consumers exempt from the mandatory curtailment provisions of the order, radio communication (not including commercial broadcasting) was listed.

Inquiry was immediately made by NAB to ascertain the source of this order and the significance thereof, and a protest against the non-inclusion of commercial radio broadcasting as an exempt industry was filed. The following communication from Mr. J. A. Krug, Chief, Power Branch of WPB, will serve to clarify the matter:

"This is in response to your letter of May 9 protesting in behalf of the National Association of Broadcasters, against the non-inclusion of commercial radio broadcasting in the exempt uses listed in Exhibit 'B' of Limitation Order L-94.

"It is the purpose of Limitation Order L-94 to effectuate emergency curtailments of non-essential uses of electric power so that deliveries of power to vital war industries will not be interrupted. It is our intention that the administration of Order L-94 shall interfere as little as possible with essential activities. The curtailment provisions of the Order will not be put into effect until all other means for meeting the war demand for power have been exhausted. At the time that a particular area is declared to be a power shortage area, users of power in the area will be examined for the purpose of ascertaining whether or not it is essential that their uses of power continue uninterrupted.

"The Order does not contemplate that power deliveries to non-exempt consumers will be completely eliminated during shortages. In cases of capacity shortage, curtailment of non-exempt consumers may be limited to a reduction in demand during hours of system peak. In areas in which an energy shortage is found to exist, total consumption will probably be reduced by a certain percentage, which could ordinarily be achieved by decreasing the hours of radio station operation.

"Your letter points out that traffic control and signal systems are included within the exempt category in Limitation Order L-94. This is because such systems are vital to the continuance of essential civilian activities. To the extent that radio broadcasting forms an integral part of the war effort or essential civilian activities, our regional curtailment schedules will permit continued deliveries of power to radio stations. Where, however, the broadcasting is of a non-essential nature, there seems no less reason to curtail such broadcasting than to curtail the activities of other information and advertising media. When curtailment appears necessary in any particular area we would expect to consult with the War Production Board Communications Branch and other agencies concerned with radio as well as with the stations themselves as to any special problems which should be taken into account with regard to broadcasting in the affected section.

"Complete public cooperation is necessary to assure the success of any curtailment program and the radio industry can be of the greatest usefulness in gaining popular support for power conservation programs in shortage areas. We trust that we will be able to count on the assistance of broadcasters in helping to make the maximum supply of power available for the use of war producers."

# UTAH

## Estimated Radio Homes, 1940

Number of Occupied Dwelling Units as reported by U. S. Bureau of the Census in advance release, Series H-7. Percent radio-equipped calculated from Series H-7 Bulletin following the Census Bureau practice. Number of radio units, or radio homes, estimated by applying percent ownership to those units not answering radio question and adding such to those reporting radio.

County	All Units			Urban Units			Rural-Nonfarm Units			Rural-Farm Units		
	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units
Beaver.....	1,245	86.2	1,073	.....	.....	.....	1,012	87.5	885	233	80.8	188
Box Elder.....	4,516	93.3	4,215	1,483	95.8	1,421	1,290	92.4	1,191	1,743	92.0	1,603
Cache.....	7,470	95.3	7,116	3,214	95.5	3,068	2,171	94.2	2,044	2,085	96.1	2,004
Carbon.....	4,608	84.4	3,888	2,056	85.6	1,761	2,141	85.1	1,822	411	74.1	305
Daggett.....	131	60.8	80	.....	.....	.....	54	53.1	29	77	65.8	51
Davis.....	3,776	94.3	3,562	820	97.9	803	1,641	94.6	1,552	1,315	91.8	1,207
Duchesne.....	1,961	76.5	1,500	.....	.....	.....	839	77.6	651	1,122	75.7	849
Emery.....	1,615	84.2	1,359	.....	.....	.....	1,168	88.4	1,032	447	73.2	327
Garfield.....	1,092	77.8	850	.....	.....	.....	936	77.3	724	156	81.1	126
Grand.....	515	68.6	353	.....	.....	.....	385	71.2	274	130	60.6	79
Iron.....	2,049	88.6	1,814	1,170	90.7	1,061	557	86.1	479	322	85.1	274
Juab.....	1,943	90.7	1,762	732	93.4	683	1,019	92.1	938	192	73.3	141
Kane.....	563	81.3	457	.....	.....	.....	419	82.7	346	144	76.9	111
Millard.....	2,180	89.6	1,954	.....	.....	.....	1,604	92.5	1,484	576	81.5	470
Morgan.....	634	94.4	598	.....	.....	.....	355	94.4	335	279	94.4	263
Piute.....	545	83.0	453	.....	.....	.....	384	81.7	314	161	86.5	139
Rich.....	497	95.5	475	.....	.....	.....	309	95.4	295	188	95.7	180
Salt Lake.....	56,621	95.3	53,955	45,896	95.6	43,876	8,159	94.0	7,668	2,566	94.0	2,411
San Juan.....	997	42.8	420	.....	.....	.....	358	72.2	258	639	25.4	162
Sanpete.....	4,011	91.8	3,685	.....	.....	.....	3,368	93.3	3,143	643	84.4	542
Sevier.....	2,962	89.8	2,661	919	92.7	852	1,588	90.3	1,434	455	82.5	375
Summit.....	2,197	94.3	2,073	990	94.1	932	741	95.6	708	466	92.9	433
Tooele.....	2,359	91.4	2,155	1,278	93.4	1,193	809	90.0	728	272	86.0	234
Uintah.....	2,224	76.4	1,700	.....	.....	.....	1,059	78.7	833	1,165	74.4	867
Utah.....	13,708	94.7	12,975	9,696	95.7	9,282	2,146	91.4	1,960	1,866	92.8	1,733
Wasatch.....	1,407	92.3	1,297	698	93.6	653	401	89.6	359	308	92.6	285
Washington.....	2,064	82.8	1,711	842	80.3	676	616	84.3	520	606	84.9	515
Wayne.....	494	81.6	403	.....	.....	.....	333	81.4	271	161	82.1	132
Weber.....	15,103	95.2	14,379	11,964	95.4	11,418	1,253	94.8	1,188	1,886	94.0	1,773
State Total.....	139,487	92.4	128,923	81,758	95.0	77,679	37,115	90.2	33,465	20,614	86.3	17,779

### Cities of 25,000 or More Population

City	County	Units	% Radio	Radio Units
Ogden.....	Weber	11,964	95.4	11,418
Salt Lake City.....	Salt Lake	41,368	95.7	39,600

NAB Research Department

June 3, 1942

### RUBBER SHORTAGE

Four leading war agency officials recently joined in a statement designed to clarify the facts about the severe rubber shortage.

Issued because many confusing and conflicting stories have been circulated about rubber, the statement points out that the shortage is extremely serious, reports to the contrary notwithstanding, and that no rubber of any kind can be spared for purposes not directly connected with the war effort.

Donald M. Nelson, chairman of the War Production Board; Arthur B. Newhall, Rubber Coordinator; Joseph B. Eastman, director of the Office of Defense Transportation, and Leon Henderson, Administrator of the Office of Price Administration and director of the WPB division of Civilian Supply, all joined in the statement, which follows:

There has been a great deal of confusion about the rubber situation, much of it caused by optimistic stories about the availability of synthetic rubber at an early date, or the large amount of scrap rubber which can be re-processed.

But there is little real basis for such optimism. Our rubber shortage is one of the worst materials shortages we face. We can spare no rubber of any kind for non-essential uses. Statements to the contrary are misleading, and do the country a great disservice, for the facts as we see them are grim, and we need one

hundred per cent cooperation in conservation measures by the general public and by industry.

Before Pearl Harbor, it appeared that this country had an adequate supply of rubber, in the light of the situation as it then existed. We had stockpiled substantial tonnages in anticipation of interruption in shipments from the Far East, and steps had already been taken to regulate civilian consumption.

Events following Pearl Harbor, however, created a wholly new series of problems. The President announced a new military program on January 6. This very greatly increased our military requirements for rubber. Then, our major sources of rubber supply were lost. In addition, our Allies were forced to look to the United States as a source of military rubber.

Thus, despite precautionary steps taken in 1941, it has become necessary to develop a rationing program for rubber which eliminates all but the most necessary uses.

War Production Board figures show three facts:

1—We cannot spare any rubber to make new tires for ordinary passenger cars; the tires we do have must be strictly rationed to essential uses.

2—All the synthetic rubber we get must go to the war effort.

3—The most optimistic estimates for this year and next indicate no rubber for anything but the most essential uses.

Actually, the rubber shortage is far worse than most people seem

to realize; the enemy controls 90 per cent of the world's rubber-producing areas, and every ounce of our stockpile is needed desperately for the armed forces.

Worst of all, the optimistic stories may keep us from recognizing what we are up against until too late. Our biggest stockpile of rubber is on our cars; these tires must be preserved. Autos shelved for the duration for lack of tires put more burden on already overcrowded buses and trolleys.

Every citizen can and must adopt a five-point conservation program:

1. Stop driving your car except when necessary; make it last.
2. Drive under 40 miles an hour.
3. Shift tires from wheel to wheel and inflate them properly.
4. If you drive to work, drive your friends and neighbors; car-pooling is essential.
5. Remember that rubber is precious; save it; every car is now a vital part of the nation's transportation system.

Needless driving today is unpatriotic. Deliberate waste of rubber helps the enemy. We call on Americans to ration themselves strictly.

## Restrictions Relaxed

Restrictions on inventories in the radio and wire communications industries have been modified so that material for specific Army, Navy and other war projects may be stocked without interference with normal operating inventories.

This action was taken in interpretations of Preference Rating Order P-129.

Order P-129 makes an A-3 rating available to an operator or his supplier for deliveries of materials essential for maintenance, and repair and protection of service in connection with radio and wire communication operations.

P-129 prohibits operators from accepting deliveries of materials, whether rated or not, until the dollar value of their inventory has been reduced to a practicable working minimum interpreted as 27½ per cent of the dollar value of materials used by them for all purposes during 1940.

WPB's Communications Branch has found that these inventory restrictions have worked a hardship on some operators, who have been forced to acquire large inventories of material for specific projects authorized by the Director of Industry Operations. The restrictions have prevented these operators from acquiring normal inventory for current operations.

Inventory of material as defined in the interpretations does not include material intended for use in special projects authorized by WPB, or any equipment of an outmoded type reserved by an operator for re-use as a practical conservation measure to meet probable future operations.

At the same time, the interpretations state that operators must include in their inventories of material all items of salvaged material and supplies, whether held for re-use or for sale as junk. Such items must be counted in inventories until they have been physically incorporated into maintenance, repair operating construction or other projects.

(Editor's note: It is still necessary to use Form PD-1A for items that cannot be secured with the industry A-3 rating.)

## SWAP PLAN WILL HELP

This interpretation suggests an extra incentive for participating in the swapping of materials. This was discussed last week in "Swap Bulletin" No. 1 mailed to all stations.

When stations take their inventory, which they must do before ordering materials, in order to avoid the possibility of running afoul of the law, they will probably find they are long on some items and short on others. The immediate job then is to get this stock in balance. Perhaps you can do this by sending in your "wanted" items and your "for sale" items. See "Swap Bulletin" of June 5 for details.

The second issue of the Swap Bulletin will be published just as soon as station engineers make known the items they have for sale and the items they want to buy. Insufficient time has elapsed for us to receive much copy. However, we did hear from two stations. While their wants are published in NAB REPORTS today, they will be republished in the "Swap Bulletin" later.

### *For Sale—Make Offer*

For Sale by E. K. Cargill, president, WMAZ, Macon, Ga.

One Blaw-Knox self-supporting 244-foot Vertical Radiator complete with Insulators, etc. This tower will be available approximately Sept. 1 and purchaser must dismantle and remove from property. Tower outfitted with regulation 100-watt lamps at one-third and two-third level with 300 mm. flashing code beacon at top. This is a good buy for some licensee to complete his construction permit.

### *Wanted to Buy*

Wanted to Buy by H. G. Cole, chief engineer, WSBT, South Bend, Ind.

Two 827R Radio tubes  
Two 889R Radio tubes

## GASOLINE RATIONING PLAN

"X" cards, providing for unrestricted purchases of gasoline, are eliminated in the new coupon plan for rationing gasoline which the Office of Price Administration will put into effect in the East Coast area next month, Price Administrator Henderson announced June 4. This plan will supplant the emergency plan now in operation. No motorist under the new plan will receive gasoline in excess of what he needs to carry on his work, except that all motorists will have a basic ration to provide for household and other necessary family driving.

### *Slips to Be Torn Out and Returned*

Coupon books will take the place of the "meal ticket" type cards, Mr. Henderson said. In fact, the new plan will require coupons for all gasoline purchases. Coupons, issued to car owners in several types of books, will be torn out by the dealer when gasoline purchases are made. The dealer in turn must turn in these coupons when getting new stocks from his supplier. This "flow back" of coupons, it was explained, will provide an audit control of every gallon of gasoline distributed under rationing.

Under the new plan there will be 6 types of books for highway uses. The A book, containing 48 coupons, will provide the basic ration to which every passenger car owner is entitled. These 48 coupons will be good for 1 year. B and C books will provide supplementary rations for passenger cars for vocational, governmental, and war purposes in addition to that provided by the A book.

The D book will provide a basic ration for motorcycles, and "S-1" and "S-2" books will be issued to trucks, buses, and similar vehicles.

### *Extra Forms for Extra Gas*

OPA announced that only A and D books will be issued at the time of registration. The dates and places for registration will be announced later. Upon filling out a simple form and presenting his registration card, any automobile owner may receive the basic ration book.

To obtain additional rations, through either a B or a C book, the car owner must fill out a much more detailed application and present it to a local rationing board for action. The application forms for these higher rating books will be available at the registration place.

In order to satisfy a local board that he should have a supplementary book of coupons, a car owner will have to prove that an A book will not provide him with enough gasoline to carry on his occupation or other work. On his application he will have to prove (1) that he has formed a club of four members who

plan to "double up" or rotate use of their cars, or (2) that alternative means of transportation are inadequate. He will also have to establish the minimum amount of driving that he must do.

### Books to Be "Tailored" to Need

All B books will contain 16 coupons, which must last persons to whom they are issued a minimum of 3 months, according to the mileage need he has proved. If the B book will meet the needs of the user for a period longer than 3 months, the board will "tailor" the book by fixing an expiration date which will allow the exact mileage required. The expiration date will be determined by the local board, and the date will be stamped on the book cover at time it is issued. It will be impossible, save in exceptional cases, for the holder to receive another B card before that expiration date.

C books, containing a maximum of 96 coupons, will be issued to drivers who prove that neither an A book, nor an A book plus a B book, will supply them with sufficient gasoline to carry on work related to the war effort or to the maintenance of essential public or civilian services. Such drivers will receive gasoline only for driving in connection with specified work or services of this type. Among the services for which such rations will be issued are medical care, maintenance of public utilities, carrying farm labor, giving religious comfort or assistance, and making official trips on Government business.

Only journeys authorized by any Federal, State, local, or foreign government for their employees or officials will be considered official trips.

Each C book, it was explained, will be tailored to fit the needs of the person receiving it. While all C books will contain 96 coupons, coupons will be removed to provide the exact mileage required.

S books will be issued for trucks, buses, and taxis, and will provide sufficient gasoline for the needs of such vehicles for a 4-month period.

OPA emphasized that while all applicants for rations for trucks, buses and similar vehicles must show how much gasoline they will need, there is no intention at the present time to curtail the operations of such vehicles except as the Office of Defense Transportation may provide in its rules and regulations.

In addition to the various coupon books for highway users, there will be E and R books for nonhighway users, including boats.

### ENEMY PATENTS SEIZED

An additional 600 enemy owned patents have been taken over by Leo T. Crowley, Alien Property Custodian. With the exception of five patents of Hungarian origin, all were formerly the property of German corporations.

Among the patents seized were included more than 200 owned Telefunken relating primarily to radio and television equipment.

## FEDERAL COMMUNICATIONS COMMISSION

### REGISTRATION OF RADIO TRANSMITTERS NOT LICENSED

The FCC has ordered every one in possession of a radio transmitter, who does not hold a radio station license for its operation, to apply for registration not later than June 28, 1942.

Previously, the Defense Communications Board had issued an order in which it determined that the national security and defense and the successful conduct of the war demand that the Government have knowledge of all persons who possess apparatus equipped for the transmission of radio frequency energy.

By its requirement that all unlicensed radio transmitters be

registered, the FCC has taken the necessary steps to ascertain the exact locations and amounts of all equipment of this kind in the country. Consequently, the Government will be in a position to take measures to prevent use of the equipment by enemy interests, and to determine its availability for our own war needs.

The Commission requires that a separate application must be made for each transmitter and that each application must be sent to the Secretary of the Commission in Washington, D. C. Application forms will be supplied by the Commission in Washington or by any of the Commission's thirty field offices throughout the country.

### 924 STATIONS

During the month of May, 1942, the Federal Communications Commission issued operating licenses to seven stations. No permits were granted for the construction of new stations. A comparative table by month follows:

	June 1	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1	Mar. 1	Apr. 1	May 1	June 1
Operating .....	849	854	859	859	869	877	882	887	891	893	897	899	906
Construction .....	48	43	44	53	44	38	37	36	32	31	27	25	18
	897	897	903	912	913	915	919	923	923	924	924	924	924

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

### HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, June 15. They are subject to change.

#### Monday, June 15

NEW—Dyke Collum & Harry R. England, a copartners, d/b as Radio Company of Annapolis, Annapolis, Md.—C. P., 1040 kc., 250 watts, limited time.

#### Further Hearing

NEW—Camden Broadcasting Company, Camden, N. J.—C. P., 800 kc., 500 watts, daytime.

#### Tuesday, June 16

NEW—Minor E. Bragg & Robert C. Lipscomb, d/b as Murfreesboro Broadcasting Co., Murfreesboro, Tenn.—C. P., 1450 kc., 250 watts, unlimited.

#### Wednesday, June 17

#### Further Hearing

NEW—Portsmouth Radio Corporation, Portsmouth, Va.—C. P., 1490 kc., 250 watts, unlimited.

#### Thursday, June 18

#### Further Consolidated Hearing

NEW—Herald Publishing Company, Klamath Falls, Oregon—C. P., 1400 kc., 250 watts, unlimited.

NEW—Dorman Schaeffer, Klamath Falls, Oregon—C. P., 1400 kc., 250 watts, unlimited.

#### Friday, June 19

WROL—S. E. Adcock, d/b as Stuart Broadcasting Company, Knoxville, Tenn.—C. P., 620 kc., 1 KW, unlimited, DA-night.

**FEDERAL COMMUNICATIONS  
COMMISSION ACTION**

**APPLICATIONS GRANTED**

- WWDC—Stanley H. Horner, Edwin M. Spence and Dyke Collum (Transferors); Joseph Katz, G. Bennett Larson and Charles M. Harrison (Transferees); Capital Broadcasting Co. (Licensee), Washington, D. C.—Granted consent to transfer control (B1-TC-302) of Capital Broadcasting Company, licensee of broadcast station WWDC, from Stanley H. Horner, Dyke Collum and Edwin M. Spence to Joseph Katz, G. Bennett Larson and Charles M. Harrison, for a consideration of \$110,000.
- KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Granted license (B5-L-1646) to cover Special Service authorization which authorized operation on **1090 kc.**, 250 watts, unlimited time at present site, using equipment authorized under (B5-P-2023). This authorization is granted upon definite assurance heretofore given that licensee will apply for authority to increase station's power to 5 KW as soon as practicable to do so; and licensee should surrender its present license to operate on **1400 kc.**
- KBWD—Brown County Broadcasting Co., Brownwood, Texas—Granted modification of license (B3-ML-1123) for increase in power from 500 watts unlimited time, to 500 watts night, 1 KW local sunset, unlimited time.
- WSNY—Western Gateway Broadcasting Corp., Schenectady, N. Y.—Granted modification (B1-MP-1548) of construction permit (B1-P-2690) to move transmitter, approval of studio site, change in type of transmitter proposed, change in antenna system and extension of commencement and completion dates.
- WEGO—Wayne M. Nelson, Concord, N. C.—Granted modification (B3-MP-1516) of construction permit (B3-P-3007) requesting approval of transmitter and studio location, approval of antenna system and authority to install new frequency monitor, providing applicant submit proof of performance showing a minimum effective field of 175 mv/m for antenna system.
- Balaban & Katz Corp., Chicago, Ill.—Granted construction permit (B4-PCT-14) for new commercial television broadcast station to operate on Channel No. 3 (**66,000-72,000 kc.**) ESR:796, with completion date of August 15, 1942.
- WGKV—William A. Carroll (Transferor), Kanawha Valley Broadcasting Co. (Licensee), Worth Kramer (Transferee), Charleston, W. Va.—Granted consent to transfer or control (B2-TC-298) of Kanawha Valley Broadcasting Company, station WGKV, from William A. Carroll to Worth Kramer, for a consideration of \$10,500, representing transfer of 128 shares of outstanding capital stock.
- WEVD—Debs Memorial Fund, New York City.—Granted petition of WEVD for grant of application for construction permit to move the former main transmitter from the station's old location in Brooklyn to its new location in New York City, for use as an auxiliary transmitter.
- WPRP—Julio M. Conesa, Ponce, Puerto Rico.—Granted petition of applicant to take his testimony by deposition in re application for construction permit, for modification of construction permit and renewal of license of WPRP; also authorized the taking of depositions, on behalf of the Commission, of the present and the former Inspectors of the Commission at San Juan, as well as other witnesses in that city and in Ponce.
- Portsmouth Radio Corporation, Portsmouth, Va.—Granted petition for grant of application for construction permit (B2-P-3097) for a new station to operate on **1490 kc.**, 250 watts, unlimited time, and cancelled hearing now scheduled for June 17, 1942.

**HEARING DESIGNATED**

- WJAX—City of Jacksonville, Jacksonville, Fla.—Designated for hearing application for construction permit (B3-P-3012) to increase nighttime power to 5 kilowatts and install directional antenna for nighttime use.

The following stations were granted renewal of licenses for the period ending October 1, 1942:

- WHLA, Niagara Falls, N. Y.; KGVO, Missoula, Mont.; KFOX, Long Beach, Calif.; KGGM, Albuquerque, N. Mex.; KGLO, Mason City, Iowa; WATR, Waterbury, Conn.; WFVA, Fredericksburg, Va.; WOOD, Grand Rapids, Mich.; WORK, York, Pa.
- WMAL—The Evening Star Broadcasting Co., Washington, D. C.—Granted renewal of license for the period ending June 1, 1944.
- WMFJ—W. Wright Esch, Daytona Beach, Fla.—Granted renewal of license for the period ending October 1, 1943.

The following stations were granted renewal of licenses for the period ending August 1, 1944:

- KMBC and auxiliary, Kansas City, Mo.; WAAT auxiliary, Jersey City, N. J.; WAPO auxiliary, Chattanooga, Tenn.; WBRC, Birmingham, Ala.; WDAY, Fargo, N. Dak.; WKPA, New Kensington, Pa.; WSBT and auxiliary, South Bend, Ind.

**MISCELLANEOUS**

- KFEQ—KFEQ, Inc., St. Joseph, Mo.—Granted modification (B4-MP-1573) of construction permit which authorized increase in power, etc. (B4-P-2477), for extension of completion date to July 30, 1942.
- WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Granted modification (B2-MP-1566) of construction permit, which authorized increase in power and installation of directional antenna for night use, for extension of completion date to September 27, 1942.
- WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted modification (B3-MP-1572) of construction permit (B3-P-3043) for extension of completion date to October 6, 1942.
- WNRB—The National Life and Accident Insurance Co., Nashville, Tenn.—Granted license to cover construction permit (B3-PRE-422) for new relay broadcast station to be used with applicant's standard station WSM; frequencies: **156750, 158400, 159300, 161100 kc.**; 40 watts (B3-LRE-381).
- W9XPR—Balaban & Katz Corp., Chicago, Ill.—Granted modification (B4-MPVD) of construction permit (B4-PVB-79) authorizing experimental television broadcast station, for extension of completion date to 90 days from May 25.
- W9XBB—Balaban & Katz Corp., Chicago, Ill., Area of Chicago—Granted modification (B4-MPVB-78) of construction permit (B4-PVB-78), authorizing new experimental television broadcast station, for extension of completion date to 90 days from May 25.
- WHIP—George F. Courrier (Transferor), John W. Clarke (Transferee), Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Designated for hearing applications for consent to transfer control of Hammond-Calumet Broadcasting Corporation, licensee of station WHIP, from George F. Courrier to John W. Clarke (B4-TC-303).
- WJWA—Birney Imes, Portable-Mobile, Area of Columbus, Miss.—Granted license (B3-LRY-263) to cover construction permit (B3-PRY-258) which authorized a new relay broadcast station to be used with applicant's standard station WCBI; frequencies **1622, 2058, 2150, 2790 kc.**, 50 watts.
- WMWB—Port Huron Broadcasting Co., Portable-Mobile, Area of Port Huron, Mich.—Granted license (B2-LRY-265) to cover construction permit (B2-PRY-255) which authorized a new relay broadcast station to be used with applicant's standard station WHLS; frequencies **1622, 2058, 2150, 2790 kc.**, 15 watts.
- KBSF—The Associated Broadcasters, Inc., Portable-Mobile, Area of San Francisco.—Granted license (B5-LRY-266) to cover construction permit (B5-PRY-267) authorizing a new relay broadcast station to be used with applicant's standard station KSFO; frequencies **1622, 2058, 2150, 2790 kc.**, 50 watts.
- KXA—American Radio Telephone Co., Seattle, Wash.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-1402).
- WNBF—Wylie B. Jones Advertising Co., Binghamton, N. Y.—Granted modification (B1-MP-1551) of construction permit (B1-P-3185) for extension of completion date to August 3, 1942.
- WHIP—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—

Granted modification (B4-MP-1576) of construction permit (B4-P-2599 which authorized change in hours of operation and changes in directional antenna system) for extension of completion date to July 30, 1942, subject to condition that objectionable interference will not be caused to station TGW, Guatemala City.

KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—Granted motion for continuance of hearing on construction permit now scheduled for June 4, and continued same to July 8.

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Granted special service authorization to use frequency, power and transmitter authorized under construction permit (B3-P-3049) as modified (1010 ke., 5 KW night, 10 KW, local sunset, DA-N, unlimited time) at present transmitter site north of Little Rock, with modified present directional antenna. This special service authorization is granted upon the express condition that it may be terminated by the Commission at any time without advance notice or hearing if in its discretion the need for such action arises. Nothing contained herein shall be construed as a finding by the Commission that the authority herein granted is or will be in the public interest beyond the express terms hereof.

WDOD—WDOD Broadcasting Corp., Chattanooga, Tenn.—Granted modification (B3-MP-1583) of construction permit (B3-P-2641, which authorized increase in power, move of transmitter and installation of DA for night use) for change in type of transmitter.

WKPT—Kingsport Broadcasting Co., Inc., Kingsport, Tenn.—Denied petition requesting that application for construction permit to operate on 790 ke., 1 KW, unlimited time, directional antenna night, be granted.

Kennebec Broadcasting Co., Augusta, Maine.—Granted petition to dismiss without prejudice application for new station (B1-P-3274).

WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Granted petition for intervention in the hearing on applications of WGAR, Cleveland, WHBC, Canton and WADC, Tallmadge, Ohio.

Butler Broadcasting Corp., Hamilton, Ohio.—Granted in part request for additional time to file petition pursuant to Memo. Opinion of April 27; extended time to June 24.

Butler Radio, Inc., Tyler, Texas.—Granted petition to dismiss without prejudice application for new station (B3-P-2896).

## APPLICATIONS FILED AT FCC

### 550 Kilocycles

KOAC—Oregon State Agricultural College, Ore.—Modification of construction permit (B5-P-2422, as modified, which authorized new transmitter, installation of directional antenna, increase in power, and move of transmitter) for extension of completion date from 6-1-42 to 7-1-42.

NEW—Bob Jones College, Inc., Cleveland, Tenn.—Construction permit for a new station to be operated on 550 ke., 1 KW night, 5 KW day, unlimited time, directional antenna night. Amended: to make changes in directional antenna for night use, and change transmitter location from County Farm Road, Route No. 2, Cleveland, Tenn., to Route 11-64, Cleveland, Tenn.

### 560 Kilocycles

KFDM—Beaumont Broadcasting Corp., Beaumont, Texas.—Construction permit to install new transmitter, directional antenna for day and night use, increase power from 1 to 5 KW and move transmitter. Amended: to change type of transmitter, changes in directional antenna for night use only and change proposed transmitter location.

### 570 Kilocycles

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Modification of construction permit (B2-P-2547, as modified, which authorized new transmitter, increase in power, installation of directional antenna for night use, and change

in hours of operation) for extension of completion date from 6-30-42 to 12-31-42.

### 640 Kilocycles

WHKC—United Broadcasting Co., Columbus, Ohio.—License to cover construction permit (B2-P-3255) for a new vertical antenna system and move of transmitter.

WHKC—United Broadcasting Co., Columbus, Ohio.—Authority to determine operating power by direct measurement.

### 940 Kilocycles

KTKC—J. E. Richmond, Percy W. Whiteside, Homer W. Wood and Visalia Publishing Co., d/b as Tulare-Kings Counties Radio Associates, Visalia, Calif.—License to cover construction permit (B5-P-3159) as modified to change frequency, increase power, install new transmitter and changes in directional antenna for day and night use and move transmitter.

KTKC—J. E. Richmond, Percy W. Whiteside, Homer W. Wood and Visalia Publishing Co., d/b as Tulare-Kings Counties Radio Associates, Visalia, Calif.—Authority to determine operating power by direct measurement.

### 1070 Kilocycles

WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Construction permit to increase power from 1 KW night, 5 KW day to 5 KW night, 10 KW day, make changes in directional antenna for night use, and changes in transmitting equipment. Amended: to omit request for increase in day power and changes in transmitting equipment.

### 1130 Kilocycles

KGDM—E. F. Pepper, Stockton, Calif.—Modification of construction permit (B5-P-3199) for change in frequency, hours, increase in power, directional antenna for night use and new transmitter, requesting change in type of transmitter.

### 1230 Kilocycles

KXO—Valradio, Inc., El Centro, Calif.—Construction permit to change frequency from 1490 to 1230 ke., increase in power from 100 to 250 watts, install new transmitter and antenna system and move studio and transmitter. Amended: to request modification of license instead of construction permit by omitting request for increase in power, new transmitter and move of studio and transmitter.

NEW—Raymond C. Hammett, Talladega, Ala.—Construction permit for a new broadcast station to be operated on 1230 ke., 250 watts, unlimited time. Amended: re changes in antenna.

WJOB—O. E. Richardson, Fred L. Adair and Robert C. Adair, d/b as Radio Station WJOB, Hammond, Ind.—Construction permit to increase power from 100 to 250 watts and make changes in transmitter. Amended: re change in type of transmitter.

### 1250 Kilocycles

WREN—The WREN Broadcasting Co., Lawrence, Kans.—Authority to determine operating power by direct measurement.

### 1260 Kilocycles

KYA—Hearst Radio, Inc., San Francisco, Calif.—Assignment of license from Hearst Radio, Inc. to Palo Alto Radio Station, Inc.

KYA—Palo Alto Radio Station, Inc., Palo Alto, Calif.—Modification of license to move studio from San Francisco to Palo Alto, California.

### 1310 Kilocycles

WDOD—WDOD Broadcasting Corp., Chattanooga, Tenn.—Modification of construction permit (B3-P-2641) as modified for increase in power, move transmitter and install

directional antenna for night use, requesting change in type of transmitter.

#### 1490 Kilocycles

WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—License to cover construction permit (B2-P-3410) for changes in auxiliary transmitting equipment.

#### FM APPLICATIONS

W73I—Associated Broadcasters, Indianapolis, Ind.—Modification of construction permit (B4-PH-122, which authorized a new high frequency broadcast station) for approval of transmitter location at 445 N. Pennsylvania St., Indianapolis, Ind., and approval antenna system.

W55M—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Modification of construction permit (B4-PH-6, as modified, which authorized a new high frequency broadcast station) for change in type of transmitter only.

W55M—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—License to cover construction permit (B4-PH-6) as modified for a new high frequency broadcast station. Amended change in type of transmitter.

W65PH—Seaboard Radio Broadcasting Corp., Philadelphia, Pa.—Modification of construction permit (B2-PH-81) as modified for a new high frequency broadcast station, requesting change in transmitter location and studio, change type of transmitter and antenna system, decrease coverage from 9,300 to 5,465 square miles on a temporary basis and change population from 3,900,000 to 3,399,000.

W71NY—Bamberger Broadcasting Service, Inc., New York, N. Y.—Modification of construction permit (B1-PH-46) as modified for a new high frequency broadcast station, requesting decrease in coverage from 8,500 to 5,730 square miles, changes in antenna system and change in population from 11,900,000 to 10,943,000.

W55NY—William G. H. Finch, New York, N. Y.—Modification of construction permit (B1-PH-42) as modified for a new high frequency broadcast station, requesting extension of commencement and completion dates from 4-10-42 and 6-24-42 to 6-24-42 and 12-24-42, respectively.

W75NY—Metropolitan Television, Inc., New York, N. Y.—Modification of construction permit (P1-PH-52) as modified for a new high frequency broadcast station, requesting extension of completion date from 6-30-42 to 12-30-42.

W49PH—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Modification of construction permit (B2-PH-69) as modified for a new high frequency broadcast station, requesting extension of completion date from 7-22-42 to 7-22-43.

W39B—The Yankee Network, Inc., Boston, Mass.—License to cover construction permit (B1-PH-13) as modified, for a new high frequency broadcast station.

#### TELEVISION APPLICATION

W2XMT—The Yankee Network, Inc., Boston, Mass.—Modification of construction permit (B1-PVB-40) as modified for a new television broadcast station, requesting extension of commencement and completion dates from 1-1-42 and 7-1-42 to 7-1-42 and 1-1-43, respectively.

#### MISCELLANEOUS APPLICATIONS

WIUC—University of Illinois, Urbana, Ill.—Modification of construction permit (B4-PED-21, as modified, which authorized new non-commercial educational broadcast station) for change in transmitter location from South of Champaign, Ill. to 1010 S. Wright St., Urbana, Ill., changes in antenna system, and extension of commencement and completion dates from 9-16-41 and 7-16-42 to 10 days after grant and 60 days thereafter, respectively.

KEHB—Topeka Broadcasting Assn., Inc., Mobile—License to cover construction permit (B4-PRE-408) for changes in equipment and increase in power.

WJSM—United Broadcasting Co., Cleveland, Ohio—License to cover construction permit (B2-PRE-420) for a new relay broadcast station.

## FEDERAL TRADE COMMISSION DOCKET

*Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.*

#### 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.

**J. & J. Candy Company**—A complaint has been issued charging Vinton T. James and George E. James, trading as J. & J. Candy Co., 1507 West Trade St., Charlotte, N. C., with the use of lottery schemes in connection with the sale of candy to ultimate purchasers. (4769)

**William R. Warner & Co., Inc.**, 113 West 18th St., New York, in a complaint is charged with false advertisement of "Agarol," a medicinal preparation. (4770)

#### STIPULATIONS

During the past week the Commission announced the following stipulations:

**Babson Bros. Co.**, 2845 West 19th St., Chicago, have entered a stipulation to cease representing in the sale of "Surge Fencers" for confining livestock, that the "Surge Hi-Line Fencer" is the only safe electric fence controller; that the mercury switch in the respondent's controller permits an accuracy of timing not approached by any other kind of timing or impulse measuring device; and that there are no competitive alternating-current type electric fence controllers which comply with the Wisconsin Code for electric fence controllers and which are satisfactory. (02989)

**Chippewa Springs Corp.**, 177 Colfax Ave., North, Minneapolis, Vince B. Nyhan, trading as Chippewa Spring Water Company of Chicago, 1318 South Canal St., Chicago, and Hutchinson Advertising Co., 1000 Hodgson Building, Minneapolis, stipulated to cease certain representations in the sale of "Chippewa Natural Spring Water." (02987)

**Rex Remedy Co.**, 315 South Morgan St., Shelby, N. C., has entered into a stipulation to cease certain representations in the sale of "Rex-Lex," advertised as a headache remedy. According to the stipulation, the preparation contains acetanilid and potassium bromide. (02990)

**Joseph Triner Corp.**, 1333 South Ashland Ave., Chicago, stipulated to cease representing that "Triner's Bitter Wine" will clean the stomach, prevent colds, and relieve insomnia, headaches, irritability or nerve disease; and that "Triner's Wine Tonic" will clear the system of accumulated poisons, restore appetite and digestions, assure sleep and maintain good health. The respondent also agrees to cease representing by use of the word "Tonic" in the designation of "Triner's Wine Tonic" that the preparation is a general tonic. (02988)

## CEASE AND DESIST ORDERS

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

**Gibson-Thomsen Co., Inc.**, New York, tooth brush manufacturer, and S. H. Kress & Co., chain store owners, with headquarters in New York, have been ordered to cease misrepresentations in the sale of tooth brushes. (3714)

**Houston's Mineral Well**, Newmarket, Tenn., has been ordered to cease misrepresentations in the sale of "Houston's Mineral Water." (4567)

**Radio Wire Television, Inc.**, 100 Sixth Ave., New York, distributor of radio receiving sets and accessories, has been ordered

to cease and desist from representing that a radio receiving set designated as a "One-tube battery operated all-wave set" has the power or capacity to "tune in the world" or that that set or any other receiving set is capable of receiving broadcast programs in excess of its actual power and capacity for such reception. (4491)

**Seamless Rubber Co.**, New Haven, Conn., manufacturer of electrical heating pads for use in treating disease, has been ordered to cease misrepresentations in the sale of its products. (4509)

**Thomas Management Corp.**, the Paul A. Thomas Trust, and 6 individuals of Chicago, distributors of cosmetics and medicinal preparations for the treatment of the hair and scalp, through hair treatment offices operated in various cities from coast to coast, have been ordered to cease and desist from misrepresentations in the sale of their products. (4422)



### A. F. OF M. SITUATION

So far, James C. Petrillo, president of the American Federation of Musicians, has not translated into action his threat to stop his members from making recordings for radio, juke-boxes, and public consumption in general after August 1.

If and when he does, the NAB will not be caught napping.

## Sanders Bill Hearings

### MR. FLY TESTIFIES

With the resumption of the hearings on the Sanders Bill Wednesday and Thursday, Chairman Fly was queried at length by numerous Representatives when he got down to the Sanders Bill itself, after having spent about an hour discussing the general activities of the Commission.

Chairman Fly objected to dividing the Commission into two divisions; to what he alleged was the proposed repeal of the Commission's authority to delegate routine functions, to the proposal requiring hearings on applications; to changing the Commission's intervention rule; to requirements of an intermediate report by an examiner; to the provision that filing a protest or petition for rehearing would operate to stay Commission action; to the language alleged to curtail the Commission's issue of special authorizations; and to amendment of the transfer section which he alleged would permit of management contracts.

We quote from the unrevised transcript of the testimony:

"Commissioner Fly. I should like to take up now these specific provisions. Now, the thing I have tried to do thus far, gentlemen, is to give you a picture of the work of the Commission. Perhaps I ought to explain that while the vast amount of Commission's work does not pertain to this broadcasting licensing end of the thing, we have had here the situation where the only support for this bill has come from two or three special interests in the broadcasting field.

"No one has come in here from these communications companies and has said, 'You are not giving the communications companies enough attention.'

"The only suggestion that we are not giving telephone and telegraph and cable enough attention has come from the broadcasters, who apparently want less attention, and I think it is of considerable significance to the bill to effect a basic reorganization of the Commission and in the main to accomplish the purported objectives of giving attention to the common carriers has not been supported by a single common carrier.

"Mr. McGranery. Is there anything in this bill that is designed to in any way interfere with the common carriers?

"Commissioner Fly. Pardon me.

"Mr. McGranery. Is this bill designed in any way to interfere with the common carriers?

"Commissioner Fly. I think that it may impede the work with the common carriers somewhat, sir. I will discuss that more in detail a bit later.

"Mr. McGranery. Right at that point, do you not think it might be fair to say that inasmuch as it does not affect them, that they have no interest in it?

"Commissioner Fly. Well, I think it comes with ill grace on the part of two or three broadcasting interests to make the point

that that part of the service should be improved and that more attention should be given to it.

"Now, the thing that the broadcasters, those who have complained, or complaining about, is not too little attention. You know that, Mr. Congressman. They are complaining about too much attention.

"Mr. Sanders. Mr. Chairman.

"The Chairman. Mr. Sanders.

"Mr. Sanders. I might clarify that situation there, as author of the bill. With the exception of paragraph 7 of the bill, the balance of the bill was a recommendation of the Federal Communications Bar Association, which reached my desk, and I presume reached the desk of the other members of the committee.

"I was told by the members of the executive committee who discussed the matter with me that included in the Bar Association were members of the common carrier industry as well as the broadcasters.

"Now, the opinion of the witnesses who have appeared before the committee, of course, had been made known to the committee; but the recommendations of procedure and appeal largely, it seems to me, are technical matters that would come more to the attention of the attorneys involved than that of the lay witness.

"I merely mention that, because that was the genesis of this particular bill.

"Commissioner Fly. I think that I ought to make it clear, sir, that the Association is dominated by the broadcasters and the people who appeared here are primarily interested in broadcasting, and no communications company has appeared either directly or indirectly, in so far as I know.

"Mr. Chapman. Mr. Chairman.

"The Chairman. Mr. Chapman.

"Mr. Patrick. I want to ask Mr. Fly a question there.

"Mr. Chapman. Very well.

"Mr. Patrick. I do not understand him. As I understood, you said that the Bar Association is largely dominated by the people who are interested in broadcasting, and that that is the force, and particularly a certain special force in broadcasting, that has come forward here, and no representative of a communications company as distinguished from broadcasting, either directly or indirectly, or a representative of such company, has appeared here in support of the bill.

"Mr. Chapman. Mr. Fly, will you name those two or three special interests which you just referred to so they may go into the record?

"Commissioner Fly. Why, I should think perhaps the leader is Columbia Broadcasting System. I think that the bill also has the support of the National Broadcasting Company, and of the related organizations and the National Association of Broadcasters.

"Mr. McGranery. Mr. Chairman.

"The Chairman. Mr. McGranery.

"Mr. McGranery. There is nothing very feeble, Mr. Fly, about the telephone company or the Western Union. If they felt that this bill was designed to affect them in any way, I do not think they need either you or I to tell them to come in here and make a statement.

"Commissioner Fly. No, sir; but it ill behooves the broadcasters to put on a false front and come in here and make the statement on behalf of the communications companies. As you say, the telephone and telegraph companies are able to take care of themselves. I agree with you.

"Mr. McGranery. But, this has been spread around on all sides, as far as I can hear.

"Commissioner Fly. Now, to show the relative importance of this thing, since this subject has come up, you have got the Bell

(Continued on page 334)

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

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

## SANDERS HEARINGS

(Continued from page 333)

System here in this field. There must be a plant valuation in that field running into the billions of dollars—about five billion dollars, as I understand it. Now, the entire plant investment in the broadcasting industry is not over 40 million. You can take the gold dust that is involved here, in the broadcasting industry, and blow it into the eye of the American Telephone and Telegraph Company, and it would never squint.

"Now, these fellows blow a big wind, and they make a big noise, but so far as their genuine importance in the field of regulation and in the field of communications is concerned, they do not compare.

"Mr. McGranery. You say 'these fellows come in and blow.' Who do you mean by 'these fellows'?"

"Commissioner Fly. I have named them.

"Mr. McGranery. Well again, I mean, I would like to keep the record straight.

"Commissioner Fly. Well, you have seen them appear here. I do not know if I can name all of them that I would put in that classification, but certainly the three groups, who do blow the big wind, make the big noise and exert a strong political pressure are the Columbia Broadcasting System, the National Broadcasting Company, and the so-called National Association of Broadcasters.

"Mr. Kennedy. Mr. Chairman.

"The Chairman. Mr. Kennedy.

"Mr. Kennedy. Well, I take it from your statement, that you see no need for this bill whatsoever.

"Commissioner Fly. Well, I should rather give you a more orderly discussion of it, Mr. Kennedy. I will be glad to do that.

"Mr. Kennedy. I mean, you are so descriptive, and so emphatic a moment ago, that I do not know why you should require more than one word to sum it up, and is that 'no'?"

"Commissioner Fly. I thought perhaps if the committee is going to take my word at all, they would want a rational explanation of what is in my mind. I do not know, though, whether you will take my word, but I doubt whether you would take it just on my say so, and if I cannot give you a logical line of reasoning here and convince you why, I still will not have succeeded with you.

"Mr. Kennedy. I know that the committee has unlimited time, but still I do think it would prefer a direct answer.

"Commissioner Fly. And, what is your question, sir?"

"Mr. Kennedy. I think I asked you—at least I expressed the opinion after listening to your description of the proponents of this measure, that you can see no need for the proposed legislation.

"Commissioner Fly. I think there might be the need for some specific legislation; but not legislation that follows the basic philosophy of this legislation and this is bound to be a controversial piece of legislation. It has already consumed a vast amount of time of an agency that is devoting itself to war work, 24 hours a day, and not eight hours a day, and I do not think that this is the time to disrupt a war agency and put it through that sort of an extended controversy and affect the basic reorganization of the thing at this juncture.

"Mr. Chapman. Mr. Chairman.

"The Chairman. Mr. Chapman.

"Mr. Chapman. Mr. Fly, have you recommended, or do you intend to recommend, any remedial legislation?"

"Commissioner Fly. I could, sir; but frankly, I think that apart from getting certain specific things like Major Bulwinkle suggested here the other day, that will enable us to do a better job on the war, the best thing to do is to leave this problem along, because whatever I suggest, these other gentlemen are not going to agree

to, and I just do not think that the Congress and the agency ought to devote their time to that in a period of stress.

"I could make specific suggestions, if the committee were in a mood to go ahead with controversial legislation, and I would do that.

"Mr. Sanders. Mr. Chairman.

"The Chairman. Mr. Sanders.

"Mr. Sanders. Did I understand you to include the Mutual in the very edifying classification of the networks, or do you exclude them from that classification?"

"Commissioner Fly. All of the big broadcasting companies, of course, make a big noise and blow the big wind.

"Now, I do not exclude any of the big broadcasting interests from that.

"Now, let me explain there: You all know how close broadcasting is to public opinion. Here we have, for the first time, the only practical mechanism for what has been to this point a more or less—I say more or less—theoretical right of free speech. But now we finally have gotten away to the employment of free speech and to exert an influence upon the local public opinion, and upon national opinion.

"Now, the man who has his hand around the throat of that transmitter and can control speeches across this country, can exert a mighty big influence, far beyond that of any other industry with a comparable investment or comparable physical operation.

"Now, as I understand the Mutual people did not support the bill, but in the main, it is not merely a theory of mine. It is an obvious fact that these people come in there and on special interest exert an influence far beyond their normal size, and they get that influence, gentlemen, from the grants which you and we give them; and I do not think you want them to come back and control the government through that grant of power.

"Mr. McGranery. Mr. Chairman.

"Mr. Sanders. Mr. Chairman, I have not finished.

"Mr. McGranery. Excuse me.

"Mr. Sanders. I gather then from your remarks—of course we all agree as to the power of the radio—but I gather from your remarks that your failure to include the Mutual in naming the broadcasting companies, when you were classifying them so illuminatingly a moment ago, was purely inadvertent and you would include them in the same classification?"

"Commissioner Fly. No, sir; I include them in the same general description. Let us make that clear. All of the general description applies, in proportion to size. It applies just as much to Mutual as it does to the other networks. The reason why I did not name Mutual in support of this bill when Mr. McGranery asked me that question is because I understand that they have not supported the bill.

"Mr. Chapman. Mr. Chairman.

"The Chairman. Mr. Chapman.

"Mr. Chapman. Mr. Fly, you referred to these gentlemen—

"Commissioner Fly (continuing). I just want you to understand, gentlemen, that I have no brief for Mutual here. Mutual will disagree with me tomorrow, and they will be in here demanding a change in the law. That is the history of this industry. Every time one of these big broadcasters runs into something he does not like—this has been true up to this point—they run to Congress and start investigations, and what not. I spend half of my time before Congressional committees—not half, but a tremendous lot of my time, gentlemen.

"Mr. Chapman. Mr. Fly, you referred to the great power in the hands of these broadcasting companies through their ability to influence public opinion, and you referred to them as having their hands about the throat of this broadcasting. Do you not think also that a commission having control and virtually the power of life and death over these broadcasting companies, exerts a power and has a strangle hold far beyond any power that was ever intended to be granted here by Congress in creating the Commission?"

"Commissioner Fly. If this Congress ever granted such a power to the Commission, I would say, 'yes,' and I think that sort of power over a mechanism of free speech, that sort of power would be just as vicious in the hands of the Government as it would be in the hands of two or three monopolists, and private industry. I draw no distinction there. I think you are entirely right.

"If this Commission ever endeavored to exercise those controls over the contents of what goes out over these various networks, then I think there would be strong grounds for complaint, and I think this committee ought to do something about it.

"Mr. Patrick. Mr. Chairman.

"The Chairman. Mr. Patrick.

"Mr. Patrick. I do not know just how far you intend to extend the meaning of your statement as to these broadcasting companies controlling public voice. That is—

"Commissioner Fly (interposing). I will develop that in some detail, sir.

"Mr. Patrick. My observation has been—I had the idea—I may be away behind the moving herd—but I had the idea that broadcasting companies have been most liberal in lending their services to the public interest; allowing public questions to be discussed. I just never have gotten the idea that the broadcasting companies—I am not speaking for any one of them—but as a whole, had been trying to subvert or change the course of speech in the Nation. I have felt that any matter of public opinion—you can hear any of them and they will be giving considerable time to public service and to matters of public interest, and to helping to get matters before the public now during this war. I have been impressed by how much service they have rendered in allowing all these matters, without any cost to anybody but them, to be brought to the people. Any man in any remote section of this country knows what Uncle Sam is calling upon him for; knows where volunteers are needed; knows things that are being brought forth.

"It seems to me their service has been so fine that we ought to forget that whenever we are going into things of this kind.

"Commissioner Fly. I think that is true, sir. I think on the whole that the broadcasting industry has done a very good job. I think they have done a good job in terms of bringing in the news; bringing it in from remote international points, for example, and in terms of delivering the news and the information—now, omitting entertainment and that sort of thing to the people. I think that they have entered into this war in the same spirit that all the rest of us have entered into it and that they have made great contributions to it, and I think that you will find the rarest of instances where any of the broadcasters have been other than generous in terms of giving those facilities for war purposes.

"Mr. Patrick. But, have they been trying to control public speech?

"Commissioner Fly. Well, it is—let me put it this way, sir. As the scheme is presently operated, they must control it. They do control it.

"Mr. Patrick. Of course they have to sell the time that they do sell. They have to sell enough time to exist and yet have control over their own commodity, sufficiently to be able to make it work, but other than that—I just do not want to get into the place where we are forgetful. They must have a method for living. All of us have to have that.

"Commissioner Fly. Yes, but you asked me about control and I say yes, the control is necessarily there, and the only issue we have on control comes down to the very simple point. Now, the control must be in the hands of the broadcasters and it cannot be elsewhere. You are entirely right on that. And, the only issue is whether all of the control shall be on strings pulled from New York, or whether there will be certain freedoms of control left to the individual station operators, who operate the 900 stations, and owners and operators throughout the country. Now, that is really the main problem.

"Mr. Simpson. Mr. Chairman.

"The Chairman. Mr. Simpson.

"Mr. Simpson. Mr. Fly, do you find a connection in your judgment between the opposition, apparent opposition to the Commission on the part of the broadcasters; do you find any connection between the issuance of certain regulations of the Commission in the past year and that opposition?

"Commissioner Fly. Oh, yes, I think their support here is motivated by the objections to those regulations and those regulations have been up before the committees of Congress on a number of occasions, and we have had very extensive hearings on them. The promoted investigations before the Senate Interstate Commerce Committee on that specific subject. We have had very extensive hearings on it before the Senate committee.

"Mr. Simpson. And those regulations, as I understand it, are not in effect today?

"Commissioner Fly. No, those regulations are not in effect today. They are in litigation. They are pending, after a recent decision, in which the Supreme Court held that that court had jurisdiction, they are pending now before a special Three Judge Court in New York, and I imagine will be adjudicated in the Supreme Court during the next term. So, so far as that problem is concerned, and as I say, that is the thing that has brought those people here, now, so far as that problem is concerned, as to whether or not it is within the scope of the law; whether or not they are outside the bounds of reason and ration, and that

sort of thing, will be finally decided in the course of months by the courts.

"Mr. Simpson. I have concluded, perhaps erroneously, that you are pretty much of the opinion that this legislation should not be considered today, and in general, that the status quo should be continued for the duration.

"It occurs to me, and I merely observe, that perhaps the withdrawing of those regulations will lessen considerably the agitation for legislation which I recognize might not be desirable at this time.

"Commissioner Fly. That would lessen half of the agitation—that is perhaps the biggest cause for the agitation. But I believe, perhaps, a simpler and a more wholesome method of settling it would be if those two networks were to set down and write a one-paragraph letter to their affiliated stations stating that their affiliation contracts are to be construed in accordance with the rules and regulations of the Commission, and that would settle the whole business. It would take about one minute to get that letter off.

"Mr. Simpson. Of course, that is giving you the whole cake and not oppose the regulations.

"Commissioner Fly. I understand that you are suggesting that we throw the cake the other way. I want to make it plain—

"Mr. Simpson. I understand, Mr. Fly, your suggestion is that for the duration of the war the matter be left more or less in status quo.

"Commissioner Fly. Let me make this clear sir. These rules were issued more than a year ago and before this war started. The investigation—I did not originate this investigation—had its origin in Congress, on the floor of the House and on the floor of the Senate, and that investigation started four or five years ago, and hearings were extended over many months, and before a committee of Commissioners, and reports were made, those representing the networks appeared there and testified, over thousands of pages of record, and the proceedings went through various stages, various arguments, filing of briefs, and that sort of thing, and the final rules of the Commission were issued on May 2nd of last year, which was long before the war started, and the Commission has been ready to put an end to the problem from that day on; but these other gentlemen wanted to try it on a number of grounds. They tried it before two or three committees, including the Senate Interstate Commerce Committee and then they came here to try it again, and in the meanwhile they are trying it in the courts also.

"Mr. Kennedy. Mr. Chairman.

"The Chairman. Mr. Kennedy.

"Mr. Kennedy. Mr. Fly, you referred to New York about the question of whether or not the control would rest in New York or with the 950 stations, or whatever number you give. What did you mean by that? Will you amplify that statement?

"Commissioner Fly. I want to give the balance of this problem later, if the Committee is interested in it; but I will answer that question, sir. The New York corporations, particularly the two, the Columbia and the NBC, have exclusive contracts with all of their affiliated stations and they control all, or all of the desirable time of the stations by exclusive options and in that way—

"Mr. Kennedy. Can you answer the question?

"Commissioner Fly. I want to answer it.

"Mr. Kennedy. It seems to me that you can answer that with one word.

"Commissioner Fly. And in that way, that is what New York has to do with it. They have control over what goes out over those local stations.

"Mr. Kennedy. Then, the point that you are referring to in connection with New York is the fact that the main offices of these companies are located in New York.

"Commissioner Fly. That is where they are run from, sir.

"Mr. Kennedy. All right. Is it not a fact that one of the greatest forces in controlling public opinion is the voice of the commentator who speaks many times a day, and so forth?

"Commissioner Fly. I think he is an important factor; yes, sir.

"Mr. Kennedy. Well, is it not your opinion that those men speak freely and express the views of the press and the reports of the hour rather than the views of any individual group or station owners?

"Commissioner Fly. Oh, I think in the main that those are responsible, independent commentators.

"Mr. Kennedy. So there should not be any fear of public opinion being throttled when you have commentators such as we have, who have been getting out the news.

"Commissioner Fly. Well, that is one pocket of this whole problem, and, of course, if you are going to have a dictatorship, it is not an entire answer that for the moment, if you could make the answer, and there are some arguments on that, if you could make the answer that you have a benevolent dictatorship. You still have not justified it because I do not think that this great essential in our democracy, this system of free speech, should hang by such a narrow threat as the continuance of benevolence from New York.

"Mr. Kennedy. I do not get your point. If we have these outstanding commentators addressing the public day in and day out, what effect would New York have upon that, upon their view? Do you not believe that they are free to express their own views on current events?

"Commissioner Fly. Well, there are instances, I am sure, where they have not been free. Some of the commentators have been taken off of the air by the networks.

"I think on the whole they have done a very good job and a very wholesome job.

"Mr. Kennedy. I think that the President of the United States paid them a great compliment the other day and that that would be a complete answer to your question, the very fact that he picked out a commentator to place at the head of this division down here it would indicate that the President has confidence in that type of person.

"Commissioner Fly. It would indicate that the President had confidence in Elmer Davis, and so do I.

"Mr. McGranery. He is not owned by the networks?

"Commissioner Fly. He is not owned by Columbia, if I know Elmer Davis.

"Mr. Sanders. Have you finished?

"Mr. Kennedy. Yes.

"The Chairman. Mr. Sanders.

"Commissioner Fly. Even I practiced law for a while on Wall Street.

"Mr. Sanders. You do not want us to gather from your remarks, where you said a while ago that people are running down here to Congress, that you think that there is anything wrong with the public requesting Congress to investigate the necessity for remedial legislation?

"Commissioner Fly. Oh, I would think this, sir, that you are dealing there with an awfully important right of individual citizens to petition Congress, and I think you would certainly be very slow in cutting down on that right to do that. I would think this, that realistically, when the vice president of one of these big networks comes in and talks to you, that he is not talking with you in a personal capacity simply. He is wielding a much greater influence than he is as John Doe, who originated in Iowa, or in North Dakota, or Brooklyn, and you know that.

"Mr. McGranery. You mean that he might deny you some time on his network if you made application for it; is that it?

"Commissioner Fly. I mean that he speaks with a great deal of authority, far beyond his personal abilities and fancies.

"Mr. McGranery. Well, I should think, Mr. Fly, that the integrity of the men I have met in Congress would not justify your remarks.

"Commissioner Fly. They are a fine bunch of people. They are a very smooth and effective bunch of operators. I admire them. They are really very good men.

"Mr. Kennedy. Are you referring to the Congressmen or the broadcasters?

"Mr. Sanders. Pursuing that same inquiry further, Mr. Fly, you do not mean for us to gather from your remarks that you believe Congress should consider legislation only which is initiated by the Federal Communications Commission or the other bureaus, would you?

"Commissioner Fly. Oh no; I hardly think that I would go that far, to that extreme. I should think that it ought to consider suggestions for legislation from all sources, but when you come to appraise the sources, I think you ought to be realistic.

"Mr. Wolverton. Mr. Chairman.

"The Chairman. Mr. Wolverton.

"Mr. Wolverton. May I ask a question right there?

"Commissioner Fly. Yes, Mr. Wolverton.

"Mr. Wolverton. You have just stated that we should give due consideration to the sources that make the recommendations. Any one who has served on a Congressional committee is conscious of the fact that those who have special interests to serve appear before the committee, and I do not take it that that is derogatory.

"Commissioner Fly. No, I do not think so, sir.

"Mr. Wolverton. I think that is truly American.

"Commissioner Fly. I think so, too.

"Mr. Wolverton. The only point for the committee to consider is whether their recommendation is right or wrong, taking into further consideration the interest of the person who made the suggestion.

"Commissioner Fly. I entirely agree with you, sir.

"Mr. Wolverton. In other words, that is merely weighing the problem. On the other hand, I hope I will not be misunderstood in what I am about to say. The amount of credit that you give to an individual expressing opinion depends somewhat upon the background of experience of the person who makes the recommendation or the suggestion. I have been very much impressed with the character of the witnesses who have appeared in behalf of this bill, from the standpoint of their ability to express opinions. The legal questions that have been raised have been well presented to this committee by Judge Burns. He represented Columbia, I believe.

"Mr. McGranery. Columbia, yes.

"Commissioner Fly. He is a good lawyer.

"Mr. Wolverton. And by Mr. Caldwell, who spoke on behalf of the Mutual.

"Each of those who have appeared on behalf of the companies, either from a practical or administrative standpoint, as well as those who have appeared from a legal standpoint, have seemed to have a background of experience that entitled them to express opinions and have a right to expect the committee to give some consideration to them.

"Now in order that we may have the picture just as complete as is possible, in order that this committee may be able to weigh the different suggestions for and against, would it be possible for you to give us a description of the background of the Federal Communications Commission, with particular reference to the individuals who hold the position of Commissioners, so that we might judge that when they oppose a suggestion or make a suggestion of their own, that we may know just how much importance to attach to it.

"Commissioner Fly. Yes, I think we could do that, sir, and I should be interested in developing that.

"While we are dealing with this one particular problem, I want to say—

"Mr. Wolverton. Pardon me for just a minute. How would you do that? Could you give us that information?

"Commissioner Fly. I will give you a biography.

"Mr. Wolverton. What?

"Commissioner Fly. I will give you a biography.

"Mr. Wolverton. Yes, that is what I had in mind.

"I would like to know, when a commission has power to exercise authority that has to do with freedom of speech, which is a very serious matter, whether that power is exercised by a commission or whether it is exercised by a broadcasting company, I would just like to know what the background and experience of the Commission has been so that we may appraise its standing; so that we may put its views, so to speak, over against the views of the others who have testified.

"Commissioner Fly. I think also, sir, you would be interested in the fact which, of course, is true, in all these commissions, and that is that the backbone of the technical, the expert work, is done by the staff.

"We have in the many hundreds of employees virtually no one—that is, apart from the clerical staff and so on—virtually no one except competent technicians—a department headed by the chief engineer; a department headed by a chief accountant; a department headed by a chief lawyer, and on down throughout those staffs, are men who are experts in those fields. And, of course, those are the people upon whom the Commission must rely for constant consultation; for conferences and reports and studies, and for assistance in hearings and that sort of thing, and I might say that in this particular instance, Mr. Wolverton, that the Commissioners as a whole have literally spent years of time studying, having these experts from the various sources, and particularly from these network sources, come before it and testify, and the process has been carried on through the years, and a huge record has been built up of that expert and informed testimony, and in addition to the work of the staff, in cooperation with the Commissioners in giving that personal attention, we had the assistance; the advice; the arguments, the briefing of counsel and of everybody for the networks.

"Now, this is not something you see that comes out over night that some one suggested. And, as I say, this was going on for years before I got there. In no instance did anyone move in there with the assumption that he knew all about it.

"What they did was move in there with a committee of Commissioners; with a staff of expert technicians, and study this

problem from the ground up, and take their information, their advice and their arguments from those people who know the subject best, and finally, after years of that process came forth the report.

"Mr. Kennedy. Mr. Chairman, just one question.

"The Chairman. Mr. Kennedy.

"Mr. Kennedy. Can you tell what percentage of the work of the Commission is devoted to radio and broadcasting?

"Commissioner Fly. Is devoted to broadcasting?

"Mr. Kennedy. What part of your whole set-up; would say five per cent, ten per cent, twenty per cent, or what?

"Commissioner Fly. Well, in view of the war work—

"Mr. Kennedy. Well, forget the war work and let us go back before the war. I mean in times of normal operation.

"Commissioner Fly. Oh, normally I would say that the broadcasting problem enveloped 60 per cent of the work; maybe more.

"Mr. McGranery. Mr. Chairman.

"Mr. South. Mr. Chairman.

"The Chairman. Mr. McGranery.

"Mr. McGranery. Mr. Fly, while we are talking about the right of free speech, do you have any specific instance where that right was transcended, where there was any violation?

"Commissioner Fly. Well, we have so many complaints on that score, Mr. McGranery.

"Mr. McGranery. I mean, after—

"Commissioner Fly (interposing). I got a complaint from a Senator just the other day. And sometimes those complaints have real merit and sometimes they do not.

"Now, I would be reluctant to take those and to spread them out. I could prepare a statement for you, if you wanted it, of instances that have raised that question seriously.

"Mr. McGranery. Well, of course, I would not be interested any more than you would be in the right of complaint; but the investigations, and the reports, or the conclusions after you followed them up. Is there any specific case where that complaint has been justified?

"Commissioner Fly. You mean in connection with this network investigation?

"Mr. McGranery. Yes.

"Commissioner Fly. That was not—that rather had its origin in terms of the monopolistic control that was exercised by the two dominant companies. That was what the Congress drew attention to and what the Senators drew attention to, and this is what it urged the Commission to look into.

"Now, as to your relation to free speech, that comes in terms of the controls exercised broadly across the country by the limited number of people. Now, we have had numerous complaints, Mr. McGranery—some good and some very bad. I would not like to air them. We have had complaints. Take the sort of a case that must arise: We had a complaint from the Communist organization during the last campaign and beginning with that, we got numerous complaints of a less startling character.

"Mr. McGranery. But, is there any, after you complete your investigation of the complaints, is there anything that would indicate to the Commission that some of the networks had violated the right of free speech?

"Commissioner Fly. Well, the Commission arrived at no judgment of that point and it was not essential to the Commission's report that it do so. As a matter of fact, the essential thing is that those controls are unnecessarily concentrated and lodged in single hands, and it has never been the policy of the Congress to support enterprises so concentrated and controlled, except where by legislation you have granted the monopoly for good reasons."

In a colloquy between Chairman Fly and Congressman Brown the Chairman said:

"In this field of radio . . . the experts are pretty much all, let us say, run of the mill 'experts' who are mighty good men, but you take the vice presidents of these national networks, they would not, they really would not know a relay circuit or a certain type of transmitter, if they met it in the street."

Representative Hinshaw sought to bring out the differences between the regulation of public utilities and broadcasting.

"Mr. Hinshaw. I see no similarity in the business or management of the two different systems, one being a public utility and the other a private industry

"Commissioner Fly. I know, but the point I am making, sir, is these decisions are not based to any exclusive degree and particularly not to any predominant degree, upon the business aspects of the thing.

"Mr. Hinshaw. You are not interested in that?

"Commissioner Fly. You are going to use a frequency, for example, for relays for broadcasting, and it is not a business question. That is an engineering question.

"Mr. Hinshaw. I am not discussing the engineering aspect of it.

"Commissioner Fly. But, we have to live with it and that is what the decision is based upon.

"Mr. Hinshaw. Well, decisions apparently are being based upon other things than engineering questions, upon business practices.

"Commissioner Fly. Of course, we try to consider all factors; but in the main, on this great sweep of the problems, including broadcasting, the main considerations are engineering in character.

"Mr. Hinshaw. The main considerations, so far as the broadcasting angle and broadcasting is concerned, yes; but so far as these regulations which have been proposed are concerned, that has nothing to do with the technical aspect of it.

"Commissioner Fly. Well, the networks case is something quite apart.

"As I say, I have tried that case before in two or three Congressional committees already and it is being tried in the courts today and—

"Mr. Hinshaw. Well, do you think that the Commission should be concerned with the business aspects of the broadcasting systems?

"Commissioner Fly. Well, I would want you to define 'business'; but if you are suggesting, sir, that the Commission should have nothing to do with any of the business of broadcasting systems, I should say that would be a very, very unfortunate thing.

"Mr. Hinshaw. But what part of the business of the broadcasting system do you think that the Commission should be concerned with?

"Commissioner Fly. Well, let us take one angle. Have you read that monopoly report, sir?

"Mr. Hinshaw. Have you? No, I have not read it at all.

"Commissioner Fly. I suggest that it is good reading.

"Mr. Hinshaw. It is good reading. I understand that there are 17,000 pages in it.

"Commissioner Fly. No, the report is not that long.

"Mr. Hinshaw. You mean the report that you made?

"Commissioner Fly. Yes, sir.

"Mr. Hinshaw. Yes; I have read a part of it.

"Commissioner Fly. There is something I think very essential to be done in the public interest. I do not think we can promote through the licensing process the monopolistic conditions in the industry and in response to your question, I would say that a thing like that must be done; either the Commission must do it, or somebody else must do it.

"Mr. Hinshaw. Who else might do it, besides the Commission?

"Commissioner Fly. The Department of Justice has moved since the Commission moved under the anti-trust laws.

"Mr. Hinshaw. Do you not think that it might be a proper place for it?

"Commissioner Fly. I think that is the proper place for it, sir.

"Mr. Hinshaw. Do you not think it is also the province of the Commission to—

"Commissioner Fly. Pardon.

"Mr. Hinshaw. Do you think it also the province of the Commission to enter into that as a trust case?

"Commissioner Fly. I think the mandate of the statute is clear, sir. If you read the monopoly provision of the statute, I think you will find that function was laid down upon the shoulders of the Commission.

"There was great fear of monopoly of this field from the very outset and when you gentlemen wrote the legislation here you took extraordinary steps to avoid that.

"That is in the Communications Act as distinguished from the anti-trust laws.

"Mr. Sanders. Mr. Chairman—

"The Chairman. Mr. Sanders.

"Mr. Sanders. That raises an interesting question there, Mr. Fly. Would you not have a great deal of confusion if in some particular case, if your Commission decided one way and the Department of Justice decided another? Do you not think that as a matter of practice, it would be better to leave the monopoly question, we will say, in the hands of one department?

"Commissioner Fly. I do not think, sir, that we ought to be left where we are required to build up the monopolies just in order to throw the duty upon the Department of Justice to tear them down, and I do not think the licensing function of the Commission should be utilized except in terms of public policy—and quite apart from the provisions you have written into the statute. I do not think this licensing provision should be utilized

to build up monopolies which are unlawful, and I think that if the Commission used that licensing power to build up those monopolies, then something ought to be done about the Commission.

"Mr. Sanders. I would take it for granted, of course, that your Commission would follow the rulings of the Department of Justice. You certainly would obey the law.

"Commissioner Fly. The Department of Justice does not issue rules, sir. The Department of Justice tries cases, and I must say that the mills of the gods grind awfully slowly in elucidating the various specific problems in the various industries, and I should think it is conceivable that you might wait a long time for detailed clarifications in that field.

"This measure has some of the benefits of the Federal Trade Commission Act, and that is the very reason that the Trade Commission Act passed, so that some degree of definitions could be brought into the field of unfair trade practices, and that sort of thing.

"Mr. Sanders. I thank you for your information about the Department of Justice not issuing rules. Of course I said nothing about the Department of Justice issuing rules. I said that we could take it for granted that your bureau and the other departments would follow the rulings of the Department of Justice, which of course are disclosed in the policies that they enunciate in the trial of these cases.

"Commissioner Fly. That is just what we have done, sir.

"Mr. Sanders. I gather from your remarks, that the Department of Justice took action after you had. I thought that you said after you moved, the Department of Justice moved.

"Commissioner Fly. Yes, sir; but I have reason to believe; I had no opinion from the Attorney General, but I had reason to believe that these provisions were violations of the anti-trust laws, and apparently the Anti-trust Division thought so.

"Mr. Sanders. But, you moved first.

"Commissioner Fly. Pardon me.

"Mr. Sanders. You moved first?

"Commissioner Fly. We have somewhat different fields."

"Mr. Wolverton. I am inclined to think sometimes, Mr. Fly, after reading some of the decisions that have been made, or policies formulated by some of the bodies that have been created by acts of Congress, after hearings by this committee, that it might be helpful sometimes if the members of those Commissions spent more time with the committees of Congress than they do. They might understand some of the intentions we have.

"Commissioner Fly. I think that is a good idea, sir, and I must say that I have enjoyed every minute before these committees. I have no complaints to make."

## Labor

### KMOX STRIKE

A "wildcat" strike by I. B. E. W. members took Station KMOX, St. Louis, off the air from 3 p. m. until 8 p. m. on Tuesday. The strike resulted from the refusal of the I. B. E. W. members to permit a woman to learn monitoring, although CBS and the I. B. E. W. have a contract which permits the training of a specified number of women. The strike also violated the arbitration clause of the station contract. The dispute is now in arbitration.

### SUPREME COURT DECISIONS

The significance of the opinions of the Supreme Court in two recent decisions was pointed out in a statement issued by L. Metcalfe Walling, Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor in response to inquiries.

"In *Overnight Motor Transportation Company v. Missel*, the Supreme Court made it abundantly clear that the overtime benefits of the Fair Labor Standards Act are limited neither to that marginal group of workers who are paid wages at or near the minimum rates prescribed in the Act, nor to employees who happen to be compensated on an hourly basis. The Court held that salaried workers who are employed in interstate commerce or in the production of goods for interstate commerce must be com-

pensated for weekly hours in excess of 40 at not less than one and one-half times their regular rate of pay, and that the regular rate for this purpose is to be computed through dividing the weekly wage by the number of hours worked in the particular week, where the employment contract is for a fluctuating work-week. This is the method of computation which has heretofore been approved by the Wage and Hour Division.

"However, in *Walling v. A. H. Belo Corporation*, the Supreme Court ruled by a 5 to 4 decision that the 'regular rate' on which overtime must be paid could be fixed by a contract between the Dallas Morning News and its employees.

"It is expected that a considerable amount of litigation will be necessary before the contours of the Belo decision are fixed, since the Court stated that it could not 'provide a rigid definition of regular rate when Congress has failed to provide one.'

"I believe it only fair to warn that the Court in the Belo decision was passing on the particular state of facts before it and that generally the Division will continue to be guided by the broader interpretation contained in *Overnight Motor Transportation Company v. Missel*."

The Solicitor of Labor and his staff have begun a legal analysis of the decisions with a view to guiding the Division in its formulation of an appropriate administrative policy insofar as this may involve a deviation from the advice heretofore given by the Administrator through interpretative bulletins.

In this connection, the NAB Labor Relations Department has started work on a revision of the pamphlet *The Wage and Hour Act: How It Affects a Broadcasting Station*. The third edition will be ready sometime this summer. The section on "guaranteed overtime" on page 8 of the second edition is now out-dated, as a result of the *Belo* decision.

The third edition also will contain a section on "Travel Time" and a clarification of the "Talent Fee" situation.

### TRAVEL TIME

A great many stations still have some question about the computation of "travel time" under the Wage and Hour Act.

In brief, this is how it is done.

1. If an employee is sent out on a *one-day* assignment, his working hours start when he leaves and stop when he returns.

2. If an employee is sent out on an assignment of *more than one day*, he is to be paid a *normal day's pay* for each day he is away. If that normal day constitutes overtime, he must be paid time and one half.

Here is the text of the Wage and Hour Division's bulletin on this subject:

9. The problem of travel time, in relation to hours worked, arises in a great variety of situations and no precise mathematical formula will provide the answer in every case. The question is often one of degree; if the time spent by an employee in traveling is reasonably to be described as "all in a day's work," such time should be considered hours worked under the act.

10. As a general rule it may be stated that an employer should treat time spent by an employee during regular working hours in traveling pursuant to the employer's instructions as hours worked. If an employer requests his employee to do a job during regular working hours which requires the employee to leave the place of business, the traveling time of the employee should be included in hours worked, and this is true whether or not the particular job is within the employee's regular duties.

11. In many cases travel time outside of regular working hours is considered "part of the day's work" and, accordingly, should be treated as hours worked. Thus, an employee whose normal working day extends from 8 a. m. to 5 p. m. may be requested by his employer at 5 p. m. to make one more outside call which involves 2 hours of traveling time (to get to the place where the work is to be performed and report back to the office) and active labor of 1 hour. In such case the employer may not disregard the travel time in computing the number of hours worked by the particular employee; the employee's working day would extend from 8 a. m. to 8 p. m. In this case the employee engages in active labor for his employer after the close of his regular working day and prior to the commencement of his next regular working day, and his activities between 5 p. m. and 8 p. m. are, under the circumstances, reasonably to be considered as a con-

## SALES MANAGERS EXECUTIVE COMMITTEE APPOINTED

In addition to John M. Outler, WSB, whose appointment as chairman of the NAB Sales Managers Executive Committee was announced last week, the following have been named to serve on the committee for the coming year by President Neville Miller:

Frank R. Bowes, WBZ, Boston, representing large stations; William Malo, WDRC, Hartford, representing medium stations; Dietrich Dirks, KTRI, Sioux City, Ia., representing small stations, and Don Davis, WHB, Kansas City, representing Mutual-affiliated stations. Representatives of the other networks have not yet been named.

Bowes succeeds Outler as the large station representative, and Malo replaces E. Y. Flanigan of WSPD, Toledo, for medium stations. Dirks, who served part of last year's term as the small-station representative, was reappointed for a full term. Davis replaces Linus Travers of WAAB, Boston, as the Mutual-affiliate choice. As announced last week, Outler replaces Eugene Carr, WGAR, Cleveland, as committee chairman.

Thanking the retiring members, President Miller pointed out that a large part of last year's work was devoted to setting up and shaping the activities of the Sales Managers Division. "I want to express my appreciation to those who helped make our last year's activities so successful," he said. "I know they must get some pleasure out of seeing the success, as they were among the 'pioneers' in this work and we certainly appreciate all they have done to help us in every way."

Although the date for the first committee meeting has not yet been set, Outler indicated that the committee would be called together soon with Frank E. Pellegrin, Director of the NAB Department of Broadcast Advertising, to draw up plans for the coming year's activities. Sales managers throughout the industry are invited to offer their suggestions for the year's program.

## DEPT. STORE BUYS RADIO RIGHT

Following the historic Department Store Seminar at the NAB convention in Cleveland, industry sales opinion has crystallized on the major premise that department stores can be sold on radio advertising, provided a solid framework is built upon a thorough mutual understanding of each other's problems and possibilities on the part of the radio station and the department store.

The transcript of that Cleveland session is now at the printer's, and will be distributed to all member stations in about ten days.

In substantiation of the major premise, a letter was received June 16 by Frank E. Pellegrin from Walter E. Anderson, publicity director of J. N. Adam & Co., department store in Buffalo, N. Y. The account is given here because it may illustrate to many sales managers how the job *can be done*.

The story began at the NRDGA convention in New York City in January, 1942, when the NAB Sales Managers Executive Committee presented a round-table discussion on "Radio Advertising for Department Stores." Among the more articulate questioners during the question-and-answer session was Anderson, who listed numerous points on which he wanted specific radio information. Unable to answer all questions during the brief session, Pellegrin later wrote Anderson at length and also wrote the NAB members in Buffalo, suggesting they follow up along the lines indicated and that they review with Anderson the "Manual of Radio Advertising," which contained many of the basic radio facts on which Anderson had expressed doubt and interest.

The rest of the story can best be told by quoting Anderson's letter:

"... Very honestly, I think the 'Manual of Radio Advertising' is a great job and it does contain the answers to many of the questions I raised at the NRDGA convention last winter.

tinuation or extension of his normal working day. The same results, of course, would be reached if the employer requested his employee to report for work 2 hours earlier in the morning in order to make the one extra call.

12. If a crew of workers is required to report for work at a designated place at a specified hour and all the employees are then driven to the place where they are to perform work, the time spent in riding to such place should be considered hours worked. Similarly, the time spent returning from the place at the close of the day's work should be considered hours worked. In some cases, however, the employer requests his employees to report for work at a specified hour at the place where the work is to be performed instead of at the employer's place of business. In these cases the employee's working time may be considered to begin at the time he reports for work, unless the traveling time required in order to reach the place where the productive work is to be performed is unreasonably disproportionate to the normal traveling time required in reporting for work at the headquarters of the employer. No precise formula will solve this type of situation. What is unreasonably disproportionate depends upon the facts in the particular case and reasonable standards agreed upon between the employer and employee will be accepted for purposes of the act.

13. In some cases an employee is required to travel continuously for more than a full working day during which time the employee is not engaged in actual productive work for his employer. For example, an employee whose regular working hours extend from 8 a. m. to 5 p. m. may be required to spend 2 or 3 days and nights of continuous travel to reach a place where he is to perform assigned work. In such case, as indicated generally in paragraph 10, time spent traveling during the regular working hours should be considered hours worked. Travel time outside of regular working hours need not ordinarily be considered hours worked. If, however, the employee is required to travel on Saturdays, Sundays, and holidays, he should be considered as working on those days for the number of traveling hours between his established starting and stopping time on other days of the week. In determining whether the foregoing is applicable, factors such as the length of time required to reach the place where the assigned work is to be performed, whether the employee is given adequate time for sleeping and relaxation, the time that the employee is required to report for actual productive labor, etc., are very important.

14. Inquiries have been received with respect to employees who are required to travel continuously for several days and who perform active labor while traveling. Thus, for example, when cattle or poultry, etc., are sent to market by rail, an employee of the shipper is required to travel on the train in order to water and feed the stock en route. In other cases an employer who ships machinery by train to a distant customer requires an employee to oil the machinery en route and otherwise to see that it arrives in perfect condition. The employee generally rides in the caboose with the train crew. In each of the foregoing cases, the employees are subject to call for 24 hours a day, but time required for active work by such employees would ordinarily be much less. The employee generally has a substantial amount of time for sleeping, eating, relaxation, etc. No precise formula will decide this type of case and any reasonable agreement entered into between the parties or established by custom and usage which takes into account the amount of time required for active labor by the employee and the fact that the employee is subject to call for 24 hours a day, will be respected by this Division in its enforcement policy.

## ENGINEERS "PROFESSIONALS"?

A federal district judge in Puerto Rico has held that a licensed radio engineer was a professional employee and, hence, not subject to the overtime provisions of the Wage and Hour Act. (Schmidtke vs. Conesa, May 15, 1942.) In making his decision, Judge Cooper pointed out that he was unable to find any precedent in point.

The Wage and Hour Division has advised the NAB that it believes radio engineers, as a group, clearly are *not* professionals. Whether the Puerto Rico case will be appealed has not been determined.

## COST OF LIVING

After 19 months of steady increase, the cost of living dropped slightly between May 15 and June 1.

The Labor Department reports that the cost of living on June 1 was 10.8 per cent higher than it was June 15, 1941, and 15.9 per cent higher than its 1935-39 average.

"I'm sure you realize just as much as I do that it is one of the things the NAB should have done a long time ago. I know I wish, I had had the opportunity of having more of this kind of information when we first started planning our radio programs. But it is going to be helpful to many newcomers to the radio advertising field, and I think the book will more than pay its way in the better understanding it will bring about between advertisers—and of course I am only talking about department stores—and stations.

"You will be happy to know that we have gone a long way toward solving our radio problem. We have a contract that calls for twenty-six dramatic programs, with full cast and orchestra, written and directed by the station according to our promotion and merchandise requirements and suggestions. We also have a fifteen minute program in the morning, Monday through Saturday; five-minute-afternoon program, Monday through Friday, and 1,040 spot announcements.

"Our fifteen-minute dramatic jobs have all been as fine as can be produced and have great institutional value for us. I think you know something about our war bond program and if I am not mistaken, either Mr. Meybohm or Mr. McCarthy said you heard it. This is a perfect example of what Herb Rice has been turning out for us consistently. On this particular program I just got the idea of building a program for selling War Stamps and Bonds, sketched out a few simple ideas for Rice, told him what we were going to do to promote the program, and he went to work. He certainly deserves a lot of credit.

"The morning and afternoon programs still aren't right, but they are considerably improved. We are now working on a change for our morning program; in fact have a sample program written, with a man commentator, 'J. N. Adam's Home Companion' and his secretary to act as kind of stooge. (Why do department stores continue to use women when they have been proved wrong in the national field?)

"Before we put this on the air, we are going to do everything we can to pre-test it scientifically; we have chosen a list of 200 names, carefully selected from our charge accounts; have invited them to an audition this Friday, and will have them fill out questionnaires we have worked out very carefully with the Buffalo office of B. B. D. & O. I think we are on the right track, if we get the right response to the questionnaire, in testing the program in this manner, because I don't think there is a man living who can sit down, listen to a program and say 'That program is going to be successful.' . . .

"I am sending you several ads from some of our recent fifteen-minute programs that will show you the kind of promotion job we have been doing on them. I am also sending two ads on the Father's Day program that we put on the air at 7:15 last evening. No one can say we don't back up radio with all we've got.

"I would be very happy to get your reactions to all of this and any suggestions you might have to help us do a better job. . . ."

We think that the moral in this story pretty well writes itself. Here is a store, long groping for radio knowledge, which finally seems to be working its way solidly into radio with intelligent cooperation from local radio men *in whom it has confidence*.

This store's radio budget, compared with newspaper, is still probably small and there is no doubt room for much expansion, but the store is unquestionably moving in the right direction. The store's advertising manager is apparently now well grounded in radio and serious about it, and seems to be devoting the kind of attention and effort to radio that the medium deserves, and needs if it is to be used successfully.

Significant is his statement that "our morning and afternoon programs still aren't right." Complacency with radio, as with any other medium, is generally fatal.

Also significant is Anderson's plan to use a male commentator, and to "pre-test" the program as scientifically as he can with the aid of a good advertising agency. (This point was discussed at the Cleveland convention.)

Accompanying Anderson's letter was a sheaf of newspaper ads devoted to promotion of the radio programs, further emphasizing the point made at Cleveland that radio advertising, to be successful, should be backed up with all other possible forms of promotion, both internal and external, and carefully integrated into the store's complete advertising and publicity plans.

But please bear in mind that this is not a "success story" (although we have plenty such available on request). This store has not yet disclosed any unusual successes it may have had with

radio. Rather, the story may serve other stations as a road-map to department store business, and certainly it gives weight to the pleas of the speakers at Cleveland, that if you want to sell department stores properly, first make sure that they are thoroughly grounded in the basic story of radio as an advertising medium, and that your station personnel has an accurate and intimate knowledge of the problems and aims of each individual store you wish to cultivate.

Then, instead of trying to sell a "ride on a vehicle" (quoting Barclay Newell), or "a lot of blue sky" (J. W. Petty), or "knocking competitors" (Edgar Rice), or "on a pay-as-you-go basis" (R. G. Meybohm), you will have a chance, as advocated by Meybohm and Bill Gillespie of KTUL, of establishing radio as a *basic advertising medium*, fulfilling only *its own proper function* in the store's *over-all promotion program*, and not subject to the variable whims of buyers and executives at the first sign of non-performance or failure to work constant miracles, and not with its neck stretched out for the axe as the first victim of retrenchment.

## Resolutions Available on Per-Inquiry and Free Time

Per-Inquiry and Free Time requests, although apparently abating somewhat, still feed on the gullibility of some station managers, program directors, news editors, and conductors of homemakers' programs, as well as of some sales managers who still accept P-I, contingent, or guaranteed-return deals.

A strong resolution on this subject was adopted at the NAB convention in Cleveland. Copies of this resolution have been printed by the NAB Department of Broadcast Advertising, and are available to members free upon request. It has been suggested that member stations return to the senders these P-I and Free Time requests, accompanied by a copy of this resolution and a form letter from the station expressing its stand.

Among those reported this week were **The B-L Co.**, Atlanta, Ga., seeking per-inquiry deals for its medical products; **Guenther Bradford & Co.**, Chicago agency, seeking per-inquiry deals for its "Charm-Kurl" home permanent wave kits, and **Diener & Dorskind**, New York agency, with a variety of P-I offerings. The NAB has invited them to use radio on the basis of established rates.

## War News

### FOREIGN LANGUAGE CONTROL

On Friday, June 12, a meeting was held to discuss the project of the Foreign Language Radio Wartime Control Committee. The following were present:

Representing the Foreign Language Committee: Arthur Simon, WPEN, Philadelphia; Joseph Lang, WHOM, Jersey City; and, Harry Henshel, WOV, New York City. Representing the Office of Censorship: Harold Ryan and Stanley Richardson. Representing the NAB: Neville Miller, Paul Peter and C. E. Arney, Jr.

A thorough discussion of the activity leading up to the organization of the Committee was had. It was stated that in the form in which the Code was now written neither the NAB nor the Office of Censorship could wholeheartedly support it since it contained certain restrictive provisions and gave the Committee final determination of station policy.

As a result of the collective thinking the Code was revised. Arthur Simon, Chairman of the Foreign Language Radio Wartime Control Committee, has transmitted the Code to all stations carrying foreign language broadcasts and in his transmitting letter appeals for the unanimous support of all stations.

The Code follows:

## Voluntary Code of Wartime Practices for American Broadcasters Presenting Programs in Foreign Languages

Whereas the foreign language broadcasters of America have a unique opportunity and responsibility to make this channel of communication a positive force in the Victory Program of the United States of America and the United Nations; and

Whereas to achieve this goal it is recommended that the following voluntary code of wartime practices for American Broadcasters Presenting Programs in Foreign Languages be adopted;

1. The broadcaster will faithfully observe the spirit and letter of the Code of Wartime Practices for American Broadcasters issued by the Office of Censorship.

2. The broadcaster will continue to assume complete responsibility for the selection, content and presentation of all foreign language programs.

3. The broadcaster will carefully monitor and check all foreign language programs. A complete script will be obtained and approved in advance, and any deviation from the script will result in the program being cut and appropriate action taken. He will also give particular attention to remote broadcasts.

4. The broadcaster will examine carefully the background of all persons connected in any way with the preparation or presentation of foreign language programs. A questionnaire shall be filled in by all such personnel. All such personnel shall be fingerprinted. One original and copy of the questionnaire, fingerprints, and other pertinent information shall be forwarded to the Foreign Language Radio Wartime Control Committee for transmission to appropriate Government agencies.

5. No person will be employed whose record indicates he may not faithfully cooperate with the war effort.

6. Any broadcaster discharging an employee for failure or refusal to abide by this Code shall immediately notify the Committee.

7. The broadcaster will cooperate wholeheartedly with interested public and private agencies, and particularly with pre-democratic groups, in the selection of program material.

8. The broadcaster pledges adherence to the letter and spirit of this Code and will report violations thereof to the Committee as well as to the appropriate authorities.

9. The broadcaster will give particular attention to those programs known as "Block Time Sales."

10. All foreign language programs will continue to contribute to the war effort.

### RADIO GOES TO WAR

In his presentation before the House Interstate and Foreign Commerce Committee, Neville Miller gave four illustrations of how radio stations had rendered unusual public service in connection with the war. We are quite sure there are many such incidents, and that accounts of them would be of interest to the entire industry.

Therefore, we are carrying in the REPORTS this week one of the illustrations given by Mr. Miller and will carry one in the REPORTS for the next three weeks. We hope you will read these and send in to the NAB an account regarding similar services rendered by your station.

### RADIO ASSISTS IN WAR EFFORT

Daily the program managers of the stations and the networks are building into their program structure by various ways and means programs assisting the government agencies in the war effort. An incident in Iowa is typical. The local station set up a prize consisting of a \$25 Defense Bond to be given to the child who collected or supervised the collection of the greatest amount of scrap metal for defense purposes. Between them all, the children collected enough scrap to build 57 light tanks. It was a great local event, and indeed a clever and sound promotion scheme on the part of the broadcasting station. A result produced by keen competition for the local audience.

To highlight the cooperation of radio with the armed forces, consider the episode which the United States Navy has gratefully

recorded. When a squadron of its planes was trapped by fog off San Diego and unable to land, a radio announcer interrupted a program to ask all motorists in the vicinity to drive to the airport and surround the field with headlights on. Within 20 minutes the field was ringed with light, and the squadron came in. It was an immediate, commendable and spontaneous reaction on the people's part, and thanks went to them, as well as to the effectiveness of the local broadcast.

Radio has also cooperated with the Government agencies carrying on the war production program. In early January you perhaps recall that suddenly a severe cold spell gripped the Eastern and the Central states in which are located many war production plants using gas for fuel. Late in the afternoon word was received by OPM in Washington that due to the tremendous increase in gas consumption for domestic use, many of the war production plants would be compelled to close down that night for lack of gas. The need was urgent and at 4:00 PM that afternoon the OPM appealed to the National Association of Broadcasters for help. Immediately, telegrams were sent to all stations in the given area containing announcements urging that domestic consumption be curtailed so war production could go on. Announcements were carried on all stations at supper time, consumption immediately dropped, the cold weather continued, but thanks to radio and the cooperation of the people, there was ample supply of gas and the plants remained in operation.

And as a final typical example of radio's services to a community in time of emergency, consider this recent incident in Iowa. In Burlington there is a large ordnance plant employing 13,000 workers. In the last six months there have been two bad explosions. The first one five months ago occurred at 1 o'clock in the afternoon and the people were frantic. The first impulse in such a case is for everyone to start telephoning in an attempt to secure news of the safety of the members of his family. The telephone switchboard became useless, and in a desperate hope, the manager of the telephone company appealed for assistance to the local radio station, WBUR. The manager of WBUR immediately interrupted the program on the air and made a five minute talk, explaining the desperate need for telephone service for doctors, nurses and long distance calls and further promised to have his staff cover the accident and to give as rapidly as possible complete details of the accident. The telephone manager states that almost as if by magic, the calls ceased and within a few minutes the service was back to normal and the urgent calls in connection with relief went through.

A plea for nurses was also made over the radio, and within a short time the hospital called back to say that the response had been so immediate and so plentiful that there were adequate nurses available to take care of all needs.

Just six weeks ago, the second explosion took place. Again Station WBUR responded and again panic was averted, telephone facilities were made available for needed calls, nurses were secured and the work of rescue was carried on in a most efficient manner.

### TREASURY ACCELERATES BOND DRIVE

Through the presidents of the American Trade Association Executives, the Manufacturing Trade Associations Group, and the United States Chamber of Commerce, Secretary of the Treasury Morgenthau has appealed to all trade association executives for further assistance in stimulating the purchase of Savings Stamps and Bonds.

The ultimate objective of the campaign is to achieve a goal of \$1,000,000,000 a month. A two front offensive is planned. First, to increase the percentage of employees now participating in the payroll plan from the present 45 per cent to at least 90 per cent; and, second, to increase the monthly allotment from the now average \$8.00 per capita to approximately \$20.00 per capita.

The \$12,000,000,000 annual goal represents 10 per cent of our estimated national income, and the payroll savings plan is the most effective method promoting systematic purchase of the Savings Bonds.

There are now, according to their statement, over 86,000 firms employing a total of over 22,000,000 people which have made such plans available to their employees. The record shows, how-

ever, only 57 per cent of the employees are participating and they, only to the extent of a fraction more than 5 per cent of the gross payrolls of the plants. There are, of course many plants which are not participating at all. This, says the Committee, is a far cry from the gross 10 per cent payroll of all plants.

Many radio stations are among those "plants" making the payroll savings plan available to employees. NAB desires to render every possible assistance to the Treasury Department in the promotion of this plan. To that end we request station managers to advise what steps have been taken along the lines indicated. We desire this information for two purposes: first, that we may give proper recognition to those stations participating and, also that we may advise the Secretary of the manner in which the radio industry is cooperating.

### CENSOR COMMENDS RADIO

Byron Price, Director of Censorship, today issued the following statement:

"The newspapers and broadcasters of the country in general have performed magnificently in withholding information about the visit to this country of V. M. Molotov, the Soviet Foreign Minister.

"The facts about this visit were known to hundreds of newspapermen and broadcasters. It was news of very high importance. But the voluntary wartime Codes issued by the Office of Censorship had requested that news of all such events be withheld from publication or broadcast for reasons of safety until official announcement was made.

"The result was that, so far as we have been able to learn, no premature mention of the visit was made on any broadcast or in any newspaper of the United States except one. This is a performance which reflects great credit upon the patriotic self-discipline of the publishing and radio industries.

"The one newspaper in which the story was published was the Philadelphia Daily News. The publisher of the Daily News has assured us that the Code was not violated intentionally, but so far he has made no satisfactory explanation of the manner in which the error occurred."

### WTIC HELPS MARINES

As a part of Flag Week observance, Station WTIC, Hartford, made arrangements with the Marine Corps to send a copy of the Marine booklet on the use of the flag to interested listeners. Four announcements brought 1,120 requests, stimulating interest in both the flag and the Marine Corps.

### CHARLES CALEY TO AIR CORPS

Charles C. Caley, assistant manager of WMBD, Peoria, has been commissioned a Lieutenant in the Army Air Corps, reporting to Officers' Training School at Miami Beach, Fla.

Mr. Caley was active in the national sales field, and for five years served as member of the Sales Managers' Committee of NAB.

### CHINA AND RUSSIAN RELIEF

A note from Alvin M. Josephy, Jr., of the Office of Facts and Figures, asks us to relate the reason China Relief and Russian War Relief are not included in the network allocation plan.

OFF handles Government programs only. China Relief and Russian War Relief are not Government programs.

Nevertheless, OFF "would like stations to know that we think that both Russian and China Relief are doing a splendid job and hope that stations will give cooperation."

### "WE'VE GOT TO STICK TOGETHER"

"We've Got to Stick Together," which was mentioned recently, is the official song for the War Bond and Stamp Rally in Baltimore. According to H. Lee Hoffman, Baltimore advertising man, who with his wife, composed the words and music, the song is being well received. It's BMI.

### RUBBER SALVAGE DRIVE

The intensive Rubber Salvage Drive is in full force throughout the United States. Stations everywhere are doing an outstanding job to bring scrap rubber to receiving stations.

It is suggested that stations continue their own rubber conservation efforts. No matter how successful this drive, there still will not be enough rubber. Every fraction of a pound of rubber that can be saved is an aid to winning the War.

### BOUQUET FROM THE AIR CORPS

Captain J. Elroy McCaw who is now attached to the Headquarters of the Army Air Forces in Washington has tossed a bouquet our way. Captain McCaw, incidentally, in private life operates radio station KELA at Centralia, Washington, and has other radio interests in the Pacific northwest. He writes Neville Miller as follows:

"Recently we have had several occasions to request the assistance of the National Association of Broadcasters in expediting communications training.

"As a result of the intelligent and wholehearted cooperation extended by Mr. Arthur Stringer and other members of your staff, it has been possible for us to accomplish our purposes much more quickly and effectively than would otherwise have been possible. You, in the National Association of Broadcasters, have shown an understanding of our problem and have demonstrated your desire to be of assistance in this emergency.

"We wish to extend our appreciation to you for your courtesy and assistance. We look forward to a continuation of this pleasant and helpful relationship."

### NEW CUBAN RULES

Radio broadcasters in Cuba are forbidden to use expressions such as "flash," "important," "last minute" and similar terms in commercial announcements according to the Department of Commerce.

Station licensees are required to file with the communications control commission certain personal information, about their personnel including fingerprints and photographs.

The general public is not permitted to take part in broadcast programs. Programs must be prepared at least 24 hours in advance so copy may be available to Government inspectors.

### CENSORSHIP NOT UNDER DAVIS

The status of the Office of Censorship is not affected in any way by the order of President Roosevelt creating the Office of War Information with Elmer Davis as director. The only reference to censorship in the executive order signed by the President on June 13 follows: "The Director of the Office of War Information and the Director of Censorship shall collaborate in the performance of their respective functions for the purpose of facilitating the prompt and full dissemination of all available information which will not give aid to the enemy."

The various bureaus that are brought under the direct control of Mr. Davis are the Office of Facts and Figures, headed by Archibald MacLeish; Office of Government Reports, headed by Lowell Mellett; Division of Information, headed by Robert W. Horton, in the Office of Emergency Management, which has controlled the press relations of such agencies as WPB, OPA and the War Labor Board; and the Foreign Information Service of the Office of Co-ordinator of Information. Colonel William J. Donovan, who has been Co-ordinator of Information, has been transferred to the Office of Strategic Services under the Joint Chiefs of Staff.

## Listener Activities

### RADIO COUNCIL OF MIDDLE TENNESSEE

The Radio Council of Middle Tennessee observed its first birthday June 9, with an open meeting, an interesting program, and

the election of officers. The following officers will serve for 1942-43:

President, Mrs. Arch Trawick; First Vice President, Mrs. Roland C. Wolfe; Second Vice President, Mrs. Donald M. Maynard; Recording Secretary, Mrs. Manuel Eskin; Treasurer, Dr. M. L. Shane.

Mrs. Paul Capps, who has served as secretary since the pre-organization meetings, gave a short history of the Council, its organization, objectives, and undertakings. Tribute was paid to Dorothy Lewis. Reports of the NAB Convention in Cleveland were made by F. C. Sowell of WLAC, E. S. Tanner of WSIX, and Jack Stapp of WSM. The highlights were vividly presented by these experienced executives, and the interested listeners got glimpses of different phases of the tremendous, complex world of radio.

The major project of the year, the study of listeners' habits, hobbies, and favorite programs were discussed by Miss Mary Sneed Jones, chairman of the committee, and by Mrs. Roland C. Wolfe, in charge of questionnaires for adults. Miss Jones gave a brief summary of the 4,000 questionnaires sent to city and county elementary and high schools, and outlined the plans for completing the study, with the hope of making it available to a few hundred interested students of education by radio.

Mrs. Wolfe emphasized the cooperation of different organized groups who took part in the survey of adult listeners, and gave many of the intelligent and constructive suggestions from urban and rural groups.

Mrs. Trawick read "The Role of the Listener" which she gave before the Listeners' Section of the NAB Convention in Cleveland.

A spirited discussion of trends in radio followed with an exchange of opinions, questions, and answers, on the possibilities in the ever-growing field of entertainment and education via *Radio*. A statement of goals for the next year was the closing number on the program.

## MRS. ROOSEVELT WANTS FREE RADIO

In a recent issue of the Ladies Home Journal in her column "You Ask Me" by Mrs. Eleanor Roosevelt, she received the following question:

"Since sponsors of radio programs for children seem indifferent to the protests of individual parents concerning gangster and horror stories on the air, is it possible to have legislation passed prohibiting them?"

Her reply is encouraging to informed mothers and broadcasters alike:

"I think it would be a pity to pass legislation which would be censorship legislation, either for the press or the radio or the movies. All these distributors of news and entertainment, of necessity, are anxious to please the public; and once you get the public educated so that they are really determined that their children shall not listen to certain programs on the air, you will have no difficulty getting them off the air."

The women of the country are learning that they have editorial work to do with this new medium of radio as with newspaper and movie. Mrs. Roosevelt confirms the fact that the listeners must be articulate. The broadcasters desire to give the radio audience what it wants to hear.

## IRVING BERLIN MUSIC

THIS IS THE ARMY, INC. is producing a stage show in a New York theater, the net proceeds of which will be donated to army emergency relief. The score of this show is written by Irving Berlin and will be published by THIS IS THE ARMY, INC. The Directors of This Is the Army, Inc. have decided that all broadcasting stations should be free to perform this music without the payment of any compensation whatsoever. For this purpose they have instructed and authorized ASCAP to license the score free of charge to all broadcasting stations. We feel that all broadcast-

ers should recognize this patriotic gesture by availing themselves of the opportunity of performing an Irving Berlin score without charge, and, at the same time, helping the Army in its efforts to raise funds for army emergency relief. The compositions, written by Mr. Berlin which are included in this free license are as follows:

This is the Army, Mr. Jones  
With My Head in the Clouds  
I Left My Heart at the Stage Door Canteen  
My Sergeant and I Are Buddies  
The Army's Made a Man Out of Me  
How About a Cheer for the Navy  
American Eagles  
That Russian Winter  
I'm Getting Tired So I Can Sleep

The show will also include some Irving Berlin numbers written at the time of the last war but these are the property of individual publishers and are not included in the free license.

## PRIORITY ORDER

Preference Rating Order P-129 (see NAB REPORTS, May 1, p. 244) was amended June 3 by inserting before the first word (Except) of paragraph (g)(1) the words "On and after September 1, 1942 \* \* \*." The effect of the amendment is that the 27½% limitations on inventory do not apply until September 1.

## DCB MATERIAL RECOMMENDATION

The DCB recommended, June 11, to the War Production Board and the Federal Communications Commission that, with regard to the construction of certain radio facilities, there be immediately placed into effect the following policy:

1) No future authorizations involving the use of any materials shall be issued by the Federal Communications Commission nor shall further materials be allocated by the War Production Board, to construct or to change the transmitting facilities of any amateur or Class 3 experimental Station.

2) No future authorizations involving the use of any materials shall be issued by the Federal Communications Commission nor shall further materials be allocated by the War Production Board, to construct or to change the transmitting facilities of any Aeronautical Fixed (domestic) Station, Itinerant Aircraft Station, Flying School Station, or station operating in the Emergency and Miscellaneous Radio Services; provided, however, that upon a proper showing that any such station serves an essential military need or a vital public need, which cannot otherwise be met, the Commission and the War Production Board will take action commensurate with the importance of the particular facility in question.

The foregoing applies to the following classes of stations which are defined in the Rules and Regulations of the Federal Communications Commission:

- 1) Amateur stations.
- 2) Class 3 experimental stations.
- 3) Emergency Radio Service.
  - a) State Police Stations.
  - b) Municipal Police Stations.
  - c) Zone Police Stations.
  - d) Interzone Police Stations.
  - e) Special Emergency Stations.
  - f) Forestry Stations.
  - g) Marine Fire Stations.
- 4) Aviation Radio Service.
  - a) Aeronautical Fixed (domestic) Stations.
  - b) Itinerant Aircraft Stations.
  - c) Flying School Stations.
- 5) Miscellaneous Radio Service.
  - a) Provisional Stations.
  - b) Motion Picture Stations.
  - c) Relay Press Stations.
  - d) Geological Stations.

# MISSISSIPPI

## Estimated Radio Homes, 1940

Number of Occupied Dwelling Units as reported by U. S. Bureau of the Census in advance release, Series H-7. Percent radio-equipped calculated from Series H-7 Bulletin following the Census Bureau practice. Number of radio units, or radio homes, estimated by applying percent ownership to those units not answering radio question and adding such to those reporting radio.

County	All Units			Urban Units			Rural-Nonfarm Units			Rural-Farm Units		
	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units
Adams.....	7,556	38.6	2,909	4,642	50.6	2,351	1,072	37.3	400	1,842	8.6	158
Alcorn.....	6,755	56.7	3,847	2,289	68.8	1,574	1,074	70.4	756	3,392	44.7	1,517
Amite.....	5,035	34.4	1,732	.....	.....	.....	1,045	54.9	573	3,990	29.0	1,159
Attala.....	6,937	39.4	2,733	1,202	61.6	740	1,031	55.2	569	4,704	30.3	1,424
Benton.....	2,373	34.4	813	.....	.....	.....	305	55.7	170	2,068	31.1	643
Bolivar.....	18,138	28.4	5,123	1,094	63.2	691	3,846	43.5	1,674	13,198	20.9	2,758
Calhoun.....	4,924	48.8	2,404	.....	.....	.....	1,473	59.0	870	3,451	44.4	1,534
Carroll.....	4,746	33.1	1,576	.....	.....	.....	751	58.2	437	3,995	28.5	1,139
Chickasaw.....	5,085	40.3	2,041	.....	.....	.....	1,765	55.3	975	3,320	32.1	1,066
Choctaw.....	3,007	38.6	1,160	.....	.....	.....	669	56.6	379	2,338	33.4	781
Claiborne.....	3,385	25.5	873	828	40.6	336	316	41.5	131	2,241	18.1	406
Clarke.....	4,803	39.2	1,881	.....	.....	.....	1,899	48.4	919	2,904	33.1	962
Clay.....	4,709	37.5	1,765	1,669	53.8	898	298	37.4	111	2,742	27.6	756
Coahoma.....	13,529	29.6	4,011	3,589	54.3	1,949	1,374	40.4	555	8,566	17.6	1,507
Copiah.....	8,252	38.5	3,177	1,718	58.6	1,006	1,220	42.2	515	5,314	31.2	1,656
Covington.....	3,792	42.2	1,602	.....	.....	.....	825	54.2	447	2,967	38.9	1,155
DeSoto.....	6,660	23.4	1,556	.....	.....	.....	899	52.9	475	5,761	18.8	1,081
Forrest.....	9,098	54.5	4,952	5,762	58.9	3,396	1,801	48.3	870	1,535	44.7	686
Franklin.....	3,061	36.7	1,122	.....	.....	.....	1,243	42.7	531	1,818	32.5	591
George.....	1,942	39.8	773	.....	.....	.....	837	43.2	362	1,105	37.2	411
Greene.....	2,044	34.2	698	.....	.....	.....	1,044	32.8	342	1,000	35.6	356
Grenada.....	4,493	39.2	1,759	1,593	57.1	910	542	51.2	277	2,358	24.3	572
Hancock.....	2,808	47.5	1,331	1,034	61.8	639	1,299	35.7	464	475	48.0	228
Harrison.....	13,020	63.1	8,219	9,213	68.4	6,303	2,674	51.8	1,384	1,133	46.9	532
Hinds.....	26,921	56.8	15,334	16,423	73.4	12,047	3,266	54.6	1,782	7,232	20.8	1,505
Holmes.....	9,540	26.3	2,515	1,606	49.5	795	1,509	49.1	740	6,425	15.3	980
Humphreys.....	6,522	28.2	1,832	1,071	45.7	490	542	48.5	263	4,909	22.0	1,079
Issaquena.....	1,779	18.0	320	.....	.....	.....	128	49.2	63	1,651	15.6	257
Itawamba.....	4,562	38.2	1,740	.....	.....	.....	442	61.4	271	4,120	35.6	1,469
Jackson.....	5,191	62.3	3,225	2,303	71.0	1,636	2,110	53.4	1,126	778	59.5	463
Jasper.....	4,308	33.5	1,443	.....	.....	.....	847	49.7	421	3,461	29.5	1,022
Jefferson.....	3,538	19.2	676	.....	.....	.....	723	39.1	283	2,815	14.0	393
Jefferson Davis.....	3,527	31.0	1,095	.....	.....	.....	503	49.2	247	3,024	28.0	848
Jones.....	11,626	54.6	6,342	5,863	60.2	3,530	1,395	58.8	820	4,368	45.6	1,992
Kemper.....	4,746	27.4	1,301	.....	.....	.....	1,012	51.9	525	3,734	20.8	776
Lafayette.....	5,157	41.3	2,137	1,033	72.1	745	544	50.2	273	3,580	31.3	1,119
Lamar.....	2,857	40.4	1,155	.....	.....	.....	1,274	39.7	505	1,583	41.1	650
Lauderdale.....	14,894	49.5	7,344	9,648	58.4	5,637	1,362	39.8	542	3,884	30.0	1,165
Lawrence.....	3,178	31.2	990	.....	.....	.....	813	50.1	408	2,365	24.6	582
Leake.....	5,487	34.9	1,917	.....	.....	.....	1,313	51.9	681	4,174	29.6	1,236
Lee.....	9,653	50.5	4,863	2,335	66.9	1,563	1,752	53.9	945	5,566	42.3	2,355
Leflore.....	13,979	36.8	5,128	4,169	61.9	2,532	1,480	49.6	734	8,330	21.8	1,812
Lincoln.....	6,559	42.8	2,799	1,751	63.5	1,113	812	36.1	293	3,996	34.9	1,393
Lowndes.....	8,991	41.2	3,699	3,894	55.8	2,174	1,016	54.8	557	4,081	23.7	968
Madison.....	8,861	30.8	2,719	1,771	50.2	889	1,086	65.8	714	6,004	18.6	1,116
Marion.....	5,622	38.3	2,153	1,637	53.5	876	690	43.5	300	3,295	29.7	977
Marshall.....	5,967	23.9	1,425	776	57.5	446	659	46.5	307	4,532	14.8	672
Monroe.....	8,988	42.5	3,823	2,426	61.6	1,494	844	52.7	445	5,718	32.9	1,884
Montgomery.....	3,776	42.4	1,604	783	61.7	483	553	56.2	311	2,440	33.2	810
Neshoba.....	6,303	39.3	2,481	1,022	56.1	573	472	51.6	244	4,809	34.6	1,664
Newton.....	5,528	39.6	2,188	.....	.....	.....	1,629	59.3	966	3,899	31.3	1,222
Noxubee.....	6,010	18.9	1,125	.....	.....	.....	1,272	45.3	576	4,738	11.6	549
Oktibbeha.....	5,090	38.1	1,944	1,371	60.0	822	476	64.5	307	3,243	25.1	815
Panola.....	8,250	36.3	2,990	.....	.....	.....	2,090	61.4	1,284	6,160	27.7	1,706
Pearl River.....	4,644	52.1	2,420	1,399	61.1	854	1,679	43.7	733	1,566	53.2	833
Perry.....	2,067	37.3	770	.....	.....	.....	908	43.1	391	1,159	32.7	379
Pike.....	8,651	50.8	4,373	2,791	73.3	2,046	2,572	48.2	1,241	3,288	33.0	1,086
Pontotoc.....	5,459	45.2	2,467	.....	.....	.....	1,124	62.3	701	4,335	40.7	1,766
Prentiss.....	5,000	46.7	2,338	.....	.....	.....	1,365	55.2	754	3,635	43.6	1,584
Quitman.....	6,887	40.2	2,759	.....	.....	.....	1,261	58.4	736	5,626	36.0	2,023

**MISSISSIPPI—Continued**

County	All Units			Urban Units			Rural-Nonfarm Units			Rural-Farm Units		
	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units
Rankin.....	5,668	39.2	2,231	.....	.....	.....	1,786	58.8	1,050	3,882	30.4	1,181
Scott.....	5,259	43.2	2,392	709	82.5	585	998	55.7	556	3,552	35.2	1,251
Sharkey.....	3,941	35.4	1,393	.....	.....	.....	781	55.6	434	3,160	30.3	959
Simpson.....	4,975	43.5	2,164	.....	.....	.....	1,399	54.9	768	3,576	39.0	1,396
Smith.....	4,235	41.4	1,765	.....	.....	.....	705	63.7	449	3,530	37.3	1,316
Stone.....	1,500	44.0	660	.....	.....	.....	899	44.5	400	601	43.2	260
Sunflower.....	14,889	32.5	4,825	1,093	59.5	650	1,993	62.9	1,254	11,803	24.7	2,921
Tallahatchie.....	8,598	32.6	2,815	.....	.....	.....	1,749	55.8	976	6,849	26.9	1,839
Tate.....	4,687	35.0	1,631	.....	.....	.....	907	63.5	576	3,780	27.9	1,055
Tippah.....	4,577	47.4	2,168	.....	.....	.....	1,095	66.4	727	3,482	41.4	1,441
Tishomingo.....	3,978	47.6	1,891	.....	.....	.....	1,152	59.8	689	2,826	42.5	1,202
Tunica.....	6,271	23.2	1,451	.....	.....	.....	861	55.7	479	5,410	18.0	972
Union.....	5,417	49.9	2,701	1,089	69.7	759	645	47.1	304	3,683	44.5	1,638
Walthall.....	3,899	33.9	1,318	.....	.....	.....	485	63.7	309	3,414	29.6	1,009
Warren.....	11,471	47.8	5,490	7,363	58.1	4,281	1,775	34.7	616	2,333	25.4	593
Washington.....	19,067	33.7	6,441	7,397	52.2	3,860	2,136	40.9	874	9,534	17.9	1,707
Wayne.....	3,700	31.2	1,154	.....	.....	.....	1,323	35.5	469	2,377	28.8	685
Webster.....	3,320	45.0	1,494	.....	.....	.....	842	54.6	459	2,478	41.8	1,035
Wilkinson.....	3,810	33.9	1,284	.....	.....	.....	1,435	54.0	775	2,375	21.4	509
Winston.....	5,047	35.4	1,789	946	56.9	538	498	46.3	230	3,603	28.3	1,021
Yalobusha.....	4,505	40.3	1,814	998	62.7	626	402	59.5	239	3,105	30.6	949
Yazoo.....	9,872	29.9	2,950	2,060	36.4	1,161	1,229	42.8	526	6,583	19.2	1,263
State Total.....	534,956	39.9	213,312	120,360	61.5	74,048	95,920	50.9	48,834	318,676	28.4	90,430

**Cities of 25,000 or More Population**

City	County	Units	% Radio	Radio Units
Jackson.....	Hinds	16,423	73.4	12,047
Meridian.....	Lauderdale	9,648	58.4	5,637

NAB Research Department

June 17, 1942

**NEBRASKA**

**Estimated Radio Homes, 1940**

Number of Occupied Dwelling Units as reported by U. S. Bureau of the Census in advance release, Series H-7. Percent radio-equipped calculated from Series H-7 Bulletin following the Census Bureau practice. Number of radio units, or radio homes, estimated by applying percent ownership to those units not answering radio question and adding such to those reporting radio.

County	All Units			Urban Units			Rural-Nonfarm Units			Rural-Farm Units		
	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units
Adams.....	6,301	87.8	5,530	4,310	93.8	4,043	555	80.7	448	1,436	72.3	1,039
Antelope.....	3,569	79.9	2,852	.....	.....	.....	1,539	82.4	1,268	2,030	78.0	1,584
Arthur.....	269	72.7	196	.....	.....	.....	60	51.7	31	209	78.7	165
Banner.....	362	84.6	306	.....	.....	.....	28	82.1	23	334	84.8	283
Blaine.....	395	79.5	314	.....	.....	.....	102	80.8	82	293	79.1	232
Boone.....	3,117	78.3	2,442	.....	.....	.....	1,405	85.3	1,199	1,712	72.6	1,243
Box Butte.....	2,915	87.4	2,547	1,739	89.0	1,548	323	85.8	277	853	84.7	722
Boyd.....	1,566	75.0	1,175	.....	.....	.....	671	77.4	519	895	73.3	656
Brown.....	1,569	76.5	1,200	.....	.....	.....	806	80.1	646	763	72.6	554
Buffalo.....	6,646	80.8	5,369	2,762	87.0	2,404	1,602	84.4	1,352	2,282	70.7	1,613
Burt.....	3,450	87.1	3,004	.....	.....	.....	1,727	85.7	1,481	1,723	88.4	1,523
Butler.....	3,658	73.5	2,689	.....	.....	.....	1,710	80.0	1,367	1,948	67.9	1,322
Cass.....	4,964	84.1	4,178	1,195	87.4	1,045	1,697	85.2	1,446	2,072	81.4	1,687
Cedar.....	3,751	85.1	3,190	.....	.....	.....	1,588	84.7	1,345	2,163	85.3	1,845
Chase.....	1,413	77.5	1,095	.....	.....	.....	678	77.6	526	735	77.4	569

NEBRASKA—Continued

County	All Units			Urban Units			Rural-Nonfarm Units			Rural-Farm Units		
	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units
Cherry	2,443	77.5	1,893	.....	.....	.....	1,092	78.5	858	1,351	76.6	1,035
Cheyenne	2,453	87.4	2,144	921	91.1	839	463	87.6	406	1,069	84.1	899
Clay	3,154	78.2	2,470	.....	.....	.....	1,698	85.0	1,443	1,456	70.5	1,027
Colfax	3,038	80.9	2,456	871	87.8	764	759	80.6	612	1,408	76.7	1,080
Cuming	3,459	85.8	2,966	685	92.3	632	804	80.7	649	1,970	85.5	1,685
Custer	6,132	77.0	4,723	876	86.0	753	1,742	80.8	1,408	3,514	72.9	2,562
Dakota	2,562	84.7	2,168	1,241	88.4	1,097	484	83.5	404	837	79.7	667
Dawes	2,789	86.2	2,404	1,252	91.4	1,145	688	79.6	548	849	83.8	711
Dawson	4,914	81.0	3,982	1,075	93.7	917	1,737	86.0	1,493	2,102	74.8	1,572
Deuel	929	84.9	789	.....	.....	.....	459	88.7	407	470	81.3	382
Dixon	2,759	84.8	2,340	.....	.....	.....	1,230	87.7	1,078	1,529	82.5	1,262
Dodge	6,829	89.4	6,105	3,469	93.4	3,239	1,504	85.6	1,287	1,856	85.1	1,579
Douglas	68,378	93.5	63,967	62,135	94.1	58,464	4,345	88.6	3,852	1,898	87.0	1,651
Dundy	1,358	72.4	982	.....	.....	.....	661	71.3	471	697	73.4	511
Fillmore	3,319	77.7	2,577	.....	.....	.....	1,636	84.7	1,386	1,683	70.8	1,191
Franklin	2,246	71.0	1,594	.....	.....	.....	1,115	79.4	885	1,131	62.7	709
Frontier	1,797	73.3	1,317	.....	.....	.....	682	80.0	546	1,115	69.1	771
Furnas	3,022	76.8	2,322	.....	.....	.....	1,695	82.0	1,390	1,327	70.2	932
Gage	8,023	86.2	6,918	3,219	91.4	2,943	1,927	84.8	1,635	2,877	81.3	2,340
Garden	1,249	79.0	987	.....	.....	.....	495	81.6	404	754	77.3	583
Garfield	895	74.6	667	.....	.....	.....	396	79.1	313	499	71.0	354
Gosper	1,022	68.2	685	.....	.....	.....	269	82.8	223	733	63.0	462
Grant	337	83.5	282	.....	.....	.....	204	80.9	165	133	87.6	117
Greeley	1,655	75.6	1,252	.....	.....	.....	738	79.2	585	917	72.7	667
Hall	7,825	86.7	6,778	5,469	91.9	5,028	601	83.3	500	1,755	71.2	1,250
Hamilton	2,910	77.9	2,267	.....	.....	.....	1,287	84.8	1,092	1,623	72.4	1,175
Harlan	1,999	76.2	1,525	.....	.....	.....	957	84.8	812	1,042	68.4	713
Hayes	748	75.2	563	.....	.....	.....	145	65.5	95	603	77.6	468
Hitchcock	1,721	76.0	1,308	.....	.....	.....	919	79.6	731	802	72.0	577
Holt	4,228	79.7	3,368	644	86.9	560	1,158	79.0	915	2,426	78.0	1,893
Hooker	331	74.4	246	.....	.....	.....	208	77.4	161	123	69.2	85
Howard	2,305	75.8	1,745	.....	.....	.....	925	81.0	749	1,380	72.2	996
Jefferson	4,503	83.7	3,775	1,952	91.6	1,788	816	79.8	651	1,735	77.0	1,336
Johnson	2,468	82.3	2,032	.....	.....	.....	1,167	83.9	979	1,301	80.9	1,053
Kearney	1,954	83.9	1,640	.....	.....	.....	909	88.7	806	1,045	79.8	834
Keith	2,168	81.7	1,772	862	87.2	752	500	81.6	408	806	75.9	612
Keya Paha	791	77.8	615	.....	.....	.....	187	76.6	143	604	78.1	472
Kimball	1,052	84.7	891	.....	.....	.....	588	89.5	526	464	78.6	365
Knox	4,345	76.7	3,291	.....	.....	.....	1,824	78.1	1,425	2,521	74.0	1,866
Lancaster	29,129	92.1	26,842	24,633	94.7	23,327	1,548	83.9	1,299	2,948	75.2	2,216
Lincoln	6,759	84.4	5,703	3,378	91.6	3,094	1,242	79.3	985	2,139	75.9	1,624
Logan	453	71.3	322	.....	.....	.....	157	60.2	108	296	72.3	214
Loup	459	77.4	355	.....	.....	.....	118	76.5	90	341	77.7	265
McPherson	318	65.0	207	.....	.....	.....	61	47.5	29	257	69.3	178
Madison	6,478	87.3	5,653	3,013	92.1	2,774	1,569	86.0	1,349	1,896	80.7	1,530
Merrick	2,628	82.8	2,177	.....	.....	.....	1,351	88.7	1,198	1,277	76.6	979
Morrill	2,313	81.6	1,888	.....	.....	.....	1,159	83.1	963	1,154	80.2	925
Nance	1,950	78.6	1,533	.....	.....	.....	939	83.1	780	1,011	74.4	753
Nemaha	3,712	85.1	3,159	1,124	87.9	988	903	82.8	748	1,685	84.5	1,423
Nuckolls	2,971	75.2	2,233	823	88.2	726	764	80.6	615	1,384	64.5	892
Otoe	5,371	87.0	4,675	2,101	88.0	1,850	1,034	88.2	912	2,236	85.5	1,913
Pawnee	2,350	80.1	1,883	.....	.....	.....	978	84.9	831	1,372	76.7	1,052
Perkins	1,350	80.7	1,089	.....	.....	.....	527	82.4	434	823	79.6	655
Phelps	2,512	86.0	2,160	1,056	93.2	984	366	78.8	288	1,090	81.4	888
Pierce	2,703	82.2	2,222	.....	.....	.....	1,104	85.2	941	1,599	80.1	1,281
Platte	4,964	81.3	4,036	2,043	90.9	1,857	750	77.3	580	2,171	73.7	1,599
Polk	2,466	83.8	2,068	.....	.....	.....	1,033	87.1	900	1,433	81.5	1,168
Red Willow	3,298	82.5	2,717	1,741	91.3	1,589	557	74.5	415	1,000	71.3	713
Richardson	5,297	83.2	4,409	1,735	91.1	1,581	1,395	81.6	1,139	2,167	78.0	1,689
Rock	1,016	78.7	800	.....	.....	.....	400	81.6	326	616	76.9	474
Saline	4,608	77.7	3,581	964	88.0	848	1,614	81.1	1,308	2,030	70.2	1,425
Sarpy	2,638	87.5	2,308	.....	.....	.....	1,502	91.0	1,367	1,136	82.8	941
Saunders	5,152	82.9	4,272	805	93.2	750	1,656	84.8	1,404	2,691	78.7	2,118
Scottsbluff	8,501	82.6	7,021	3,916	86.7	3,396	1,625	77.4	1,258	2,960	80.0	2,367
Seward	4,036	80.4	3,242	875	90.9	795	1,118	79.8	892	2,043	76.1	1,555

**NEBRASKA—Continued**

County	All Units			Urban Units			Rural-Nonfarm Units			Rural-Farm Units		
	Units	%	Radio Units	Units	%	Radio Units	Units	%	Radio Units	Units	%	Radio Units
Sheridan.....	2,709	80.2	2,173	.....	.....	.....	1,400	80.3	1,125	1,309	80.0	1,048
Sherman.....	2,026	68.3	1,385	.....	.....	.....	869	78.3	680	1,157	60.9	705
Sioux.....	1,036	75.3	780	.....	.....	.....	185	82.1	152	851	73.8	628
Stanton.....	1,858	79.7	1,480	.....	.....	.....	618	87.3	539	1,240	75.9	941
Thayer.....	3,436	78.9	2,711	.....	.....	.....	1,808	85.3	1,542	1,628	71.8	1,169
Thomas.....	434	73.5	319	.....	.....	.....	232	75.0	174	202	71.9	145
Thurston.....	2,445	73.2	1,789	.....	.....	.....	1,238	71.6	886	1,207	74.8	903
Valley.....	2,307	76.3	1,758	.....	.....	.....	1,102	84.1	927	1,205	69.0	831
Washington.....	3,197	87.2	2,788	939	93.4	877	591	86.2	510	1,667	84.0	1,401
Wayne.....	2,647	88.8	2,350	784	92.9	729	387	82.5	319	1,476	88.2	1,302
Webster.....	2,367	72.4	1,713	.....	.....	.....	1,120	83.5	936	1,247	62.3	777
Wheeler.....	528	75.2	397	.....	.....	.....	137	71.1	97	391	76.7	300
York.....	4,287	83.7	3,590	1,652	90.9	1,502	728	78.4	571	1,907	79.5	1,517
State Total.....	360,744	84.7	305,681	146,259	92.7	135,628	89,390	82.9	74,068	125,095	76.7	95,985

**Cities of 25,000 or More Population**

City	County	Units	%	Radio
Lincoln.....	Lancaster	24,633	94.7	23,327
Omaha.....	Douglas	62,135	94.1	58,464

NAB Research Department

June 9, 1942

**NEW MEXICO**

Number of Occupied Dwelling Units as reported by U. S. Bureau of the Census in advance release, Series H-7. Percent radio-equipped calculated from Series H-7 Bulletin following the Census Bureau practice. Number of radio units, or radio homes, estimated by applying percent ownership to those units not answering radio question and adding such to those reporting radio.

County	All Units			Urban Units			Rural-Nonfarm Units			Rural-Farm Units		
	Units	%	Radio Units	Units	%	Radio Units	Units	%	Radio Units	Units	%	Radio Units
Bernalillo.....	18,079	74.0	13,396	9,884	86.7	8,572	5,943	63.2	3,755	2,252	47.4	1,069
Catron.....	1,313	42.5	558	.....	.....	.....	671	43.1	289	642	41.9	269
Chaves.....	6,091	67.1	4,088	3,569	73.7	2,630	758	55.5	421	1,764	58.8	1,037
Colfax.....	4,634	66.0	3,057	2,043	73.0	1,491	1,706	63.4	1,082	885	54.7	484
Curry.....	4,809	75.5	3,633	2,757	82.4	2,273	758	61.0	462	1,294	69.4	898
DeBaca.....	934	54.4	508	.....	.....	.....	541	55.7	301	393	52.6	207
Dona Ana.....	7,270	51.5	3,746	2,155	62.9	1,355	2,196	44.3	974	2,919	48.5	1,417
Eddy.....	6,059	65.7	3,983	2,957	79.9	2,364	1,833	56.3	1,033	1,269	46.2	586
Grant.....	4,890	62.5	3,059	1,349	65.0	877	2,798	60.9	1,705	743	64.1	477
Guadalupe.....	1,908	30.9	590	.....	.....	.....	1,402	34.2	479	506	22.0	111
Harding.....	1,057	45.2	477	.....	.....	.....	466	42.5	198	591	47.2	279
Hidalgo.....	1,246	59.9	746	786	61.8	486	203	57.0	116	257	56.1	144
Lea.....	6,161	74.1	4,559	3,240	74.9	2,427	2,286	78.1	1,785	635	54.7	347
Lincoln.....	2,119	54.0	1,144	.....	.....	.....	1,445	55.9	808	674	49.8	336
Luna.....	1,687	58.6	987	964	64.0	617	323	43.7	141	400	57.3	229
McKinley.....	5,318	45.2	2,385	1,817	79.1	1,437	1,569	52.8	828	1,932	6.2	120
Mora.....	2,399	14.2	340	.....	.....	.....	924	17.1	158	1,475	12.3	182
Otero.....	2,638	51.1	1,348	988	62.1	613	878	47.2	415	772	41.5	320
Quay.....	3,212	66.4	2,132	1,655	67.6	1,118	487	63.4	309	1,070	65.9	705
Rio Arriba.....	5,499	19.2	1,058	.....	.....	.....	2,557	23.5	600	2,942	15.6	458
Roosevelt.....	3,628	60.8	2,206	1,328	66.2	879	330	56.1	185	1,970	58.0	1,142
Sandoval.....	3,082	24.8	765	.....	.....	.....	1,880	26.2	492	1,202	22.7	273
San Juan.....	3,750	38.1	1,440	.....	.....	.....	1,240	69.0	855	2,510	23.3	585
San Miguel.....	6,330	32.8	2,073	2,889	50.7	1,465	1,459	20.1	293	1,982	15.9	315
Santa Fe.....	7,289	57.2	4,161	4,943	68.3	3,376	1,199	36.3	436	1,147	30.4	349
Sierra.....	1,908	46.3	883	869	54.0	469	616	44.6	275	423	32.9	139
Socorro.....	2,666	33.6	897	907	47.5	431	712	30.1	215	1,047	23.9	251
Taos.....	4,109	23.2	948	.....	.....	.....	2,111	29.6	624	1,998	16.2	324
Torrance.....	2,628	38.3	1,008	.....	.....	.....	1,366	38.6	527	1,262	38.1	481
Union.....	2,354	59.3	1,395	847	70.3	595	432	49.5	214	1,075	54.6	586
Valencia.....	4,408	33.6	1,483	766	62.2	476	2,008	28.8	579	1,634	26.2	428
State Total.....	129,475	53.2	69,053	46,713	72.5	33,951	43,097	47.6	20,554	39,665	36.7	14,548

**Cities of 25,000 or More Population**

City	County	Units	%	Radio
Albuquerque.....	Bernalillo	9,884	86.7	8,572

NAB Research Department

June 10, 1942

# OKLAHOMA

## Estimated Radio Homes, 1940

Number of Occupied Dwelling Units as reported by U. S. Bureau of the Census in advance release, Series H-7. Percent radio-equipped calculated from Series H-7 Bulletin following the Census Bureau practice. Number of radio units, or radio homes, estimated by applying percent ownership to those units not answering radio question and adding such to those reporting radio.

County	All Units			Urban Units			Rural-Nonfarm Units			Rural-Farm Units		
	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units
Adair.....	3,652	40.3	1,474	.....	.....	.....	1,270	53.9	685	2,382	33.1	789
Alfalfa.....	3,962	80.2	3,180	777	82.0	637	1,083	79.8	864	2,102	79.9	1,679
Atoka.....	4,417	41.9	1,877	807	70.3	567	879	37.4	329	2,731	35.9	981
Beaver.....	2,352	68.0	1,597	.....	.....	.....	662	72.9	481	1,690	66.0	1,116
Beckham.....	6,075	67.3	4,088	2,356	78.6	1,852	1,014	64.5	654	2,705	58.5	1,582
Blaine.....	4,847	67.4	3,266	872	67.5	588	1,239	76.3	945	2,736	63.3	1,733
Bryan.....	9,347	63.1	5,924	2,812	80.6	2,267	2,074	54.6	1,132	4,461	56.6	2,525
Caddo.....	10,483	64.8	6,797	1,604	72.5	1,163	3,086	72.3	2,230	5,793	58.8	3,404
Canadian.....	7,003	79.9	5,595	2,978	86.4	2,572	1,167	82.0	957	2,858	72.3	2,066
Carter.....	11,235	66.2	7,412	4,838	76.9	3,720	3,414	66.4	2,268	2,983	47.7	1,424
Cherokee.....	4,926	38.5	1,925	919	68.7	631	618	36.0	222	3,389	31.6	1,072
Choctaw.....	6,992	45.4	3,173	1,753	68.4	1,199	1,666	39.5	659	3,573	36.8	1,315
Cimarron.....	1,019	67.3	686	.....	.....	.....	498	69.1	344	521	65.6	342
Cleveland.....	6,823	76.1	5,190	3,411	89.8	3,063	1,035	68.8	712	2,377	59.5	1,415
Coal.....	3,125	46.7	1,463	.....	.....	.....	1,331	52.5	698	1,794	42.6	765
Comanche.....	9,237	69.6	6,435	5,297	77.5	4,104	1,304	58.9	769	2,636	59.3	1,562
Cotton.....	3,374	66.3	2,238	.....	.....	.....	1,328	70.4	935	2,046	63.7	1,303
Craig.....	4,871	62.4	3,043	1,678	75.4	1,265	887	57.7	511	2,306	55.0	1,267
Creek.....	14,562	66.8	9,724	6,616	76.6	5,068	2,717	67.6	1,836	5,229	53.9	2,820
Custer.....	6,091	73.9	4,502	2,643	78.1	2,065	925	74.9	693	2,523	69.1	1,744
Delaware.....	4,509	46.9	2,117	.....	.....	.....	1,184	55.6	657	3,325	43.9	1,460
Dewey.....	3,185	64.0	2,038	.....	.....	.....	1,086	72.7	789	2,099	59.5	1,249
Ellis.....	2,382	68.6	1,631	.....	.....	.....	931	75.0	698	1,451	64.3	933
Garfield.....	12,944	85.0	11,001	8,353	86.6	7,235	1,619	82.6	1,338	2,972	81.7	2,428
Garvin.....	7,712	55.5	4,288	1,432	75.5	1,082	2,348	61.7	1,449	3,932	44.7	1,757
Grady.....	10,757	66.1	7,097	4,078	79.3	3,235	1,913	64.2	1,228	4,766	55.3	2,634
Grant.....	3,815	83.8	3,199	.....	.....	.....	1,479	85.6	1,266	2,336	82.7	1,933
Greer.....	3,776	67.9	2,569	1,286	71.3	917	556	74.2	413	1,934	64.1	1,239
Harmon.....	2,572	69.9	1,801	778	78.8	613	204	80.4	164	1,590	64.4	1,024
Harper.....	1,744	67.2	1,171	.....	.....	.....	789	73.9	583	955	61.6	588
Haskell.....	3,974	51.4	2,043	.....	.....	.....	1,611	58.5	943	2,363	46.5	1,100
Hughes.....	7,005	60.6	4,243	1,811	79.4	1,438	1,889	60.8	1,148	3,305	50.1	1,657
Jackson.....	6,159	70.7	4,355	2,414	77.9	1,880	1,151	71.0	817	2,594	63.9	1,658
Jefferson.....	3,837	59.9	2,298	.....	.....	.....	1,864	63.6	1,185	1,973	56.4	1,113
Johnston.....	3,878	49.2	1,908	.....	.....	.....	1,565	57.1	894	2,313	43.9	1,014
Kay.....	13,218	82.8	10,945	8,238	87.9	7,238	2,113	75.2	1,589	2,867	73.9	2,118
Kingfisher.....	4,220	75.5	3,191	981	78.9	774	759	77.8	591	2,480	73.6	1,826
Kiowa.....	6,191	70.3	4,350	1,538	80.4	1,236	1,682	67.2	1,130	2,971	66.8	1,984
Latimer.....	2,981	46.6	1,391	.....	.....	.....	1,640	50.7	831	1,341	41.8	560
LeFlore.....	10,949	50.7	5,557	1,110	65.7	729	5,612	51.4	2,885	4,227	46.0	1,943
Lincoln.....	7,707	59.7	4,607	814	77.6	632	2,494	70.5	1,758	4,399	50.4	2,217
Logan.....	7,045	70.4	4,967	2,927	79.8	2,335	1,471	68.1	1,001	2,647	61.6	1,631
Love.....	2,772	53.9	1,494	.....	.....	.....	866	63.8	553	1,906	49.4	941
McClain.....	4,646	60.2	2,796	874	78.2	684	1,071	57.1	611	2,701	55.6	1,501
McCurtain.....	9,754	38.9	3,796	1,086	54.8	595	3,162	46.4	1,466	5,506	31.5	1,735
McIntosh.....	5,395	48.9	2,641	.....	.....	.....	1,775	58.5	1,039	3,620	44.2	1,602
Major.....	3,188	66.1	2,109	.....	.....	.....	1,030	75.4	777	2,158	61.7	1,332
Marshall.....	2,987	56.5	1,687	718	81.6	586	550	47.5	261	1,719	48.8	840
Mayes.....	5,428	52.7	2,885	732	85.2	624	1,802	54.6	985	2,894	44.1	1,276
Murray.....	3,424	63.7	2,192	1,244	76.5	951	864	62.8	543	1,316	53.1	698
Muskogee.....	16,910	63.8	10,801	9,309	78.1	7,272	3,274	49.1	1,608	4,327	44.4	1,921
Noble.....	4,096	77.3	3,168	1,488	81.5	1,213	764	78.0	596	1,844	73.7	1,359
Nowata.....	4,193	63.4	2,659	1,191	75.0	894	1,180	61.4	724	1,822	57.1	1,041
Okfuskee.....	6,270	52.9	3,313	1,144	76.6	876	1,778	56.4	1,002	3,348	42.9	1,435
Oklahoma.....	69,951	85.2	59,619	61,360	87.3	53,542	4,761	78.2	3,721	3,830	61.5	2,356

OKLAHOMA—Continued

County	All Units			Urban Units			Rural-Nonfarm Units			Rural-Farm Units		
	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units
Okmulgee.....	12,909	64.5	8,331	6,509	77.2	5,022	2,983	58.1	1,733	3,417	46.1	1,576
Osage.....	10,797	74.2	8,020	2,505	78.8	1,976	5,190	77.8	4,036	3,102	64.7	2,008
Ottawa.....	10,119	68.5	6,945	4,282	77.1	3,301	3,605	64.4	2,321	2,232	59.3	1,323
Pawnee.....	4,588	66.7	3,079	1,443	83.0	1,197	1,026	64.1	657	2,119	57.8	1,225
Payne.....	9,969	77.4	7,709	5,241	87.4	4,583	1,802	72.8	1,313	2,926	62.0	1,813
Pittsburgh.....	11,560	63.2	7,319	4,279	75.5	3,232	3,376	57.7	1,949	3,905	54.8	2,138
Pontotoc.....	10,155	68.6	6,987	4,263	84.8	3,615	2,303	62.8	1,447	3,589	53.6	1,925
Pottawatomie.....	14,134	70.9	10,022	6,313	83.3	5,261	3,213	69.7	2,238	4,608	54.8	2,523
Pushmataha.....	4,639	42.6	1,969	904	37.8	540	1,528	36.3	555	2,207	39.6	874
Roger Mills.....	2,838	56.5	1,603	.....	.....	.....	810	70.0	567	2,028	51.1	1,036
Rogers.....	5,438	60.1	3,266	1,172	81.2	951	1,548	66.8	1,034	2,718	47.1	1,281
Seminole.....	15,138	66.3	10,052	5,846	79.3	4,638	5,411	71.6	3,873	3,881	39.7	1,541
Sequoyah.....	5,277	37.4	1,976	.....	.....	.....	1,792	52.3	937	3,485	29.8	1,039
Stephens.....	8,029	66.8	5,370	3,439	83.0	2,854	1,172	58.6	687	3,418	53.5	1,829
Texas.....	2,745	71.9	1,972	.....	.....	.....	1,480	76.1	1,126	1,265	66.9	846
Tillman.....	5,618	70.2	3,944	1,473	76.9	1,133	1,229	71.5	879	2,916	66.2	1,932
Tulsa.....	54,645	84.9	46,414	43,056	89.6	38,570	8,051	70.3	5,658	3,538	61.8	2,186
Wagoner.....	5,147	45.5	2,348	1,008	64.1	646	1,206	41.9	506	2,933	40.8	1,196
Washington.....	8,624	80.0	6,899	4,810	90.5	4,351	2,027	68.7	1,393	1,787	64.7	1,155
Washita.....	5,838	72.1	4,212	822	80.4	661	1,187	74.2	880	3,829	69.8	2,671
Woods.....	4,255	78.5	3,339	1,556	86.9	1,352	897	77.0	691	1,802	71.9	1,296
Woodward.....	4,052	71.4	2,890	1,591	82.1	1,306	735	69.9	514	1,726	62.0	1,070
State Total.....	610,481	68.8	420,182	254,779	83.5	212,531	139,605	64.6	90,161	216,097	54.4	117,490

Cities of 25,000 or More Population

City	County	Units	% Radio	Radio Units
Enid.....	Garfield	8,353	86.6	7,235
Muskogee.....	Muskogee	9,309	78.1	7,272
Oklahoma City.....	Oklahoma	59,494	87.2	51,859
Tulsa.....	Tulsa	41,344	89.9	37,170

NAB Research Department

June 11, 1942

**FEDERAL COMMUNICATIONS COMMISSION**

**FLY FOR ENGINEER DEFERMENT**

Discussing the personnel troubles of broadcast stations at the present time because of the war situation, James Lawrence Fly, FCC chairman, at a press conference on Monday of this week said that he hoped that engineers and technicians would think well before making any moves which would leave the stations and the public in the lurch.

Speaking of this problem of personnel help at the stations Mr. Fly said in part:

"The problem of our employees in the broadcast industry—I am referring, of course, to engineers and technical experts—is rapidly getting no better. Naturally there has been a great strain on the personnel in the broadcasting industry due to opening up of other technical jobs and to a certain extent due to the desire to get into something which seemingly was more active in terms of war work.

"As you know the DCB has given this matter considerable attention and the Commission in particular has lowered its requirements for skilled personnel on two or three different occasions in order to get the greatest assurance of continuity of service

from what we thought was the minimum requirements from the standpoint of technical skill and qualifications. We were hopeful that that would assist the small stations in particular. I find the small stations throughout the country are harder hit than the big stations. . . .

"It will be too bad if we have a shortage in the industry and not at all fortunate that the little stations are going to be the ones hit worse. Particularly since the big stations are tending to draw those people from the little ones. I think the little stations are less in position to protect themselves in this situation than the big ones are. I hope to see that process of movement from one station to another slowed down if it can consistently be done. I think in the back of the whole thing may be an assumption that the broadcast industry is not essential in time of war—those of us at this end of the line and the industry feel that it is very essential in time of war. Something that affects the people in terms of mass communication, in terms of information, and perhaps fully as importunately in terms of existing morale.

"It can hardly be over emphasized and I think it is clear that anyone that stays with broadcasting stations and does a real job toward keeping the station on the air is doing something affirmatively to aid in the war effort. I certainly don't want to discourage anyone moving toward an active part in fighting the war but this business of trying to nudge seemingly closer to the war I think may be based upon the superficial assumption that the broadcasting industry is not doing a real job in the war. I think it is doing a real substantial job and is bound to continue to do a real substantial job. We have all got to keep it going for that reason and the knowledge of the significance of broadcasting is a

real reason why we have done all we could to keep it going—so it would keep going without any lowering of standards and without any lessening of service for the full duration, and I am hopeful that skilled personnel will think twice before leaving the industry and people in the lurch here.

"Anything we can do here on the problem we are going to do. We are going to make some special studies along with the War Manpower Commission and Selective Service people—try to make some surveys of the situation and assist in any way we can to see that the man power we have got available will do the best job possible for all concerned. I don't know whether Selective Service will want to establish any policy of deferments or not but I should think that in any balancing of the interest of different activities that broadcasting ought to stand pretty high in the list."

### FLY NOMINATED AGAIN

President Roosevelt on Monday of this week renominated James Lawrence Fly as chairman of the Federal Communications Commission. Mr. Fly was sworn in as chairman of the FCC on September 1, 1939, succeeding the former chairman, Frank Mc-Ninch. The Fly nomination is for a period of 7 years from July 1, 1942.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

### HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, June 22. They are subject to change.

#### Tuesday, June 23

Further Hearing

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Modification of license, 1230 kc., 250 watts, unlimited.

#### Wednesday, June 24

Further Hearing

NEW—South Florida Broadcasting, Inc., Miami, Fla.—C. P., 1450 kc., 250 watts, unlimited.

#### Thursday, June 25

WMAN—Richland, Inc., Mansfield, Ohio.—Renewal of license, 1400 kc., 250 watts, unlimited.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

WEAN—The Yankee Network, Inc., Providence, R. I.—Granted modification of construction permit (B1-MP-1564) for changes in directional antenna and extension of commencement and completion dates; granted subject to further order of the Commission to require appropriate readjustment when conditions make it feasible.

WNAC—The Yankee Network, Inc., Boston, Mass.—Granted Special Service Authorization to expire November 10, 1942, to make changes in directional antenna for night use; granted with provision specifying that no operation under this Special Service Authorization will be permitted during the broadcast day until equipment tests have been made and proof of performance submitted and approved to show

that the operation of the directional antenna system complies with the engineering data submitted with the application.

WEMP—Milwaukee Broadcasting Co., Milwaukee, Wisc.—Granted construction permit (B4-P-3473) to install new RCA 250-K transmitter.

WNBC—State Broadcasting Corp., New Britain, Conn.—Granted modification of license (B1-ML-1125) to move studio from New Britain to Hartford, Conn.

WGTM—Penn Thomas Watson, Wilson, N. C.—Granted authority to install new automatic frequency control (B3-F-247).

KTHS—Hot Springs Chamber of Commerce (Assignor), Radio Broadcasting, Inc. (Assignee), Hot Springs, Ark.—Granted consent to assignment of license (B3-AL-340) of Station KTHS, Hot Springs, Ark., from Hot Springs Chamber of Commerce to Radio Broadcasting, Inc.

WMRN—Frank E. Mason and Ellen Mason (Transferors), Howard F. Guthery and Florence Guthery (Transferees), Marion, Ohio.—Granted consent to voluntary transfer of control of The Marion Broadcasting Co., from Frank E. Mason and Ellen Mason to Howard F. Guthery and Florence Guthery, for a total consideration of \$13,000, representing 130 shares of outstanding capital stock.

### HEARINGS DESIGNATED

WOPI—Radiophone Broadcasting Station WOPI, Inc., Bristol, Tenn.—Designated for hearing application (B3-P-3438) for construction permit to operate on 550 kc., 100 watts night, 250 watts local sunset, unlimited time.

WDSU—WDSU, Inc., New Orleans, La.—Designated for consolidated hearing with applications for renewal of licenses of WMIS and WGRM, listed below, the application of WDSU for renewal of license (B3-R-449), and construction permit (B3-P-3424) to reinstate (B3-P-2929, as modified), for new transmitter, move of transmitter locally, increase in power and installation of directional antenna for day and night use.

WMIS—Natchez Broadcasting Co., Natchez, Miss.—Designated for hearing application for renewal of license (B3-R-1127) to be consolidated with WDSU hearing.

WGRM—P. K. Ewing, Greenwood, Miss.—Designated for hearing application for renewal of license (B3-R-847) to be consolidated with WDSU hearing.

### CASES DISMISSED WITHOUT PREJUDICE

In its Memorandum Opinion of April 27, the Commission stated its policy, among other things, not to grant applications involving the use of materials for construction of new standard and FM broadcast stations. The Commission, in view of this policy, dismissed without prejudice the applications for new standard broadcast stations of the following:

Confederate Broadcasting Co., Marietta, Ga. (B3-P-3486); Walter H. Nelson, Cadillac, Mich. (B2-P-3485); Harold L. Sudbury, May McCutchen and O. W. McCutchen, d/b as Sikeston Broadcasting Co., Sikeston, Mo. (B4-P-3431); J. A. Eisele, Ft. Worth, Tex. (B3-P-3425); Green Mountain Broadcasting Corp., Inc., Brattleboro, Vt. (B1-P-3422); W. J. Harpole and J. C. Rothwell, a partnership, Plainview, Tex. (B3-P-3420); L. J. Duncan, Leila A. Duncan, Josephine A. Keith, and Effie H. Allen, d/b as Valley Broadcasting Co., Columbus, Ga. (B3-P-3415); Portland Broadcasting Co., Portland, Ore. (B5-P-3386); Etowah Broadcasting Co., Gadsden, Ala. (B3-P-3361); Walter S. Dunn, Gilmore N. Nunn, J. Lindsay Nunn and Sanford Holt, a partnership, d/b as Danville Broadcasting Co., Danville, Ky. (B2-P-3356); WJPS, Inc., Evansville, Ind. (B4-P-3293); KTOP, Inc., Topeka, Kans. (B4-P-3456); Sikeston Community Broadcasting Co., Sikeston, Mo. (B4-P-3447); B. Loring Schmidt, Salem, Ore. (B5-P-3443); William Price, Burlington, N. C. (B3-P-3163); Burlington Broadcasting Co. (R. B. Terry, D. A. Rawley, Stanley A. Cook, Rudy Fonville, d/b as Burlington, N. C. (B3-P-2490); Radio Corporation of Orlando, Orlando, Fla. (B3-P-2806); Contra Costa Broadcasting Co., Richmond, Calif. (B5-P-2964); Birney Imes, Tupelo, Miss. (B3-P-3148); J. I. Sims, Orangeburg, S. C. (B3-P-3169); Howard R. Imboden, Pulaski, Va. (B2-P-3346); R. B. Terry, D. A. Rawley, C. M. Waynick and H. A. Cecil, d/b as High Point Broadcasting Co., High Point, N. C. (B3-P-2491).

Like action was taken on the applications for new FM broadcast stations of the following:

Star-Times Publishing Co., St. Louis, Mo. (B4-PH-2); The A. S. Abell Co., Baltimore, Md. (B1-PH-27); Ashland Broadcasting Co., Ashland, Ky. (B2-PH-39); The Pulitzer Publishing Co., St. Louis, Mo. (B4-PH-30); The Gazette Co., Cedar Rapids, Iowa (B4-PH-77); Courier-Journal and Louisville Times Co., Louisville, Ky. (B2-PH-88); Gibraltar Service Corp., Philadelphia, Pa. (B2-PH-92); E. Anthony and Sons, Inc., New Bedford, Mass. (B1-PH-98); United Broadcasting Co., Cleveland, Ohio (B2-PH-99); Indianapolis Broadcasting, Inc., Indianapolis, Ind. (B4-PH-103); The Evening Star Broadcasting Co., Washington, D. C. (B1-PH-108); Globe-Democrat Publishing Co., St. Louis, Mo. (B4-PH-110); Tribune Building Co., Oakland, Calif. (B5-PH-113); The Sun Co. of San Bernardino, San Bernardino, Calif. (B5-PH-114); The Outlet Co., Providence, R. I. (B1-PH-22); Cherry & Webb Broadcasting Co., Providence, R. I. (B1-PH-84); Boston Edison Co., Boston, Mass. (B1-PH-100).

Like action was taken on applications for 500 kilowatts of the following:

WJZ, National Broadcasting Co., Inc., New York, N. Y. (Docket 3963).  
WGN, WGN, Inc., Chicago, Ill. (Docket 3985).  
KFI, Earl C. Anthony & Co., Los Angeles, Calif. (Docket 4095).  
WJR, The Goodwill Station, Detroit, Mich. (Docket 4091).  
WSM, The National Life & Accident Insurance Co., Nashville, Tenn. (Docket 4092).  
WOR, Bamberger Broadcasting Service, Inc., Newark, N. J. (Docket 4110).  
WGY, General Electric Co., Schenectady, N. Y. (Docket 4230).  
WSB, Atlanta Journal Co., Atlanta, Ga. (Docket 4419).  
WHO, Central Broadcasting Co., Des Moines, Iowa (Docket 5322).

#### MISCELLANEOUS

WTOC—Savannah Broadcasting Co., Savannah, Ga.—Granted modification (B3-MT-1577) of construction permit (B3-P-2944) for extension of completion date from June 15 to August 15, 1942.  
WCLS—WCLS, Inc., Joliet, Ill.—Granted license (B4-L-1669) to cover construction permit (B4-P-3455) which authorized move of transmitter.  
WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted authority to determine operating power by direct measurement of antenna power (B1-Z-1396).  
WCAH—Board of Education, City of Buffalo, Buffalo, N. Y.—Granted modification (B1-MPED-12) of construction permit (B1-PED-24) for new non-commercial educational broadcast station, for extension of commencement and completion dates to March 27 and September 27, 1943, respectively.  
WBEZ—Board of Education, City of Chicago.—Granted modification (B4-MPED-11) of construction permit (B4-PED-22, for new non-educational broadcast station), for change in transmitter location to 79 West Madison St., Chicago, for changes in antenna system, and extension of commencement and completion dates from 9-29-41 and 7-1-42, to date of grant hereof and 180 days thereafter, respectively.  
W65H—WDRG, Inc., Hartford, Conn.—Granted modification (B1-MPH-90) of construction permit (B1-PH-35) for new FM station, for extension of completion date to 12-14-42.  
KOAC—Oregon State Agricultural College, Corvallis, Ore.—Granted modification (B3-MP-1581) of construction permit (B5-P-2422) for extension of completion date from June 1 to July 1, 1942.  
WLAC—J. T. Ward, tr/as WLAC Broadcasting Service, Nashville, Tenn.—Granted modification (B3-MP-1578) of construction permit (B3-P-1250) for extension of completion date from June 1 to August 1, 1942.  
Chambersburg Broadcasting Co., Chambersburg, Pa.—Granted petition of applicant to dismiss without prejudice their application for a new station (Docket 6272), and ordered such application dismissed accordingly.  
Mosby's, Inc., Anaconda, Mont.—Granted motion for continuance of hearing now scheduled for June 8 to July 8, in re application for a new station.  
WHIP—George F. Courier, Transferor; John W. Clarke, Transferee; Hammond-Calumet Broadcasting Corp., Licensee, Hammond, Ind.—Granted petition for reconsideration of application for consent to the transfer of control of Ham-

mond-Calumet Broadcasting Corp., licensee of Station WHIP, from George F. Courier to John W. Clarke; cancelled hearing heretofore scheduled, and granted application upon condition that nothing contained herein shall be construed as a finding upon or with respect to an approval of any future transfers (including relinquishments) of control of the licensee which might arise out of further stock transfers, the exercise of voting privileges thereon, or otherwise, or the future exercise of control over the station by anyone other than the licensee.

WKAL, Inc., Kalamazoo, Mich.—Denied petition for grant of application for a new station to operate on 1230 kc., 250 watts, unlimited time, and on its own motion the Commission amended the notice of hearing heretofore released on the application substituting an issue referring to the Commission's Memorandum Opinion of April 27, 1942.  
WGRC—Northside Broadcasting Corp., New Albany, Ind.—Granted motion for leave to amend petitioner's application to request 790 kc., 1 KW, unlimited, using DA, and on its own motion the Commission continued hearing now set for June 22 on this application and that of Kingsport Broadcasting Co., Kingsport, Tenn., Docket 6249, until July 22, 1942.  
WROL—S. E. Adcock, d/b as Stuart Broadcasting Co., Knoxville, Tenn.—Granted motion for continuance of hearing now set for June 19 to July 21, on application for construction permit (B3-ML-1130).  
WMAN—Richland, Inc., Mansfield, Ohio.—Granted motion for continuance of hearing now set for June 25 to July 27 on application for renewal of license.  
WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted motion for continuance of hearing now set for June 23 to July 23, on application for modification of license.  
KRKO—Lee E. Mudgett, Everett, Wash.—Granted petition for leave to amend its application for construction permit to substitute "The Everett Broadcasting Co., Inc.," as the applicant and to change the application to a "modification of license" instead of a construction permit.  
Minor E. Bragg and Robert C. Lipscomb, d/b as Murfreesboro Broadcasting Co., Murfreesboro, Tenn.—Granted petition to dismiss without prejudice application for construction permit (B3-P-3426).  
WCLE—United Broadcasting Co., Cleveland, Ohio.—Denied motion for leave to intervene in the hearing on the applications of WGAR, Cleveland, and WADC, Tallmadge, Ohio, for construction permits to operate on 1220 kc.; exceptions noted by counsel for petitioner.

#### APPLICATIONS FILED AT FCC

##### 600 Kilocycles

KSJB—Jamestown Broadcasting Co., Inc., Jamestown, N. Dak.—Authority to determine operating power by direct measurement of antenna power.

##### 620 Kilocycles

WROL—S. E. Adcock, d/b as Stuart Broadcasting Co., Knoxville, Tenn.—Construction permit to install new transmitter, changes in directional antenna for day and night use and increase in power from 500 watts night, 1 KW day to 5 KW. Amended: to request modification of license for increase in power from 500 watts night, 1 KW day to 1 KW, using directional antenna night.

##### 630 Kilocycles

KVOD—Colorado Radio Corp., Denver, Colo.—License to cover construction permit (B5-P-2663) as modified, for increase in power, install new transmitter, and make changes in directional antenna.

KVOD—Colorado Radio Corp., Denver, Colo.—Authority to determine operating power by direct measurement of antenna power.

##### 640 Kilocycles

WJLS—Joe L. Smith, Jr., Beckley, W. Va.—Construction permit to install new transmitter and directional antenna from sunset at Beckley, W. Va., to sunset at Los Angeles, Calif.,

change frequency from 1240 kc. to 640 kc., increase power from 250 watts to 1 KW, and change hours of operation from unlimited time to limited time. Facilities of WHKC contingent on WHKC going to new frequency. Amended: to omit request of new transmitter, directional antenna, and facilities of WHKC, and to request 560 kc., 100 watts night, 250 watts day, unlimited time.

#### 1110 Kilocycles

KPAS—Pacific Coast Broadcasting Co., Pasadena, Calif.—Modification of construction permit (B5-P-3261, as modified, for a new station) for extension of commencement and completion dates from 1-13-42 and 7-13-42 to 7-13-42 and 9-13-42 respectively. Amended: to request extension of completion date to 1-13-43.

#### 1300 Kilocycles

WOOD—King Trendle Broadcasting Corp., Grand Rapids, Mich.—Modification of construction permit (B2-P-2874, which authorized increase in power, installation of new transmitting equipment and directional antenna for night use, and move of transmitter and studio) for changes in type of transmitting equipment and changes in directional antenna.

#### 1310 Kilocycles

WDOD—WDOD Broadcasting Corp., Chattanooga, Tenn.—License to cover construction permit (B3-P-2641) as modified, for increase in power, installation of directional antenna for night use, and move of transmitter.

WDOD—WDOD Broadcasting Corp., Chattanooga, Tenn.—Authority to determine operating power by direct measurement of antenna power.

#### 1330 Kilocycles

KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—Construction permit to increase power from 1 to 5 KW, install new transmitter, install directional antenna for night use and move transmitter.

#### 1400 Kilocycles

WGBR—Eastern Carolina Broadcasting Co., Goldsboro, N. C.—License to cover construction permit (B3-P-3488) for rebuilding station destroyed by fire and move studio.

WGBR—Eastern Carolina Broadcasting Co., Goldsboro, N. C.—Authority to determine operating power by direct measurement.

#### 1490 Kilocycles

KOVC—KOV, Inc., Valley City, N. Dak.—Modification of license to cover changes in vertical antenna affected by storm.

### TELEVISION APPLICATION

W2XCB—Columbia Broadcasting System, Inc., Portable-Mobile.—Modification of construction permit (B1-PVB-46) as modified for a new television relay station, requesting extension of completion date from 7-7-42 to 1-7-43.

### MISCELLANEOUS APPLICATIONS

WEJO—National Broadcasting Co., Inc., Portable-Mobile (Area of Cleveland, Ohio).—Modification of license for change in area normally served by station from Cleveland, Ohio, to San Francisco, Calif., and change in standard station with which it is to be used from WTAM, Cleveland, Ohio, to KPO, San Francisco, Calif.

KEJG—National Broadcasting Co., Inc., Portable-Mobile (Area of Denver, Colo.).—Modification of license for change in area normally served by station Denver, Colo., to San Francisco, Calif., and change in standard station with which it is to be used from KOA, Denver, Colo., to KPO, San Francisco, Calif.

KVOS—KVOS, Inc., Bellingham, Wash.—Modification of construction permit (B5-P-3237) for installation of new transmitter, install directional antenna for day and night, change in frequency, increase in power and move transmitter, requesting extension of completion date from 6-28-42 to 12-28-42.

## FEDERAL TRADE COMMISSION DOCKET

*Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.*

### 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.

**California Brewing Association**—An amended and supplemental complaint charging misrepresentation in the sale of Acme Beer has been issued against Acme Breweries, trading as California Brewing Association, 762 Fulton St., San Francisco, and Acme Brewing Co., 2080 East 49th St., and Bohemian Distributing Co., Ltd., 2060 East 49th St., Los Angeles. (2888)

**Roebing Luggage Corp.**, 121 Liberty St., New York, in a complaint is charged with misrepresentation in the sale of trunks, luggage, leather goods, sporting goods and novelties. (4771)

### CEASE AND DESIST ORDERS

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

**Maurice L. Myers**, trading as Charles B. Joyce Co., 2425 North Halstead St., Chicago, has been ordered to cease and desist from selling or otherwise disposing of merchandise by means of a game of chance, gift enterprise or lottery scheme. Commission findings are that the respondent, dealing in radios, clocks, flashlights and other novelty merchandise, sold assortments of articles so packed and assembled as to involve the use of a lottery scheme when the merchandise was distributed to consumers. One assortment, according to findings, consisted of a radio together with a punch board device. (4476)

**Segal Lock & Hardware Co., Inc.**, its subsidiary, Norwalk Lock Co., and Louis Segal, president of both corporations, all of 261 Broadway, New York, has been ordered to cease and desist from misrepresentation in the sale of a lock cylinder designated the "Segal Pick-Proof," and from unfairly disparaging competing products. (3896)

**Shepherd's Tailoring Co., Inc.**, and Walter H. Hahn and William Trignani, officers and directors of the corporation, 1102 Walnut St., Philadelphia, have been ordered to discontinue lottery methods and misrepresentation in the sale of men's suits or other garments. (4716)

**A. E. Staley Mfg. Company**—Prohibiting price discriminations in connection with the sale of glucose, in violation of the Robinson-Patman Act, a cease and desist order has been issued against A. E. Staley Manufacturing Co. and The Staley Sales Corp., Decatur, Ill. (3803)

**Ultra-Violet Products, Inc.**, 5205 Santa Monica Blvd., Los Angeles, has been ordered to cease and desist from misrepresenting the therapeutic value of a lamp designated "Life Lite," which radiates ultra-violet rays and is intended for use in the treatment of various ailments and diseases. (4407)

**Webster Electric Co.,** Racine, Wis., has been ordered to cease and desist from misrepresentation in the sale of fuel units for oil burners. According to Commission findings, the respondent formerly advertised that its fuel unit was the only device of its kind which had the outboard bearing outside of the seal, and that its unit had the largest capacity of any unit on the market, when such were not the facts. The Commission's order directs the respondent to discontinue these representations. (4456)

### STIPULATIONS

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

**Carleton Woolen Mills, Inc.**—A stipulation to cease and desist from branding a wool product known as "collar cloth" in a manner contrary to the provisions of the Wool Products Labeling Act of 1939 has been entered into by Carleton Woolen Mills, Inc., Rochdale, Mass., and Edward P. Leveen, Sr., and Anna M. Leveen, co-partners trading as Edward P. Leveen & Co., 19 Union Square, West, New York. The product, used as a reinforcement for the under side of coat collars, is manufactured by the Carleton Company and sold and distributed to the trade by the Leveen co-partnership. (3489)

**Coffelt Chemical Co., Inc.,** 700 Elton Ave., New York, have entered into a stipulation to cease and desist from representing that the preparation designated "Coffelt's Never Failing Hair Coloring" nourishes or rejuvenates the hair, or, through use of the word "restores" or by any other means, that it restores the original or natural color of the hair. (02992)

**Electric Household Utilities Corp.,** trading as Hurley Machine Division of Electric Household Utilities Corp., 54th Ave. and Cermak Road, Chicago, in the sale of washing machines, stipulated to cease advertising that "Thor Washers" are guaranteed or warranted, without plainly disclosing the exact terms and conditions of such guaranty or warranty. (02991)

**General Foods Corp.,** 250 Park Ave., New York, stipulated it will cease representing that in cake baking its product designated "Swans Down Cake Flour" is preferred to any other flour by "three times as many women," or that three times as many home bakers use "Swans Down" as any other cake flour, without plainly excluding from such comparison all-purpose flour. (02993)

**Gloucester Fish Pier Fillet Co., Inc.,** Gloucester, Mass., entered into a stipulation to cease and desist from use of the word "perch" to describe rosefish, and the word "perch," either alone or with the words "sea" or "ocean," in referring to rosefish, to imply that the fish so designated is perch or yellow perch. The stipulation provides that when the words "sea perch" or "ocean perch" are used to refer to rosefish, they shall be accompanied by the word "rosefish." (3491)

**Gordon Brothers,** 654 Grand St., Brooklyn, engaged in the sale of a portable Turkish bath cabinet designated "Perspir-ator," entered into a stipulation to discontinue representing that use of the device is a cure or remedy for excess weight, or that it will keep the pores open, cure colds, help replace sallow sluggish skin with a healthy youthful glow and help to eliminate blackheads, or the cause of skin blemishes. (02994)

**Mahdeen Co.,** Nacogdoches, Tex., has entered into a stipulation to cease representing that the preparation designated "Mahdeen" is a competent treatment or an effective remedy for dandruff,

itching scalp or falling hair; that millions of users have found that Mahdeen produces or maintains perfect scalp health and revitalizes hair health; that Mahdeen has the capacity to eradicate dandruff or accomplish more than removal of the exfoliated scales of dandruff; and that the preparation promotes the growth of hair and is a competent remedy for the treatment of exematic scalp trouble or any similar affliction. (3487)

**Pompeian Company, Inc.**—An amended and substitute stipulation to discontinue certain representations in the sale of a cleansing agent for the skin designated "Pompeian Milk Massage Cream" has been entered into by The Pompeian Co., Inc., 4201 Philadelphia Ave., Baltimore, and The Joseph Katz Co., 16 East Mount Vernon Place, Baltimore, an agency which disseminated advertisements for the Pompeian Company. (02736)

**J. L. Prescott Co.,** 27 Eighth St., Passaic, N. J., stipulated to cease and desist from representing that its washing and bleaching solution designated "Oxol" is a sterilizer which kills all germs in dish water within three minutes after being added; that it removes grease stains and removes all stains from tile and porcelain; that Oxol is kind to the hands; and that it has been tested on the viri of common colds and measles and has been found to destroy them. The stipulation is supplemental to Stipulation No. 01239, accepted by the Commission in 1936. (01239)

**Raven Mills, Inc.,** and Lee Earl Simpson and Theodore S. Simpson, Jr., trading as Raven Sales Co., 1215 Broadway, Council Bluffs, Iowa, stipulated that in the sale of a livestock remedy designated Raven "Stopzit" they will discontinue making any representation, the effect of which causes purchasers to believe that the product constitutes an adequate treatment for white scours or scours in sheep, swine or cattle, or that the condition known as white scours is caused by changes in the weather. (3490)

**Velva Supply Co.**—A stipulation to discontinue certain representations in the sale of permanent wave pads designated "Patriot Croco Pads" has been accepted from Herbert, Sidney R. and Elmer Lipman, trading as Velva Supply Co., Velva Beauty Products and Evans-Crowder Co., 4145 Cass Ave., Detroit. (3488)

### FTC CASES DISMISSED

Allegations of unfair competition in violation of the Federal Trade Commission Act, contained in five complaints against cosmetic distributors, have been dismissed by the Federal Trade Commission. The complaints, however, retain the allegations that the respondent distributors have violated the Robinson-Patman Anti-discrimination Act.

The complaints originally alleged that the respondents violated both acts in furnishing the services of demonstrators of cosmetics to the respondents' merchant customers.

The respondents are Richard Hudnut, Hudnut Sales Co., Inc., and William R. Warner & Co., Inc., all of New York (2973); Elmo, Inc., and Elmo Sales Corp., Philadelphia (2974); Charles of the Ritz, Inc., and Charles of the Ritz Distributors Corp., New York (3017); Primrose House, Inc., New York (3039); and Elizabeth Arden, Inc., Elizabeth Arden Sales Corp., and Florence N. Lewis, principal stockholder, all of New York (3133).

The remaining counts of the complaints allege violation of the Robinson-Patman Act through the respondents' practice of furnishing to some customers the services of demonstrators which are not granted to other competing customers on proportionally equal terms.

The complaints against the Richard Hudnut and Elizabeth Arden organizations also retain charges of price discrimination in violation of the Robinson-Patman Act.





## Sanders Bill Hearings

On Thursday of this week Mr. Fly continued with his criticism of the Bar Association's and NAB's proposals. Under questioning he conceded that the Act could appropriately be amended by adoption of the NAB proposal for declaratory rulings provided they rest in the discretion of the Commission and are not mandatory.

Representative Bulwinkle strongly expressed the feeling that the two-year term of licenses is much too short considering the investment licensees must make, making a comparison with railroads. Under vigorous questioning on this point, Mr. Fly agreed to get together with him to consider appropriate amendments.

Likening the Network Regulations to the Holding Companies Act, Mr. Sanders commented on the fact that with about a line and one-half of authority in the Communications Act, and without further declaration of policy by Congress, the Commission came out with the Network Regulations dissolving the networks in 90 days, whereas the public utilities had 10 years to dissolve. To which Mr. Fly retorted that that regulation (dual network) is now removed from the books. Replying to a question by Mr. Halleck, Mr. Fly stated that removal of it from the books was not an admission that the Commission was wrong in putting it on the books. Mr. Sanders inquired if the requirement of frequent renewals didn't have something to do with the acceptance of some of the regulations by NBC. Mr. Fly replied in the negative.

The hearings will resume Tuesday, June 30, at 10 a. m.

Last Friday, Mr. McGranery asked Mr. Fly about the "mackerel in the moonlight" episode at the St. Louis Convention. We quote from the unrevised transcript:

"Mr. McGranery. Mr. Fly, speaking of the public interest, can you tell us something now about how you feel with respect to the public interest in your program service with the broadcasting stations, and your operations; operations in the program service?"

"Commissioner Fly. You are asking me as to whether it is generally satisfactory, and the answer is—

"Mr. McGranery. I would like to have a complete picture of what you feel or how you feel with respect to the operation of the program service under present-day conditions.

"Commissioner Fly. Well, of course, you gentlemen understand—

"Mr. McGranery. In other words, I think that this committee is entitled to some definite and specific knowledge as to what you consider in the public interest, so that we will have some fixed policy.

"Commissioner Fly. Now, you gentlemen have placed upon us a certain fundamental line of duty. You have delineated our functions and, of course, we have got to pass judgment on the question as to who will render the best public service and—

"Mr. McGranery. I am not speaking about that now. Mr. Fly.

"Commissioner Fly. Well, I want to make this clear, and then we have to form a judgment upon that generally in advance and then at some later time we may have to review the conduct of a broadcaster as a whole; review the general quality of the broadcasting as a whole, in reviewing his application say on renewal proceedings.

"But, I am going to come back, Mr. McGranery, to your question.

"I want to get this problem delineated, but you have said that we do not have any power of censorship. Therefore, I have not

taken upon myself at any time—and incidentally, there has been a lot of talk here about censorship—I might say that during my time at the Commission there has been no proceedings started on the basis of the quality of the program conduct of a station. All of this talk about censorship is just bringing in a bugaboo, because it has not existed.

"I think that Mr. Miller of the National Association of Broadcasters said that some broadcasters might make some little technical slip and then he would go off of the air; his life was at stake.

"Many of them have made many slips, and many of them have done a bad job of broadcasting. I do not make that charge in general. But, the point that I make is that not only has no station been taken off of the air for that sort of thing, during the time that I have been there. There have been no proceedings of that sort of thing instituted and that sort of a suggestion I think is wholly unwarranted, and I believe is brought in for some other purpose that is not so readily obvious.

"Now getting back to Mr. McGranery's question: I do not know whether this committee would want me to comment generally upon the program conduct of the radio stations or not. I will say that there are some things that are mighty good in that radio service.

"Mr. McGranery. That is not my question, Mr. Fly. I am sorry, but my question was, what is your idea of the public service with respect to the operation of the broadcasting services now—

"Commissioner Fly (interposing). Well, I would say now, sir—

"Mr. McGranery (continuing). With respect to their programs?"

"Commissioner Fly. I would say now that the problem of information is perhaps the one which is predominant, and also information; news; commentary; the forum, the equal opportunity of candidates to go on the air; the debate of controversial issues, always bearing in mind the necessity for absolutely fair treatment, where one side of the controversial issue is presented, then, equal facilities be given for presentation of the other side. That whole process of information, of news, of fair comment, of public debate upon vital public issues—I think that probably he is today the most significant feature of the service.

"I think the educational features are important.

"I do not think that by and large, the entertainment feature is in times of peace not only important, but in times of peace the entertainment features may be, and maybe it is predominant, because in the long run, the audience is attracted and held by means of entertainment, and that provides a useful and helpful diversion for the citizens generally and will tend to hold the audiences for more serious operations that come along when you move into your debates on public issues and that sort of thing.

"I believe now that the general field of views; comment; debate; and education; entertainment—I believe those roughly are predominant.

"Mr. McGranery. Has the Commission ever discussed utilizing its licensing power to control communication of facts and opinion?"

"Commissioner Fly. No; I do not think that the Commission has ever discussed that. It has always been an obvious fact that the Commission could not utilize its licensing power to that end and the Commission has not utilized it to that end, and the Commission has stayed so far away from that, that I think the answer is, no, we just have not discussed it.

"Mr. McGranery. It is true, or I have been certainly badly misinformed, that your law department recommended it.

"Commissioner Fly. No.

"Mr. McGranery. Your law department did not?"

"Commissioner Fly. No.

(Continued on page 356)

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

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

## SANDERS HEARINGS (Continued from page 355)

"Mr. McGranery. No one in connection with your law department recommended that?

"Commissioner Fly (interposing). Let me say—

"Mr. McGranery. Just let me finish my question. That you utilize your licensing power to control the communication of facts and opinion?

"Commissioner Fly. Oh, no; no; that has never been suggested.

"Mr. McGranery. What about the question of the foreign language broadcasters?

"Commissioner Fly. Would you ask a more specific question, sir? That is a big subject and I can talk an hour on it, and I do not want to take your time.

"Mr. McGranery. I realize that; but have you at any time indicated to the foreign language broadcasting people what they should do and what they should not do?

"Commissioner Fly. I do not think I have ever talked to the foreign language people generally. I have been very sympathetic with the position of the foreign language broadcasters. I met with them, I think about 20 of them, a couple of years ago, and we discussed the problems of mutual interest, and in recent months I have met with some representatives, committees of foreign broadcasters.

"You see what is happening there, you have here oh, as many as 200 stations, that are broadcasting in foreign languages, including German and Italian, in particular. Well, that has led to a flood of complaints, and it has led to a very substantial fear that material of a subversive character might be fed out over the broadcasting stations in those foreign languages, and I must say that they have operated under some handicap in view of the fact that they have been in the foreign language field, and there has been a pretty serious effort on the part of the industry, and it has had the cooperation of the Government generally, to try to see that there is nothing subversive in the character of the material that is put out over those stations.

"We are prepared to cooperate with the industry on that and with the committee which they have set up. For example, if they want the station monitored, want a complete record of the output of the station, why, we would furnish it to them, and in general we would help them in dealing with their own problems in any way that we can.

"I also say that there have been no proceedings before the Commission; no question on renewal of license, or on revocation of license, that has been raised because of the operations in that field; but it is a pretty difficult situation due to the questions that have naturally arisen when people generally hear the foreign languages, and particularly the language of our enemies going out over the air.

"At the same time, I think I ought to make it clear that I have clung to the thought from the outset that since these stations are owned by American citizens who are cognizant of their duties to the United States and to the cause for which we are fighting, I have felt there that those stations were really a great asset to the country; that with a great number of people, that is the only way to get across the facts as to what this country is about and what this country represents in terms of the international situation, and really to keep the United States viewpoint in there.

"If that were not done, then people who cannot speak the English language would be driven to sources exclusively in their own languages and to sources that are much less responsible than the American citizen who is broadcasting.

"Mr. McGranery. Did you ever discuss with them the National

Association of Broadcasters, or their association with the National Association of Broadcasters?

"Commissioner Fly. Yes, we had some discussions.

"Mr. McGranery. Did you tell them that you would have nothing to do with them if they associated themselves with the National Association of Broadcasters?

"Commissioner Fly. Well, hardly that. What I did do was this: You see, there were competing organizations in this industry, that is, trade associations, and certain preliminary efforts had been made to join the group in their work with one association or the other, then at the time this subject came up, there was a move to shift over from cooperation with a competing association to this other association and I told them I did not think that so far as we were concerned we could take any hand in that and if we were to cooperate in the work it would have to be free of any of those competing groups.

"Mr. McGranery. I do not follow you on that. You said that, as I understand, you told them that you did not want them to associate with the National Association of Broadcasters at all.

"Commissioner Fly. Well, the same is true of the other competing groups, with the conflicts there of the Government with regard to cooperation, it could not move in and pick out one association to move along with when there was a conflict and a movement away from another association.

"Mr. McGranery. Well, what do you have against the National Association of Broadcasters?

"Commissioner Fly. Well, the case there simply is that it is dominated by the two big networks.

"Mr. McGranery. I mean where, in the law, do you find the authority to justify your telling any group that they must belong to a certain association or they cannot belong to it?

"Commissioner Fly. I never told them any such thing. I have always told these broadcasters, so far as we were concerned, that they can belong to any association that they want to. I have never suggested to them that they cannot belong to any association and as a matter of fact, the holders of these licenses are going in every day as members of these different associations.

"Mr. McGranery. But your feelings against the National Association of Broadcasters is rather strong, is it not?

"Commissioner Fly. No; no; my feeling against the National Association of Broadcasters is not strong; but the National Association of Broadcasters has moved in on this network fight, purporting, as you see, to represent the individual stations throughout the country; but in fact representing the two big networks, as against the other network and as against the views of a great number of the stations throughout the country, and doing that without consultation with the stations throughout the country, and naturally when that happens, and when there are other evidences that an association like that is under the domination of the two big networks, they have got to be recognized for what they are.

"Now, so far as dealing with them is concerned, we will deal with all of them, any and all of the time, on the basis of what they are.

"Mr. McGranery. Now, Mutual has withdrawn from the National Association of Broadcasters, have they not?

"Commissioner Fly. I do not think Mutual has any membership in it, sir. Mutual does not own any stations. And, I do not think the networks, as such, have membership.

"Mr. McGranery. Did you attend the convention in St. Louis?

"Commissioner Fly. I certainly did.

"Mr. McGranery. And—

"Commissioner Fly. And, I will give the complete record on that, if you want it.

"Mr. McGranery. And, you withdrew from that convention?

"Commissioner Fly. Pardon me.

"Mr. McGranery. You withdrew from that convention?

"Commissioner Fly. Well, I stayed at St. Louis for a considerable time, perhaps too long. I would not say that I withdrew from the convention.

"Mr. McGranery. Did I get you correctly, where you said that you had no feeling particularly against the National Association of Broadcasters?

"Commissioner Fly. That is right.

"Mr. McGranery. Just a moment.

"Commissioner Fly (interposing). I think, by and large—

"Mr. McGranery. Now, just a moment.

"Commissioner Fly (interposing). The National Association of Broadcasters—

"Mr. McGranery. Just a moment.

"Commissioner Fly. I want to make that point clear.

"Mr. McGranery. Just a moment; let me complete my question.

"Did you say that you had no feeling against the National Association of Broadcasters?"

"Commissioner Fly. I did.

"Mr. McGranery. I have a direct quotation here in which it is reported that you said that 'The National Association of Broadcasters is like a dead mackerel in the moonlight. It shines and stinks.'

"Commissioner Fly. That is my choice phrase, sir. And, would you read the entire quote? I don't say the National Association, I believe, even though it has been two years. I think you will find you omitted a few words there.

"Mr. McGranery. Well 'It is like a dead mackerel in the moonlight. It shines and stinks.'

"Commissioner Fly. Would you read all of the words there? I think it referred to the management, did it not?"

"Mr. McGranery. You go ahead and tell us now.

"Commissioner Fly. Well, you have the speech there.

"Mr. McGranery. That is right.

"Commissioner Fly. I cannot give the speech again.

"Mr. McGranery. I am not asking you to. The only thing that I am asking you to do is reconcile your first statement that you had no feeling against the National Association of Broadcasters—

"Commissioner Fly. You will find the key to the answer if you will give the full quote. As I recall the quote, it referred to the management and that is your answer. It was quite explicit at the time.

"I have never expressed any ill will toward that gathering of broadcasters. They are a fine lot. They are somewhat misled.

"Mr. Crosser. Are you through, Mr. McGranery?"

"Mr. McGranery. No, sir; I am not.

"You opposed the admission of the networks to the National Association of Broadcasters, did you not?"

"Commissioner Fly. I did not.

"Mr. McGranery. Did not?"

"Commissioner Fly. No, sir. My position on the entire thing is that whatever the Association is in fact, and whatever it represents, we will meet with it and deal with it on that basis.

"Mr. Crosser. Have you concluded, Mr. McGranery?"

"Mr. McGranery. No. I have just this one other question, Mr. Chairman.

"Has the Commission ever made a comparative valuation of the program service between the N. B. C., the C. B. S. and the Mutual?"

"Commissioner Fly. No, sir. The only thing we did do, at the request of the Senate Interstate Commerce Committee is we made a little survey of the public discussions. That applied to all of the broadcasters, generally. I do not think there has ever been anything though that could be deemed a comparative study of program service with one group as against the other.

"Mr. McGranery. That is all, Mr. Chairman.

"Mr. Crosser. Mr. Sanders.

"Mr. Sanders. You say that your reference to the National Association of Broadcasters as a dead mackerel and it shines and stinks in the moonlight, is intended to refer to the management and not to the Association.

"Commissioner Fly. Let me say—

"Mr. Sanders. Let me finish my question. Is that the differentiation you make?"

"Commissioner Fly. Well, sir, have you got the statements that were made there at St. Louis?"

"Mr. Sanders. No, sir; the first I ever heard of it was just this colloquy between you and Mr. McGranery.

"Commissioner Fly. If you would read those two speeches—and I will be glad to get them for the record—that would give you the whole story, and give you precisely what was said at the convention; what was said about the Government and about me and the Commission, and what I said about the management of the Association. It is very good reading, and I shall be happy to put them both in this record for you gentlemen.

"Mr. McGranery. In other words, there is a very happy relationship existing between the Chairman of the Commission and the National Association of Broadcasters.

"Mr. Sanders. I am very serious about this. We are engaged in a serious controversy or rather serious investigation which is controversial, and if one of the Federal commissions or Commissioners has such a strong feeling toward a group of individuals who have a very vital interest at stake before that Commission, it seems to me that we should get to the bottom of it, and I understood you to say—I never heard of this before—maybe I do not

read the papers as much as I should, but I read all I can anyway, but—

"Commissioner Fly. You understand—

"Mr. Sanders. Let me finish my question.

"Mr. Crosser. Let him complete his question.

"Mr. Sanders. As I understand your reference to the dead mackerel stinking in the moonlight, was to the management and not to the Association?"

"Commissioner Fly. Yes, sir; and that was on a particular occasion two years ago, and I think, sir, if you are going into that, you had better have the full record on it. Let me submit it.

"Mr. Sanders. I have no objection.

"Commissioner Fly. I would be happy to read the whole statement, if you want it.

"Mr. Sanders. Well, I think that is up to you. You can submit anything that you want to. I am sure that the Committee will be pleased to let you insert in your remarks anything that is relevant and material.

"But, the question I had in mind is how can you differentiate between the management and the network; the management and the Association; the management, presumably representing the major control of the network Association—and from a reading of the newspapers, I understand that the present management has been recently re-elected.

"Commissioner Fly. I was distinguishing between the management group of the Association and the hundreds of members, broadcasters, and that incidentally is a distinction that is traditional—

"Mr. Sanders (interposing). Well, but you try—

"Commissioner Fly. In many, many cases. To take an outstanding case, I assume that all of you gentlemen disapprove of Mussolini. I doubt if any of you disapprove generally of the great bulk of Italian people.

"Mr. Sanders. Well, we are trying specifically to get the Italian people to oust Mussolini and put in another group. Are you trying to get the National Association of Broadcasters to oust the present management and put in somebody else?"

"Commissioner Fly. I am doing nothing, but if you want my suggestion, I will tell you, I think it would be a good idea.

"Mr. Sanders. Do you believe—

"Commissioner Fly (interposing). I really think it is high time that these stations—and this goes basically in this network fight—and that is all you are talking about—into this network fight, as to whether a limited number of individuals, two or three in New York, are going to dominate all of the local broadcast stations throughout this land.

"Now, that is your question.

"Now, if you license the people, or authorize us to license them in their localities, and you intended that we should tell them that they owe no duty to their localities; pay no attention to the local public needs; pay no attention to the duty of selection of programs from the best sources of available material, whatever they may be, and that they must be dominated from New York, why then I think that the law ought to be written up in that way and hand this thing over to those people. And, that is the same thing that you have got when you talk about these hundreds of broadcasters who are brought in there and that they are brought under the domination of the two big networks—and, don't you think, sir, that they do not have an influence, when a network with that contract, with that affiliation contract and with all of the big juicy advertising that goes with it; when that network holds the life and death power over those stations throughout the country, do not think that they do not have an influence over those stations through that fact alone. In addition to that they are in control through the exclusive option contracts of all of the choice hours of the stations throughout the land, and you can see there that they have complete control of them, and if you want to see whether that is true or not, move in on your local station and try to speak to your home people on a local public issue of paramount importance; try to move in sometime when NBC and Columbia have got a program scheduled and see where you land.

"Mr. Sanders. I have one advantage over you in that I think I have not any particular emotion or passion or prejudice regarding these various people.

"Commissioner Fly. I want to say something on that, sir.

"Mr. Sanders. I wish you would.

"Commissioner Fly. I have only one emotion here and that is that this is a public business and that these broadcasters are in there to render a public service, and when we license them, just as you have authorized us to do, to serve their own localities, and serve those localities to their best interests, and to exercise their

own judgment in doing so and in making those facilities available for local purposes and choosing those programs for the best sources available, whatever they may be, whether it is A Network, B Network, or X Network; then if that is emotion, then I want to be on that side; and you may call it emotion, but that is the only feeling I have on the subject. That is my philosophy of the function of a broadcaster.

"Mr. Sanders. Do you mean that the people whom you characterize as a dead mackerel stinking in the moonlight are a part of the public whom you and I both are presumed to serve?"

"Commissioner Fly. No; that is a very small group of individuals under the domination of two networks.

"Mr. Sanders. They are not part of the public?"

"Commissioner Fly. Pardon me.

"Mr. Sanders. They are not a part of the public, then?"

"Commissioner Fly. Well, certainly; the whole industry; the whole broadcasting industry should not be made to serve them exclusively as distinguished from the public.

"Mr. Sanders. That was not my question.

"Commissioner Fly. Well, that is my answer.

"Mr. Sanders. I am trying to find out whether you figure that these 'dead mackerel' are a part of the public.

"Commissioner Fly. No; they are insignificant so far as the public is concerned, except as they are permitted to move in here and dominate this group.

"Mr. Sanders. And, as far as you are concerned, they have no rights at all?"

"Commissioner Fly. They have no rights to dominate this industry.

"Mr. Sanders. That was not my question, Mr. Fly.

"Commissioner Fly. They have the same rights as any other individual with comparable positions. I have said nothing about their rights, and you know that I have not.

"Mr. Sanders. I have, and I am trying to get your answer. Further, do you believe that this feeling, rather strong feeling, characterizing a large segment of the public that naturally has to deal with your commission, characterizing it as a dead mackerel that stinks in the moonlight, is a condition that should be taken into consideration by the Congress in dealing with this legislation?"

"Commissioner Fly. Well, if you want to turn this vast industry, with its significance to 130 million people over to a couple of men in New York, you can do it. You can go to work and write an act along these lines, and if you adopt some of the proposals that are brought here by the National Association of Broadcasters, and by the Bar Association, that is precisely what you are going to do; but so far as I am concerned, this industry belongs to the people, and that is where I am going to stick.

"Mr. Sanders. Let me get this straight.

"Commissioner Fly. I think it is about time, sir. I really think—I do not think at any time, sir, you have wanted to move in here on behalf of a monopoly and on behalf of mechanism that controls the only practical instrument of free speech we have in this country. I do not think you want to see that lodged in single hands, but I do want to say that if you confuse the purposes of your bill—and those purposes, I take it, were laudatory—if you confuse those purposes with the purposes proposed by these other gentlemen, then you have got an entirely different kettle of fish.

"Mr. Sanders. You are quite right in your statement as to my purpose. I personally am not wedded to the recommendations of the Bar Association.

"My purpose was to have an investigation and a part of the reasons for that investigation was the statement that was made on frequent occasions that you, as Chairman, were so prejudiced against two of these organizations that they could not get a square deal before you, and I am wondering if that is true. I do not know. I have never had any dealing with you or these broadcasting associations, or with the networks; but I am wondering now, and I am asking this really—

"Commissioner Fly. I hope that you will ask it and let me answer it.

"Mr. Sanders. Let me finish my question here.

"Commissioner Fly. I hope so.

"Mr. Sanders. You say that the CBS and the NBC, you characterize, I take it, as 'dead mackerel'. Would you put the Mutual in the same category of fish?"

"Commissioner Fly. May I answer the first question first, as to whether I am prejudiced against two of the networks. I think that is an important question.

"Mr. Sanders. I do, too.

"Commissioner Fly. I think it is important that you let me go into that.

"I do not think that any witness has come here and endeavored to say that I have shown any prejudice against any one of these networks.

"Mr. Sanders. You said that you referred to them as dead mackerel stinking in the moonlight. You are the only witness who has done that.

"Commissioner Fly. I have been doing this job of investigating, and so far, I know that the record fails to show any such contention on the part of any individual. I have given my answer to that.

"I think the National Broadcasting Company, and the Columbia Broadcasting System are splendid organizations in many ways. They are doing a vast public service that ought to be preserved and in many ways they are rendering an essential public service and in many ways they are doing a high quality job, even though I do not approve of all of it.

"Now the criticism that I have is a basic criticism. It is not one of feeling. It is not one of emotion. It is one of basic philosophy and it is philosophy which you gentlemen have written into the law, and which I am sworn to abide by, and that is that this is a public service; that when these licenses are handed out to the licensee then they get not merely the privilege, but the duty of the license, and they are obliged to serve the public under that license; to exercise that responsibility themselves, and to serve their own local public interests as well as other interests, and when these two networks dominate those stations throughout the country; throughout the important hours of the day and of the night, and tell them what they must take and what they may not take; when in effect they have a block booking on their time, and in general exercise a domination over all of those individual broadcasters, then I think to that extent they are wrong, and I criticize their business methods.

"I have no quarrel with any of these individuals, and I have no quarrel with a great amount of their public service activities; but when it comes to this one issue as to their dominating the entire industry, there we have differences of opinion and I think you do too, sir.

"Mr. Sanders. You do not put the Mutual in the same 'kettle of fish' as it were?"

"Commissioner Fly. Well, now, I have explained why I did not do that; but to the extent they adopt the practices, I would put them in there. The Mutual has not control of all of the time of its affiliated stations throughout the country with exclusive options; and those stations have had a freedom in operation of their own stations and selection of programs and in station policies.

"Now, to that extent, the Mutual operation does not run counter to the law and to the basic philosophy which you gentlemen have put in here; but whenever and to the extent they move into that field of exclusive optioning to control the entire life of the stations throughout the country, then they are going to come under precisely the same criticism as the other nets.

"I must say that the field of differences between the Commission and these other two nets, has narrowed down to relatively small points.

"We have the cooperation of the two big nets over a substantial area of this field and particularly the National Broadcasting Company has taken substantial steps to move to bring its operations in accordance with those regulations.

"Now, in many ways they have been very cooperative. We have no running fight with them. As a matter of fact, we are working shoulder to shoulder with them and helping them to adjust their operations in accordance with the rules.

"Now, the rules call for separation of the two national networks. I have found the company owned by the NBC; I have found cooperation and on my end, I have tried to cooperate with them in an effort to set up those two networks separately and to get that Blue Network not merely on an independent basis, but on a sound business basis, and to enable them to make an effective disposition of it in due course, and in many other ways we have an extensive area of cooperation, and I do not want, with any speechmaking here, to create the impression that there are such wide divergencies of opinion as might be suggested by isolated statements.

"Mr. Sanders. You recognize the fact that to make our society work it is essential, of course, that we all agree on this, that people that appear before courts and before bureaus having quasi-judicial powers, such as yours, should not only get a square deal, but that they should have every confidence that they are getting a square deal; that is, that they not only get it, but believe that they get

it—not in every case, of course, but society as a whole should believe it. That is true, is it not?

“Commissioner Fly. Well, of course that is true, and what evidence is there on that point?

“Mr. Sanders. Well, the point I am getting at—

“Commissioner Fly (interposing). Frankly, sir, I do not think a statement of that kind is warranted unless we have evidence on it.

“Mr. Sanders. The only evidence I have is your own statement here today, and I have been wondering—

“Commissioner Fly (interposing). I have tried to make it very clear—

“Mr. Sanders. Let me finish my statement.

“I was wondering, if I represented either of these networks, in view of the statement that was attributed to you by Mr. McGranery, and your statement here this morning, if I represented them before you, I would wonder if you felt as kindly toward me as I would want my judge to feel.

“Commissioner Fly. On what issues?

“Mr. Sanders. If you thought that I was a dead mackerel that stunk in the moonlight.

“What I am getting at is, do you not think that those kind of remarks are—

“Commissioner Fly (interposing). May I say—

“Mr. Crosser. Let him finish his question.

“Mr. Sanders (continuing). —very unfortunate.

“Commissioner Fly. That was not directed to issues of this kind. That was directed to the functioning of a convention in which I had what turned out to be a pretty significant part. At the moment I did not think of any significance there; but that had to do with the functioning of the convention and with two or three men who were running the convention. The text of it will show you so. It has nothing to do with the quality of the men in these big networks generally, and it has nothing to do with the quality of the job that they are doing over the wide area, and I do not want, by any seeming opposition to the ideas which your questions reflect here, to create any basis of dissension where we have a cooperative approach.

“I think we should continue to have it, and I do not think it should be impaired, and I tell you again, sir, that the only differences are differences on the basic policy in connection with the control of the broadcasting stations of this country.

“Now, that is basic, and that is something that is not going to be settled by dialectics or forensics. That is an important basic issue which the courts are going to decide, and if the courts do not hold that the broadcasters of this country do control their own business, then I think that Congress ought to write it into the law and affirmatively express it.

“Mr. Sanders. Some of the witnesses who have testified here have suggested the advisability of separating the necessary prosecuting end of this commission from the judicial end, and, of course, any bureau, any commission, charged with the enforcement of the law has the dual purpose there, one, to investigate a violation of the law and to enforce the law; but would you comment upon that as to the desirability or not at this time?

“Commissioner Fly. Well, that is one of those things that has been debated in regard to all of the commissions for a long time.

“Mr. Sanders. Yes; I know.

“Commissioner Fly. It is really of no great significance to us one way or the other, because we very seldom have investigations or proceedings that could be deemed prosecuting in nature. On rare occasions, for example, we do have a revocation proceeding; but those things come along very rarely and we have nothing that could properly be termed as prosecutions. Take by comparison—and I am not suggesting any change in the Federal Trade Commission Act—but there you do have something in the nature of the prosecuting function: The investigation of price discriminations and unfair trade practices generally, and the problem in our Commission is not presented acutely or broadly.

“Mr. Sanders. That is all.

“Mr. Hinshaw. How do you determine after you have decided that the engineering responsibility would be more or less identical in the various applicants, and financial responsibility is satisfactory, that one group of proposed operators of a station shall be any more liable to serve the public convenience and necessity than another group?

“Commissioner Fly. Well, it depends upon their training and their experience; the general qualifications.

“Mr. Hinshaw. Well, I would like to find out from you a little bit more in detail about those qualifications. Are they generally bent in one direction or another? I wish you would describe that for us a little bit to show us how you arrive at that?

“Commissioner Fly. Can't you make that a little more specific? That covers the field of a man's training and experience, and is just as broad as it can be, sir.

“Mr. Hinshaw. Well, you mentioned a while ago that one of the principal broadcast companies was headed by a former cigar merchant, and I was just wondering how it happened that he would be considered as any more able to run a radio station than somebody else?

“Commissioner Fly. Well, that goes to the question perhaps as to whether or not the network should be licensed. The networks are not licensed. If the cigar manufacturer bought himself into the network and thereby becomes a dominant factor in a lot of stations without being a licensee—

“Mr. Hinshaw (interposing). Supposing he were a newspaper operator then. Would that make him any more or less able to run a radio station than somebody else?

“Commissioner Fly. It might make him more or less.

“Mr. Hinshaw. In what way?

“Commissioner Fly. Well, for example, his work as a newspaper man might be valuable to him in operating a radio station. You take Mr. Ed Klauber, I think that Mr. Klauber,—he is executive vice president of the Columbia—I think his past experience was in the newspaper field, largely with the New York Times, and I imagine they thought that his experience in that field of some value to them in the broadcasting field.

“Now that may very well be true.

“Mr. Hinshaw. Do you lay any weight upon a man's business experience; whether he has been engaged for example in the advertising business or the theater business or some other business which will entitle him to some recognition as a man who could place things before the public?

“Commissioner Fly. Well, it is hard to say what business would give him preference. The business that might more or less automatically give him preference is, if he had a successful record as an operator of a radio station, that would certainly stand him in good stead as an applicant before the Commission, and from there on down, the various related activities are more or less remote.

“Mr. Hinshaw. For example, there is a considerable difference, of course, between the operation of broadcasting in the United States and in Great Britain. In Great Britain I understand it is a Government monopoly and advertising is not permitted to be conducted, whereas in the United States it seems to be more or less a series of private businesses, wherein station operators themselves are responsible for making a profit or not making a profit, and, of course, if they do not make a profit they will run into your accounting department.

“Commissioner Fly. Unless they are pouring money in to the public service, and are just doing that as a public service, intentionally taking a loss.

“Mr. Hinshaw. How many of them are doing that?

“Commissioner Fly. There are several of them.

“Mr. Hinshaw. Are there, really?

“Commissioner Fly. There are several of them.

“Mr. Hinshaw. I would like to know who these public servants are who are throwing their own money into it with no return.

“Commissioner Fly. Well, I would not want to single out some of them to the exclusion of others, but I think if you will take two examples, WQXR in New York City, to start off with, that is an excellent example. That was started by Mr. Hogan, one of the very competent engineers in this field, and he was doing the job of engineering experimentation and that sort of thing and at the same time was experimenting and lifting the quality of entertainment, of the program service. I do not think Mr. Hogan went into that thing with the idea of making a penny out of it. It just happens in recent years that he has had a successful operation and has made money. I do not think that that was a dominant motive, and I am sure he absorbed losses in the early years.

“I think the station at Albuquerque, New Mexico, KOB, is a station that is losing money and at the same time is considered by the owner as a valuable purpose served.

“There are other stations. As I say, there are several of them. I would like to look up a few of them and give them to you.

“Mr. Hinshaw. I hesitate to ask this question, because I know it entails considerable burden, but have you read all of the testimony in connection with that hearing? (The Monopoly Hearing.)

“Commissioner Fly. I think that I read most of it.

“Mr. Hinshaw. That is quite a job.

“Commissioner Fly. I will be glad to turn it over to you, if you want to go over it line by line.

“Mr. Hinshaw. Many thanks.

“Commissioner Fly. Since you have not read the report, I pre-

sume that is apparent that you have not read the testimony. But, I do want to make this request of the Committee, and I do think it is a fair request, that before the Committee either directly or indirectly, by legislation, pass judgment on that important issue, that it be good enough to read that report. Immediately upon the issuance of the report, we did send copies to each of the members of the Committee. That was about May 5, 1941.

"Mr. Hinshaw. I have a copy in my files, but I have only read a part of it.

"Commissioner Fly. I was going to be sure that each member has a copy. I will forward to each member an additional copy if you wish, and I would earnestly leave with you my request that you do read it, because I do not believe you would want to pass judgment upon the subject without that study.

"Mr. McGranery. Have you concluded?

"Mr. Hinshaw. I have one more question.

"Mr. Crosser. One more?

"Mr. Hinshaw. As I understand a gentleman by the name of Ethridge has been asked to make a report of a similar nature. Have you seen that report?

"Commissioner Fly. Mr. Ethridge made his report, or at least threw up the sponge at the St. Louis Convention.

"Mr. Hinshaw. Did he make a report to the president, do you know?

"Commissioner Fly. No; he made a speech to the broadcasters.

"Mr. Hinshaw. But he did not make a report to the President?

"Commissioner Fly. I think not. That is between him and the President; but I think not. I think that is a safe answer.

"Mr. Hinshaw. I have not seen the report nor the speech that he made at the convention. I do not know anything about it except that I heard that he was detailed to make a report.

"Commissioner Fly. Well, I think he did not make a report, that he did not make the report that he initially set out to make.

"Mr. Hinshaw. Did he make any other report?

"Commissioner Fly. He made a speech.

"Mr. Hinshaw. Is that the only thing that he made?

"Commissioner Fly. Well, he made a lot of trouble. He was former president of the NAB.

"Mr. McGranery. I just want to open this thing up and go back to the St. Louis convention. I just want to begin where you left off with Mr. Sanders. I understood you to say, Mr. Fly, that, at the time of the colloquy with Mr. Sanders, that this National Association of Broadcasters is dominated by a few.

"Commissioner Fly. That is right.

"Mr. McGranery. Is it not true that a vote was taken at the convention and that that vote was five to one to admit the two chains to membership?

"Commissioner Fly. I would like to give you some of the facts on that. I did not intend to go into this, because I do not think it is something that the committee really wants; but I got my statement of facts from one of the big broadcasting companies, so I assume it is accurate.

"There are nine hundred odd stations in this country, around five hundred of them are members of the NAB. Not more than 300 of them attended the convention and on the various votes which were postponed to the last afternoon of the long session, I think there were by 170 present on the one vote; around 100 present on the second vote; and around 19 on the third vote. (EDITOR'S NOTE: *The record shows that 314 NAB member stations qualified to vote at the convention. Of these 44 were exclusively affiliated with the Blue Network; 67, with CBS; 53, with MBS; 53, with NBC; 1, jointly Mutual-NBC; 9, jointly Mutual-Blue; 2, jointly Columbia-Blue; 29 jointly Blue-NBC; and 52 were non-affiliated stations. On the proposition to admit the networks 168 voted yes and 34 voted no; on network representation on the Board, 162 voted yes, and 40 voted no; on network dues, 169 voted yes, 30 voted no; on abolition of the Executive Committee, 172 voted yes, 32, no.*) I can get you the more specific figures if you want them from the people who have the record; but that is what was authoritatively reported to me.

"I might say that the networks, the two networks. I should say, of the two networks, the Columbia people were there and were very actively on the job. They got the vote out and did a very effective job. That is, they got the vote out which would be favorable on those particular issues.

"Mr. Crosser, I think, was there in the various sessions including some sessions of the board of directors, and as I say, I think he did a very effective job.

"Mr. McGranery. Well, are we to take it that it is your idea that the Columbia dominates the National Association? The National Association of Broadcasters?

"Commissioner Fly. I think they are doing a pretty good job of that nowadays.

"Mr. McGranery. Well now suppose—now, you are a lawyer—suppose you were drawing a bill of complaint charging that the National Association of Broadcasters is dominated by the National Broadcasting Systems or the Columbia Broadcasting System, or both. What would you allege in that bill?

"Commissioner Fly. Well, in the first place, I would not draw that complaint, because I am not in that business; as to how broadcasters set up their association and who they let run it is their business. And, I have no interest in that whatsoever.

"But, when people come to me making representations about representing 900 radio stations throughout the country, then, of course, I have got to use a little common sense in appraising the people that come there and appraising their representation, just as when any one comes before you and purports to represent any large groups of people, I think one of your first inquiries is how does he get that way, and does he really represent them, and so as I say, if the broadcasters want to turn over their associational affairs to the Columbia Broadcasting System, that is all right with me.

"Mr. McGranery. Mr. Fly, do you not think in your capacity now—and I say this in all fairness—you are going pretty far when you set yourself up almost as a czar to be the sole arbitrator as to whether or not this is properly controlled.

"Commissioner Fly. What do you mean by setting myself up as a czar. Why, these people set themselves up to run the Government and to say who shall remain in public office and who shall not. Why, these fellows passed resolutions trying to have me removed from my job.

"Mr. McGranery. Well, is there any harm in that?

"Commissioner Fly. Well, who is doing the dictating? I think you perhaps would approve of that. But, I ask you, who is doing the dictating?

"Mr. McGranery. I will say for the record, Mr. Fly, that I would not.

"Commissioner Fly. I appreciate that, sir, and I will withdraw the statement, because I really do not believe you would approve of it.

"Mr. McGranery. I would approve of their right, however, to get up the petition, because there are some things set out in your rules—

"Commissioner Fly. I should think so.

"Mr. McGranery. There are some things set out in your rules.

"Commissioner Fly. A petition could be signed by the broadcasters of this country, if they could do it. I would think that that would be assumed that they might well do it. Between you and me, I do not think that they can do it.

"Mr. McGranery. Well now, I am not at all concerned about that, but I am concerned about the exercise of what you think about your power, and I am sorely concerned about it. I feel that you have demonstrated a great deal of spleen right down the line against these fellows and that there has been a cat and dog fight between you, and that situation is not going to be helped by some of the statements that you have made, and it is not going to be helped by these rules and regulations you have promulgated.

"I do not know, but in my own mind, I think that you have gone pretty far when you say to a station, 'If you sign an exclusive contract with this company, we are going to take your license away from you.'

"Commissioner Fly. I doubt if you are expressing the views of the committee there, with all deference. I do not think that the committee, after studying this subject, reading this report, will come out for the right of any national broadcasting concern in New York to tie up by a contract with a station in Keokuk, Iowa, stating that that New York concern shall control all of the broadcasting time of that station. I do not think Mr. McGranery will approve of it after reflection.

"Mr. McGranery. I do not think that is what it amounts to.

"Commissioner Fly. Well, I have studied that subject for years, sir, and I want to tell you that is what it does amount to. I know; and if you read that report, I think you will be thoroughly convinced. Those are exclusive contracts you are talking about, and option time. What the exclusive clause does not do, the exclusive option clause does. It gives them control of all of the important time of those stations, wherever they are located.

"Mr. Hinshaw. Mr. Fly, how would you handle that, other than under these rules and regulations that you have put out; how could you do it other than that? Do you have any other suggestions?

"Commissioner Fly. Well, I suppose that the Congress could legislate on the subject, state that every station owner should be responsible for the operations of that station and for the choice

of programs, and should not tie up with any exclusive source of programs, or give any other concern control over all of its time. I should think that would be very appropriate legislation; but I believe if we wait a few months it will be demonstrated that our rules are within the scope of the present law and you may not need to enact that legislation.

"Mr. McGranery. What would be the practical effect in your opinion if you are permitted to carry out these rules and regulations that you have placed into effect, as to the exclusive clause in the contract and the option time?"

"Commissioner Fly. What will be the effect?"

"Mr. McGranery. What is the practical effect of that?"

"Commissioner Fly. All that that will do is to turn the control of the station back to the licensee and let him take whatever programs he chooses and which he thinks are to the public interest in his own community, which he has sworn to serve, and they can continue to take all of the programs from Columbia; they can continue to take all of the programs from the National, or the Mutual that they want. There is no limitation whatsoever.

"Mr. McGranery. Now, as a practical matter, what would be the situation with respect to the present set-up of Columbia, National and Mutual, as a practical proposition? What would happen?"

"Commissioner Fly. Well, as I explained to Mr. Hinshaw yesterday, this matter has been under study for years. Extensive studies have been made, completed, the report was made, and the regulations were issued more than a year ago, and in order to settle the entire matter all these networks have to do is to advise their stations that their contracts are to be construed in accordance with those rules.

"Mr. McGranery. Now, what will happen after that?"

"Commissioner Fly. Immediately, approximately nothing; but that will mean then, however, that in the smaller cities where there are not enough stations to service all of the networks, that then a station will be free to serve the local public and meet their wants. If they want to hear Toscanini, then that station will be free to bring the public their Toscanini and if the people there want to hear the world series, then that station will be free to bring the world series, and if they want to hear Raymond Gram Swing, then that station will be free to bring him to those people.

"Now, that is what it means.

"Mr. McGranery. These rules—

"Commissioner Fly (interposing). And, I do not think you would oppose any set-up which would forbid the public in those areas, literally forbid them from having that service. I do not believe, Mr. McGranery, if you read that report and understand it and see the effect of that, that you would approve any such thing as the present practice.

"Mr. McGranery. I grant that I perhaps do not understand the situation, because I am coming to this conclusion, that you cannot do anything else but tear these two great chains down and build Mutual up.

"Commissioner Fly. No, no. I will tell you why. It is not going to be a Chick Sales statement, either. These two big—

"Mr. McGranery. I hope none of the rest of them.

"Commissioner Fly. These two networks have all of the advantages in the world. They have around 85 to 90 per cent of the total night-time power on the stations of this country. They have existing relations with advertisers and with stations; with program sources and all that sort of thing.

"Now, to suggest that they cannot go into a competitive field here and land on their feet and continue a public service is to make a suggestion that I cannot go along with and as a matter of fact, the mere fact that Mutual, with lesser physical facilities and being affected by these restrictive practices of the networks, since Mutual has been able to survive under those onerous conditions with lesser power and all the disadvantages, I think it follows as a matter of course that N.B.C. and Columbia are going to land on their feet and are going to do a good job, and I will tell you that they will do a better job, too, when this thing becomes competitive, because then they will have to have something to give these stations.

"If a station in your locality is free to move out and take the best program available, then there is going to be some real competition to see who can pipe down there the best program for your local public.

Mr. McGranery. Speaking about advertising, is there any difference in the standards of advertising between these networks?"

"Commissioner Fly. I do not know. Nobody listens to advertising except the people that are doing it, sir. I would not want to say.

"Mr. McGranery. I am speaking now of standards.

"Commissioner Fly. Standards?"

"Mr. McGranery. Not the advertising.

"Commissioner Fly. I do not know. I do not think I would want to comment on that. I doubt if I am qualified to say who has the best advertising. I think you will find—and I mentioned one of the stations a while ago, and I won't repeat it—but there is a station I think that has placed restrictions on the type of advertising; the length of time devoted to advertising, and a limit on the high-pressure stuff and all of that; but in general it is really not my function to criticize that, and I prefer not to do it, sir.

"Mr. McGranery. I think you can go a little further and say that neither Columbia nor National uses any beer advertising on their programs.

"Commissioner Fly. I think that they have beer and ale. I think one of the big controversies in the industry recently has been with the N.B.C. taking over the Ballantine beer and ale program from Mutual.

"Mr. McGranery. That is all.

Representative Sanders elicited from Chairman Fly the opinion that the language of Section 5 of the Sanders Bill (NAB REPORTS, August 8, 1941, page 667) was too broad in that it would permit, in effect, any person who would be aggrieved or adversely affected by the granting of an application without hearing to intervene in the proceedings. Mr. Fly stated that it should be limited to persons who have a "substantial legal interest." (Section 5 provides that before acting upon an application the Commission must make two affirmative determinations: (1) that the public interest, convenience and necessity would be served by the granting of the application; and (2) that such action would not aggrieve or adversely affect the interest of any licensee, applicant or any other person. In the event the Commission should be unable to make both of these findings, the Section would require the Commission to designate the application for hearing and if granted without hearing, any person claiming to be adversely affected could file a protest and be heard before the Commission. Thus, any person who would be aggrieved or adversely affected by the granting of an application would be assured the right to notice and hearing before any grant could be effective.)

In this connection Mr. Fly said:

"\* \* \* I think the main objection is opening to any and everybody that may have slight interest; that is, whether or not there is any interference within the rules as are generally and consistently accepted in the industry and in the Government, and would permit any competitive interest to move in and under the other procedural device here indefinitely prolong an application. That is, I assume there would be danger of that, and I think the only safe thing to do is to say—and I do not care then how you describe the person—if you say must be a person with substantial legal interest, then you have got something that means something; but this would seem to give every person who has the slightest claim of any sort—and there are so many problems in this industry; dozens of stations, or a half dozen stations in every case, can make some sort of claim of interference either on the same channel or on an adjacent channel—maybe a dozen stations—then, a competitor in an adjoining town can make some sort of a claim.

"As I say, you gentlemen have determined this is to be a competitive industry and we shall not do anything about that. If you do not want it to be a competitive industry, then you ought to say so.

"So I think you ought to confine the interventions here, and the adjudications, to people who have a substantial legal interest."

Mr. Fly also stated that the right of appeal should be similarly limited to persons who have a substantial legal interest.

Discussing the section of the Bill that would divide the Commission into a division of public communications and a division of private communications with the Chairman a member of neither division, Mr. Fly stated:

"Mr. Chairman, in discussing the divisions, while I think the point appeared in my written statement, I did not make the point orally that in the proposed legislation the Chairman would be responsible to the outside world, generally, for the operations of the Commission; for the divisions, and the general conduct of the work; would represent the Commission in their departmental conferences, and that sort of thing. Perhaps most importantly he would represent the Commission before legislative bodies, and in

proposed legislation and inquiries into the work of the Commission.

"Now, the result of that is this: Under the proposed bill the Chairman does not have a vote in either of the divisions, and so he may be called upon the carpet and held responsible for the decisions of the division over which he has had no control and has no vote. In other words, it seems to me that we tend to violate something that is basic in our philosophy of administration and every legal responsibility, and that is, always, the responsibility must be accompanied by comparable authority and that a man will not be held accountable and responsible for acts over which he has no control; and as a practical matter, I cannot believe it is feasible. It simply will not work that way."

Discussing the changes in judicial review found in Section 8 of the Sanders Bill, Mr. Fly said:

#### "CHOICE OF COURTS

"Under the Communications Act, appeals from orders of the Commission may be taken either to three-judge courts under the Urgent Deficiencies Act or to the United States Court of Appeals for the District of Columbia, depending upon the nature of the Commission order sought to be reviewed. If the order of the Commission grants or denies an application for a construction permit or radio station license, or for renewal or modification of an existing station license, the appeal is to the Court of Appeals for the District of Columbia; all other cases go to the three-judge courts.

"The proposed bill provides that in virtually all radio cases an appeal may be taken either to the Court of Appeals for the District of Columbia or to the Circuit Court of Appeals in the circuit where the appellant resides or has his principal place of business. This gives an option to existing licensees to appeal to the Court of Appeals for the District of Columbia or to the Circuit Courts of Appeal in their home circuits, or I assume a circuit court of appeals at the place of business.

"I think that there are strong reasons in favor of having appeals in radio matters restricted to the District of Columbia. Radio stations who wish to appeal generally have Washington counsel. The records and files involved in the appeal are kept here and the consulting engineers who work on the cases are largely concentrated here. In addition, the parties and their attorneys are frequently before the Commission. Washington is thus the one central and convenient place for the litigation.

"However, even if litigants are permitted to sue elsewhere than Washington, I can see no warrant for giving all appellants an option to sue either in their home districts or in the District of Columbia.

"Moreover, in appeals in radio matters the opposing parties in reality are not the applicant and the Commission but rather the applicant and persons already in the field.—Let me illustrate. Suppose a person applies for and is granted a construction permit to erect a new station in Iowa. An existing station on the same frequency in Oregon could then appeal from such grant, if it deemed itself aggrieved by the grant. Under the present bill the existing licensee could bring his appeal either in Oregon or in the District of Columbia. This is an entirely unfair burden with which to saddle an applicant, who is thus brought into court at a distance both from Washington and his home. This is another example of entrenchment of vested interests and of the erection of barriers to the entry of a man of moderate means into the radio field.

#### "CHANGE IN THE SCOPE OF JUDICIAL REVIEW

"The bill also proposes (Section 402 (g)) to amend the provisions of the existing law with respect to judicial review. That is in committee print, at page 24.

"Our objection to the proposal is that it tampers in a vague and formless way with a large body of well-defined judicial doctrine that has been painstakingly built up over a long period of years. It seems to us that the courts, rather than the legislature, are the best judges of their own competence and their own limitations in reviewing administrative action. A law containing such vague and general language, as is proposed in section 402 (g) of this bill would serve only to confuse both the courts and the lawyers.

"As Mr. Bingham pointed out, it is true that the minority of the Attorney General's Committee did recommend a proposal somewhat similar to that which the Bar Association here proposes. However, the majority expressly declared that in their opinion

such a procedure is unnecessary and unwise (Attorney General's Report, pp. 91-92). We fully agree with the conclusion reached by the majority of the Attorney General's committee.

"Moreover, I should like to call your attention to the fact that in copying the proposal made by the minority of the Attorney General's Committee, the Bar Association has omitted a very important proviso. I would like to read what they have left out:

"Provided, however, that upon such review due weight shall be accorded the experience, technical competence, specialized knowledge and legislative policy of the agency involved as well as the discretionary authority conferred upon it."

"The omission of this proviso is typical of the effect which the Bar Association has made in this bill to tie the hands of the Commission.

#### "REPEAL OF THE POTTSVILLE RULE

"The last change in the appeal procedure which I desire to mention relates to the effect to be given to the mandate of the court reversing an order of the Commission. The bill provides in section 8 (h) (committee print, pp. 24-25) that in the event a court reverses a decision of the Commission, it shall be the duty of the Commission to give effect to such judgment and 'unless otherwise ordered by the court, to do so upon the basis of the proceedings already had and the record upon which said appeal was heard and determined.' This section is designed to set aside the holding of the Supreme Court in *Pottsville Broadcasting Company v. The Federal Communications Commission*, 309 U. S. 134, and *Fly v. Heitmeyer*, 309 U. S. 146. Those cases involved appeals from orders of the Commission denying applications on particular grounds. The Court of Appeals held that the Commission had committed an error of law in denying the application on the grounds specified. The cases were thereupon remanded to the Commission. Upon remand, the Commission, in the Pottsville case, designated the application for argument, together with other applications for the same facilities on which a hearing had already been held. In the Heitmeyer case, the Commission designated the application for further hearing with other applications for the same facilities. The reason for this action was to enable the Commission to determine on a comparative basis which of the several applications would best serve public interest, convenience and necessity. In other words, the Commission simply took all of the applications for the same facilities and tried them in one case, so that everybody could be heard out fully and on a comparative basis, so that the Commission could determine which one should be granted and could best serve the public interest.

"The appellants thereupon applied to the Court of Appeals for a writ of mandamus requiring the Commission to consider the applications upon the basis of the records already made before the Commission and upon which the Commission had been reversed. The Court of Appeals issued the writs as requested but the Supreme Court reversed, holding that upon remand of a case to the Commission, we are not bound to consider the application on the basis of the record already made but may take into account facts occurring since the filing of the appeal in arriving at a determination concerning how the public interest would best be served.

"Gentlemen, I submit that the rule in the Pottsville case is a salutary one. It is not designed to avoid the effects of judicial review as the Bar Association has suggested. Of course, if the Commission commits an error of law in granting or denying an application, and this error of law is laid bare by the Court, the Commission should and does govern itself accordingly in acting upon that application. It does not follow, however, that because the Commission did commit an error of law that this should give any priority to the applicant in whose case the error of law was committed. But this is precisely what this bill would require. If the Commission denies an application and the Court of Appeals reverses, the Commission would then be under a duty to consider the application on the basis of the record previously made, irrespective of changes in conditions which may have occurred since the filing of the application or the taking of the appeal. Other persons far better qualified to operate a station may have filed applications, for the same facilities, but under the rule of the present bill, the Commission could not consider them.

"Mr. Sanders. Mr. Chairman.

"Mr. Crosser (presiding). Mr. Sanders.

"Mr. Sanders. In connection with this Pottsville case, you stated that this section that you refer to is designed to set aside the holding of the Supreme Court in the Pottsville case. I agree with you,

from my reading, I think that that would probably be the effect of enacting that section. However, Mr. Bingham on page 84 of his prepared statement quotes Mr. Justice Frankfurter in that case. I quote from Mr. Bingham, for I have not read the decision. He quotes as follows:

"Legislators are ultimate guardians of the liberties and welfare of the people in quite as great a degree as the courts."

"And then quoting Mr. Justice Frankfurter further:

"Congress which creates and sustains these agencies must be trusted to correct whatever defects experience may reveal."

"You would agree with Mr. Justice Frankfurter's statement?"

"Commissioner Fly. Yes, I would agree with that and, of course, I should think that when the case comes back to the Commission that if that party will do the best job in the public service and the grant can be made, that it should be made; but still I think it would be unfortunate if, considering all of the applicants before the Commission, it appeared that, let us say, that he was the worst of the applicants, then before the Commission, I think it would be very unfortunate to have to make the grant to that party. That would in part repeal the basic provisions of this law, that the grant should be made to serve the public interest."

"You see there is threading through this law, broadly, a general philosophy of public interest. How will the public get the most and the best service out of a particular operation or a particular grant. Then, to hold that because a party has been through some procedure, that he gets a private right which is to override the public interest and which would bar the Commission from considering competing applicants and on a comparable basis, I think would be open to serious question."

"I do not think you have heretofore made the statement that there is any vesting of private rights or any advantage to be gained through any procedures or anything of that sort, that gives a private party any advantage over another private party, the main test always being how will we get the best public service. And, I do not think that the Congress would want to put the Commission in a position where, on the day it makes a grant, it would be forced to make the grant to a party who would not render the best public service."

"Mr. Sanders. Of course Congress and the Commission are both in the position of trying to find out what is in the interest of the public. These conflicts between private interests are merely incidental to the superior rule that Congress attempts to enact and the Commission attempts to execute."

There followed a colloquy with Representative Sanders:

"Mr. Sanders. You would also, I take it, agree that there is nothing inherently wrong with the Congress passing legislation to rectify conditions pointed out in the Supreme Court decisions. The Supreme Court has frequently held that it has not the power to change Congressional decrees and if there is anything wrong with Congressional decrees, the Congress itself must change them."

"Commissioner Fly. I certainly think that wherever there are deficiencies in the law—and, of course, Congress has frequently so acted—where there are deficiencies in the law, why then it is the function of the Congress to change them and, of course, neither we nor other parties should rely upon the Supreme Court to amend them; but still that leaves us back where we started, with the question as to whether or not the law is deficient, and if you want to change the basic thesis here of private interest being dominant over public interest, why, I suppose you could do so, even though you are dealing with private property."

"These wave-lengths belong to the people."

"But, if you want to say that these people who are granted these licenses, get some sort of a vested right in these wave-lengths, then, due to the fact that they have gotten on to them and have gotten the benefit of them through the years, or due to the fact that they have gone through certain procedures, I suppose it is within your power to do so. I myself would be very reluctant, though, to advise such course."

"Mr. Sanders. You would approve of the statement, I take it, that the fundamental issue then is not whether this statute was designed to set aside the holding of the Supreme Court in the Pottsville case, as you state on page 26 of your statement; but that the question is whether, as you state at the bottom of page 27, the rule of the Pottsville case was a salutary one, and the main issue is whether it is a salutary rule and not whether the rule has been approved by the Supreme Court."

"Commissioner Fly. No; the main issue is the one which I have stated, sir, and it may be nudging up to the problem as you have suggested it; but to me the main question is whether at any time the private interests shall get itself in a position to predominate over the public interest."

The NAB Department of Broadcast Advertising assumed an important role in connection with the 38th annual convention of the Advertising Federation of America, held at the Hotel Commodore this week. Frank Pellegrin, Director of the Department, presided over the broadcasters conference on Wednesday morning. John M. Outler, WSB, Chairman of the NAB Sales Managers Executive Committee, spoke on "Radio as an Advertising Medium in Wartime."

Tracing the history of radio and its phenomenal growth, Mr. Outler told advertisers that radio is a "tool in your work." He referred to the recent Hooper and Roper surveys which showed radio listeners buy more than non-listeners, and that the longer they listen the more they buy. He stressed the importance of these facts from the standpoint of conserving the advertising dollar. He told of a recent survey made by his own station which disclosed that by tying in drug store displays with radio personalities on the respective programs, merchants increased sales by as much as 18 per cent. He nailed this point down with the observation that the audience loyalty to a program is definite and can be made an effective advertising asset.

He referred to the high praise which had been given radio by government officials and the tremendous contribution which it had made to the prosecution of the war effort. The maintenance of radio audience through proper programming was, he pointed out, a prime necessity if we are to give the war message to the people. "The American system of radio," said Mr. Outler, "is based on commercial effort and the advertisers are the only ones with the budgets and the personnel who know how. And the fact that the advertisers will maintain these audiences provides the means and the channel for the government to get its message across to the greatest number of people."

Lt. Col. Edward M. Kirby, former NAB Public Relations Director, and now heading the Radio Branch of the Public Relations Division of the War Department, high-lighted the relations between the government's war efforts, advertising, and radio. He spoke specifically on the aspects of the War Department's approach to the use of radio in the war.

"We have an army in the making of 3,600,000 men this year," said Col. Kirby. "It will run around 4,000,000 people next year. That cuts into every family, every social and economic unit. There, first, I should say, the disposition of the men who leave our homes, what they do, where they are sent, what they wear, what they eat, and what the danger is to which they are exposed is our number one interest."

"Secondly, this army is not to fight north or south of the Mason-Dixon line, or east or west of the Mississippi. Our Hindenburg line is fighting on the four corners of the earth. It is called total warfare. Total warfare goes for men in uniform, as well as those outside."

Col. Kirby paid tribute to American advertisers who have assumed the responsibility for programs from and to army camps and urged a wider use of this form of advertising as a means of not only preserving the identity of the advertiser, but of assisting the war effort.

Samuel R. Rosenbaum, WFIL, Philadelphia, spoke on the "Challenge to Radio." We print his full address below. Any broadcaster looking for a talk to give to his local Rotary Club or other civic or business organization might make good use of it.

I assume it is hardly necessary at a meeting of people engaged in the advertising profession to catalogue the contributions radio stations are making in the war effort. All of you are probably in direct and frequent contact with radio stations, either as advertisers or listeners, and you know what an unending variety of suggestion and instruction every station is sending out at the request of national and local authorities. No doubt you also read the trade press and you have seen summaries of the amazing extent to which radio stations are being called on.

You know that radio stations are regarded as major factors in building up public response to the need for public cooperation,

not only with the fighting forces but with the civilian organizations involved in supplying, producing, rationing and defense. It is taken for granted that the radio station will help to inform the public, instruct the public, and make the public sympathetic with gasoline rationing, rubber rationing, sugar rationing, tin salvage, retail price control, metal conservation and water conservation. It is taken for granted that radio stations will send out all information needed to encourage recruiting in the Army, the Navy, the Air Corps, the Coast Guard, the Merchant Marine, and special services like the Army specialists, glider pilots, the Interceptor centers, and the civilian defense organizations.

It is taken for granted that radio stations are available and will do their share to encourage public support for the Navy Relief, the Army Relief, China Relief, Russian Relief, Greek Relief, the U.S.O., the hospitality centers, the Red Cross, and other worthy war charities. It is taken for granted that radio stations will bear a major share of the labor of getting universal subscriptions to war bonds. Needless to say it is also taken for granted that radio stations will continue to help every worthy local charity and educational and religious enterprise in the listening area, just as generously as was done before the war effort came along.

It is taken for granted that radio stations will be available for every reminder of patriotism and encouragement for public morale such as Flag Day and other national holidays, anniversaries of invasions, victories and defeats in the war now in progress, and local and national special events connected with the prosecution of the war that come up with or without notice, such as speeches by local or national statesmen and local or national celebrations of special occasions by official, semi-official, unofficial or volunteer organizations, committees or local or national agencies of government or community. It is taken for granted that radio stations will carry programs designed to win popular support in the war effort which are created or built by radio producers in government departments or in the Army or Navy, or by the networks. Last week's issue of VARIETY published a striking list of the network commercial advertisers who have made the most successful use of this method of utilizing large and well-established listening audiences. Every station can also bear testimony of local advertisers who have loyally rendered similar service.

In fact all these things are being done by radio stations. In fact radio stations as well take it for granted that they should do so. In fact radio stations have at all times been eager and anxious to be permitted to do these things and more, and radio stations have, from the beginning of the war effort, been impatient that they have not been called on for more, and that their potentialities have not been better organized and better availed of by Washington in order that there should be a maximum of result with a minimum of cross purposes.

All of these things I think that as advertisers and as listeners you know, and this is not news. In fact I think it would be better if this talk were called "Taken for Granted" instead of "The Challenge to Radio."

However, I wonder if you realize how much of an effort it requires for radio stations to make this contribution which is so generally taken for granted. Unless you are really close to it you might well suppose that it is a fairly simple matter for a radio station to put on the air everything it receives from the agencies I have enumerated, and all the station has to do is sort the circulars and hand them to the announcers. In fact it is a far more difficult process. Much of the copy has to be rewritten and boiled down, although the material received from O.F.F. is excellent beyond criticism. The volume of the stream coming into every radio station today is such that it is practically a continuous re-write job for somebody in every station. The copy has to be distributed in such a manner that it does not annoy the listener and that it does not upset the advertisers. There is a constant and unending traffic job of real magnitude, considering that every radio station works on the principle of giving every patriotic request the right of way. There are even engineering problems involved, especially for net work affiliates in producing the tremendous increase in announcements without disrupting the service

to network and local advertisers. There is also the problem of keeping advertisers satisfied and happy in spite of the necessity for frequent cancellations and shifts of local and national commercial material to make way for patriotic copy and events which are always given the preference today.

All of this is part of the contribution that radio stations are making and making gladly. And it is well we should do a little talking about it instead of letting it be taken for granted. One aspect must be mentioned, and that is that radio stations are doing much of this service as a free contribution when some other media are collecting pay for it. The same appeal for a relief organization which buys a half page in the local newspapers at regular rates, takes it for granted that it is entitled to full support from the local radio stations and would be shocked at being asked to pay for it. The same group that pays rent for a local hall to hold a meeting, takes it for granted that the radio station will make its contribution without thought of payment. The same group that would not hesitate to pay toll charges for a flock of telegrams or telephone calls to meet an emergency situation, takes it for granted that the radio station will perform the same service as a community contribution. The same committee that will spend money in printing books and circulars for distribution, takes it for granted that the radio station will make a free gift of its circulation. And the radio station always delivers and always produces and always contributes and keeps on hoping that it will be appreciated,—a hope which often turns out to be illusory.

To my mind the real challenge to radio to be presented by this war has not yet been presented. I feel the country has not yet begun to realize the severity and intensity of the efforts and sacrifices which every citizen will be called upon to make. The course of the war will demonstrate that the requests to be made of our citizenry will increase with mounting intensity, and that correspondingly the efforts expected of radio stations to disseminate these requests will be increasingly exacting. At the same time it is a matter of common knowledge that every radio station, except the comparatively few favored stations of large power in metropolitan centers, is beginning to feel the reduction in commercial revenue which is bound to result from the impact of war production and rationing and dislocation of industry. National spot revenue is still holding up, but network revenue is beginning to feel it, and local business is already causing marked concern to stations which depend on it.

This is bound to have its effect not upon the willingness but upon the ability of radio stations to continue to render the national services which are so generally taken for granted. The stations on the National and Columbia networks are in a fortunate position of being the most prosperous economically and of broadcasting the large majority of the great popular commercial programs for national advertisers who are making a real and intelligent use of the medium to get the war message across to their established listening audiences. But the stations on the other networks and the non-affiliated stations are those which make the major portion of their contribution on non-commercial programs and non-commercial announcements and therefore on a sustaining basis, and therefore at their own expense as a public service. It is these stations which, in my opinion, will feel the impact of war conditions more and more in the next twelve months, with declining revenue and increasing demands for public service. In my opinion this is a problem which our national authorities should begin now to plan to meet. I am not suggesting that radio stations wish to be paid for the national contributions they are making. On the contrary, radio stations, even the very smallest, are proud to be permitted to enlist under the flag for the duration. However, it must be realized that there are many stations, especially the small ones and especially those in smaller communities, which are equally important in the building of public morale as those in large metropolitan centers, and I believe it will become urgent within the next twelve months to provide some help for such stations if they are to continue to render the service which is expected of them.

I have no specific suggestion to make on this score. There are

plenty of people already giving advice. However, just as an experiment, I might throw out the idea that it would be a fair contribution to the smaller radio stations if, in some way, lines were made available to them so that they could receive and broadcast important national programs without having to pay for them. In fact, as a network affiliate, I sometimes feel there is a little contradiction in the fact that we affiliates, through our affiliation contracts, pay money to maintain the network land-lines that connect us, and are expected to broadcast free-of-charge patriotic programs received over those same lines.

I have no quarrel with any public utility, but I just say it is just another of those contradictions where the radio station serves the public free, and somebody else gets paid even by the radio station.

What a wonderful gesture of patriotism it would be if the land lines were contributed for such patriotic programs just as the stations contribute their time, and the benefit passed on to the stations. This would make it possible for messages of vital importance, the speeches of the President, to be broadcast simultaneously by all the 900 stations in the country without asking for favors from the existing network companies.

Radio is meeting honorably the challenge so far presented by the war. With fair cooperation from the central authorities, it will continue to meet that challenge with equal success. Its greatest test will be the preservation of its freedom in the face of the ever-increasing control of communications which is inevitable under war conditions. Its greatest test will come in the preservation of its right to criticize and discuss strategy and administration without intimidation or suppression. Its greatest test will come in promoting an honest discussion of views for fighting the war and winning the peace, without undue pressure from those in Congress or government. Perhaps the short-term license will prove to be the greatest challenge to radio.

## WAR PROGRAM IDEA

Allocation of War Service announcements locally on WOWO and WGL, Westinghouse stations in Fort Wayne, has been placed in charge of Ed Koops of the program department who has announced a plan whereby every local sustaining show, either transcribed or live, ad lib or written, will contain announcements according to a master plan. Koops' procedure involves supplying the entire staff with a weekly mimeographed list showing the programs and type of announcements to be used. Entire talent staff and continuity department are constantly urged to make the announcements blend into the content of the program rather than stick out like a sore thumb. Sample of the type of plugs being used follows:

### LATE RISERS LEAGUE

Music: Nothin'.

Ross: Late Risers' time . . . 10:18! That's Central War Time . . . and War Time is 10% Time. Say, how'd you sleep last night? Pretty good, eh? Do you imagine Hirohito slept well last night? If he's heard about America's Rubber Roundup he didn't—because the nation is out to salvage the rubber that is needed to slap the Japs! We don't have to give you details—you know all about it! All we need tell you is that *the need is urgent!* So get busy today and dig up all the scrap rubber you can find. And if you'll look on this next record you'll notice that the title of the tune is "How Do I Know It's Real."

### RADIO RATES EXEMPT

Broadcasting advertising rates were specifically exempt from the "service" price-fixing order issued June 23 by the OPA. (Maximum Price Regulation 165, effective July 1.)

## COLORADO

### Estimated Radio Homes, 1940

Number of Occupied Dwelling Units as reported by U. S. Bureau of the Census in advance release, Series H-7. Percent radio-equipped calculated from Series H-7 Bulletin following the Census Bureau practice. Number of radio units, or radio homes, estimated by applying percent ownership to those units not answering radio question and adding such to those reporting radio.

County	All Units			Urban Units			Rural-Nonfarm Units			Rural-Farm Units		
	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units
Adams.....	5,602	81.7	4,577	1,765	85.2	1,503	1,645	83.1	1,367	2,192	77.9	1,707
Alamosa.....	2,731	78.8	2,151	1,529	85.6	1,308	541	65.4	354	661	74.0	489
Arapahoe.....	8,977	89.2	8,007	3,242	95.2	3,086	4,347	87.1	3,784	1,388	81.9	1,137
Archuleta.....	969	53.0	514	.....	.....	.....	514	52.4	269	455	53.7	245
Baca.....	1,707	64.9	1,107	.....	.....	.....	881	68.7	605	826	60.8	502
Bent.....	2,422	77.6	1,879	930	75.9	706	641	81.3	521	851	76.6	652
Boulder.....	11,327	90.2	10,213	6,402	93.8	6,008	2,954	86.4	2,552	1,971	83.9	1,653
Chaffee.....	2,398	82.4	1,977	1,494	86.0	1,284	564	76.0	429	340	77.5	264
Cheyenne.....	826	80.1	662	.....	.....	.....	382	84.2	322	444	76.6	340
Clear Creek.....	1,172	84.8	994	.....	.....	.....	1,122	85.1	955	50	78.0	39
Conejos.....	2,556	50.7	1,295	.....	.....	.....	1,372	53.2	730	1,184	47.7	565
Costilla.....	1,635	40.8	670	.....	.....	.....	909	36.3	330	726	46.9	340
Crowley.....	1,405	76.0	1,069	.....	.....	.....	745	80.1	597	660	71.5	472
Custer.....	677	67.6	458	.....	.....	.....	317	66.2	210	360	68.9	248
Delta.....	4,509	76.5	3,449	1,069	79.8	853	1,311	77.3	1,014	2,129	74.3	1,582
Denver.....	96,777	93.7	90,651	96,777	93.7	90,651	.....	.....	.....	.....	.....	.....
Dolores.....	533	66.2	353	.....	.....	.....	279	67.7	189	254	64.5	164
Douglas.....	1,033	81.3	840	.....	.....	.....	495	88.1	436	538	75.0	404
Eagle.....	1,495	78.3	1,171	.....	.....	.....	1,038	80.5	835	457	73.5	336
Elbert.....	1,537	76.0	1,169	.....	.....	.....	475	82.0	390	1,062	73.3	779
El Paso.....	16,532	90.9	15,026	11,842	92.7	10,982	3,257	91.7	2,986	1,433	73.9	1,058
Fremont.....	5,246	81.9	4,298	2,417	86.3	2,086	1,721	78.4	1,350	1,108	77.8	862
Garfield.....	3,063	74.7	2,288	.....	.....	.....	1,848	79.2	1,464	1,215	67.8	824
Gilpin.....	580	76.0	441	.....	.....	.....	523	75.9	397	57	77.2	44
Grand.....	1,023	79.3	812	.....	.....	.....	716	79.6	570	307	78.8	242

**COLORADO—Continued**

County	All Units			Urban Units			Rural-Nonfarm Units			Rural-Farm Units		
	Units	%	Radio Units	Units	%	Radio Units	Units	%	Radio Units	Units	%	Radio Units
Gunnison.....	1,763	81.4	1,435	.....	.....	.....	1,363	83.4	1,137	400	74.4	298
Hinsdale.....	124	62.8	78	.....	.....	.....	90	53.4	48	34	87.9	30
Huerfano.....	4,066	58.7	2,384	1,620	65.3	1,057	1,646	56.9	937	800	48.7	390
Jackson.....	525	74.4	392	.....	.....	.....	301	68.1	205	224	83.4	187
Jefferson.....	8,763	90.9	7,966	976	95.9	936	5,478	91.6	5,019	2,309	87.1	2,011
Kiowa.....	819	76.8	629	.....	.....	.....	389	79.6	310	430	74.3	319
Kit Carson.....	1,999	73.4	1,467	.....	.....	.....	916	81.8	749	1,083	66.3	718
Lake.....	2,001	86.9	1,740	1,411	89.0	1,256	571	82.6	472	19	63.2	12
LaPoata.....	4,112	72.2	2,966	1,677	85.2	1,429	1,197	64.0	767	1,238	62.2	770
Larimer.....	10,324	88.2	9,104	5,637	92.8	5,230	2,128	84.9	1,806	2,559	80.8	2,068
Las Animas.....	8,220	61.5	5,056	3,530	73.4	2,590	3,164	54.0	1,708	1,526	49.7	758
Lincoln.....	1,656	78.8	1,304	.....	.....	.....	814	86.3	703	842	71.4	601
Logan.....	4,663	83.3	3,880	2,081	90.7	1,888	713	78.7	561	1,869	76.5	1,431
Mesa.....	9,156	80.5	7,370	3,574	89.8	3,211	2,223	74.1	1,647	3,359	74.8	2,512
Mineral.....	294	79.5	234	.....	.....	.....	243	82.2	200	51	66.7	34
Moffat.....	1,556	75.1	1,169	.....	.....	.....	942	80.5	758	614	67.0	411
Montezuma.....	2,679	65.6	1,757	.....	.....	.....	1,477	66.0	975	1,202	65.0	782
Montrose.....	4,080	76.8	3,133	1,360	83.4	1,134	930	70.3	654	1,790	75.2	1,345
Morgan.....	4,470	84.8	3,787	1,439	93.7	1,348	1,165	83.1	968	1,866	78.8	1,471
Otero.....	6,446	77.9	5,021	3,070	84.1	2,581	1,714	73.1	1,253	1,662	71.4	1,187
Ouray.....	625	81.4	509	.....	.....	.....	438	86.0	377	187	70.7	132
Park.....	1,059	75.9	803	.....	.....	.....	661	79.0	522	398	70.6	281
Phillips.....	1,395	84.5	1,179	.....	.....	.....	724	84.2	609	671	84.9	570
Pitkin.....	569	76.9	437	.....	.....	.....	364	77.8	283	205	75.3	154
Prowers.....	3,299	79.0	2,607	1,292	87.7	1,133	865	76.3	660	1,142	71.2	814
Pueblo.....	18,232	86.9	15,839	13,941	90.0	12,552	2,711	77.4	2,097	1,580	75.3	1,190
Rio Blanco.....	851	78.9	671	.....	.....	.....	441	80.7	356	410	76.8	315
Rio Grande.....	3,135	71.5	2,245	910	83.6	761	1,110	61.7	685	1,115	71.6	799
Routt.....	3,028	79.8	2,417	.....	.....	.....	2,124	82.0	1,741	904	74.8	676
Saguache.....	1,556	62.7	976	.....	.....	.....	908	60.5	550	648	65.8	426
San Juan.....	393	83.5	328	.....	.....	.....	393	83.5	328	.....	.....	.....
San Miguel.....	1,028	69.2	709	.....	.....	.....	804	73.4	590	224	53.1	119
Sedgwick.....	1,385	84.2	1,164	.....	.....	.....	752	90.8	683	633	76.0	481
Summit.....	666	73.7	490	.....	.....	.....	594	72.8	432	72	80.6	58
Teller.....	2,009	83.5	1,678	.....	.....	.....	1,767	85.7	1,515	242	67.2	163
Washington.....	2,200	76.3	1,680	.....	.....	.....	703	82.2	578	1,497	73.6	1,102
Weld.....	16,865	83.2	14,038	4,774	91.3	4,359	5,148	81.5	4,194	6,943	79.0	5,485
Yuma.....	3,257	79.3	2,582	.....	.....	.....	1,388	82.4	1,144	1,869	76.9	1,438
State Total.....	316,000	84.5	267,295	174,759	91.5	159,932	77,956	78.1	60,877	63,285	73.5	46,486

**Cities of 25,000 or More Population**

City	County	Units	% Radio	Radio Units
Colorado Springs.....	El Paso	11,842	93.4	10,984
Denver.....	Denver	96,777	93.7	90,651
Pueblo.....	Pueblo	13,941	90.0	12,552

NAB Research Department

June 19, 1942

**IOWA**

**Estimated Radio Homes, 1940**

Number of Occupied Dwelling Units as reported by U. S. Bureau of the Census in advance release, Series H-7. Percent radio-equipped calculated from Series H-7 Bulletin following the Census Bureau practice. Number of radio units, or radio homes, estimated by applying percent ownership to those units not answering radio question and adding such to those reporting radio.

County	All Units			Urban Units			Rural-Nonfarm Units			Rural-Farm Units		
	Units	%	Radio Units	Units	%	Radio Units	Units	%	Radio Units	Units	%	Radio Units
Adair.....	3,763	87.7	3,299	.....	.....	.....	1,553	88.5	1,375	2,210	87.1	1,924
Adams.....	2,930	87.7	2,570	.....	.....	.....	1,167	87.9	1,025	1,763	87.6	1,545
Allamakee.....	4,500	83.9	3,777	874	88.3	772	1,340	81.7	1,095	2,286	83.6	1,910
Appanoose.....	6,975	80.9	5,647	2,494	89.1	2,221	2,271	78.2	1,775	2,210	74.7	1,651
Audubon.....	3,225	88.5	2,854	.....	.....	.....	1,341	89.1	1,195	1,884	88.1	1,659

IOWA—Continued

County	All Units			Urban Units			Rural-Nonfarm Units			Rural-Farm Units		
	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units
Benton.....	6,435	91.2	5,866	2,209	92.2	2,036	1,490	88.3	1,315	2,736	91.9	2,515
Black Hawk.....	22,621	95.3	21,563	17,738	96.2	17,063	2,222	90.6	2,014	2,661	93.4	2,486
Boone.....	7,917	91.3	7,232	3,555	94.0	3,341	1,614	89.8	1,450	2,748	88.8	2,441
Bremer.....	4,962	88.6	4,399	1,257	91.4	1,149	1,528	87.8	1,342	2,177	87.6	1,908
Buchanan.....	5,348	89.1	4,765	1,349	93.1	1,256	1,535	88.0	1,351	2,464	87.6	2,158
Buena Vista.....	5,483	93.9	5,148	1,511	95.7	1,447	1,719	91.4	1,571	2,253	94.6	2,130
Butler.....	4,983	87.8	4,373	.....	.....	.....	2,462	87.1	2,145	2,521	88.4	2,228
Calhoun.....	4,864	92.4	4,496	.....	.....	.....	2,635	90.3	2,380	2,229	94.9	2,116
Carroll.....	5,697	93.4	5,323	1,433	94.8	1,358	2,041	92.3	1,884	2,223	93.6	2,081
Cass.....	5,465	89.0	4,863	1,746	94.0	1,642	1,412	85.6	1,209	2,307	87.2	2,012
Cedar.....	4,845	88.4	4,286	759	85.5	649	1,662	87.8	1,460	2,424	89.8	2,177
Cerro Gordo.....	11,693	93.4	10,922	8,400	94.1	7,907	1,112	92.2	1,026	2,181	91.2	1,989
Cherokee.....	4,606	93.5	4,307	1,596	95.2	1,520	1,025	91.7	940	1,985	93.1	1,847
Chickasaw.....	4,110	87.0	3,576	850	93.0	790	1,124	86.4	971	2,136	85.0	1,815
Clarke.....	3,047	84.3	2,573	1,070	88.1	943	435	81.1	353	1,542	82.8	1,277
Clay.....	4,902	92.2	4,520	1,960	93.7	1,836	906	88.2	799	2,036	92.6	1,885
Clayton.....	6,650	84.1	5,591	.....	.....	.....	3,445	84.4	2,908	3,205	83.7	2,683
Clinton.....	12,443	92.7	11,541	7,467	95.1	7,098	2,218	88.5	1,964	2,758	89.9	2,479
Crawford.....	5,361	89.4	4,790	1,235	90.6	1,119	1,555	88.9	1,382	2,571	89.0	2,289
Dallas.....	7,178	90.4	6,489	1,849	94.8	1,753	2,629	88.9	2,338	2,700	88.8	2,398
Davis.....	3,207	77.8	2,498	846	90.9	769	434	71.5	310	1,927	73.6	1,419
Decatur.....	3,970	79.3	3,147	.....	.....	.....	1,945	82.9	1,613	2,025	75.7	1,534
Delaware.....	4,903	87.7	4,300	1,188	91.1	1,082	1,345	85.2	1,145	2,370	87.5	2,073
Des Moines.....	10,875	89.9	9,777	7,861	92.0	7,232	1,113	86.5	963	1,901	83.2	1,582
Dickinson.....	3,294	92.1	3,035	.....	.....	.....	1,928	91.7	1,768	1,366	92.8	1,267
Dubuque.....	15,915	91.7	14,587	11,513	93.9	10,810	2,001	86.7	1,735	2,401	85.1	2,042
Emmet.....	3,548	91.0	3,228	1,598	90.8	1,451	614	88.9	546	1,336	92.1	1,231
Fayette.....	7,919	88.5	7,013	2,162	94.9	2,051	2,449	86.6	2,122	3,308	85.9	2,840
Floyd.....	5,706	91.2	5,208	2,558	94.7	2,423	1,070	89.8	961	2,078	87.8	1,824
Franklin.....	4,446	92.3	4,102	1,209	92.2	1,115	938	90.5	849	2,299	93.0	2,138
Fremont.....	4,143	85.4	3,539	.....	.....	.....	1,998	87.5	1,748	2,145	83.5	1,791
Greene.....	4,725	92.2	4,357	1,256	92.6	1,163	1,178	92.0	1,084	2,291	92.1	2,110
Grundy.....	3,703	94.3	3,494	.....	.....	.....	1,769	93.4	1,653	1,934	95.2	1,841
Guthrie.....	4,889	86.0	4,206	.....	.....	.....	2,305	85.6	1,974	2,584	86.4	2,232
Hamilton.....	5,380	93.4	5,024	1,931	95.9	1,852	1,128	91.4	1,031	2,321	92.2	2,141
Hancock.....	3,965	91.6	3,633	.....	.....	.....	1,776	91.6	1,628	2,189	91.6	2,005
Hardin.....	6,301	92.2	5,810	2,209	94.6	2,089	1,818	89.6	1,629	2,274	92.0	2,092
Harrison.....	6,143	81.1	4,984	1,130	90.1	1,018	2,179	81.0	1,765	2,834	77.7	2,201
Henry.....	4,856	86.2	4,186	1,400	90.8	1,271	1,456	84.3	1,228	2,000	84.3	1,687
Howard.....	3,592	86.1	3,095	1,057	89.4	945	763	79.8	609	1,772	86.9	1,541
Humboldt.....	3,565	91.6	3,264	825	90.5	747	1,150	90.7	1,043	1,590	92.7	1,474
Ida.....	3,024	92.0	2,782	.....	.....	.....	1,544	91.1	1,407	1,480	92.9	1,375
Iowa.....	4,662	87.9	4,099	.....	.....	.....	2,321	87.6	2,034	2,341	88.2	2,065
Jackson.....	5,198	87.1	4,528	1,220	91.8	1,120	1,675	82.1	1,376	2,303	88.2	2,032
Jasper.....	8,847	90.8	8,032	3,012	93.9	2,828	2,561	89.1	2,281	3,274	89.3	2,923
Jefferson.....	4,641	86.1	3,997	2,067	93.8	1,940	721	78.3	565	1,853	80.5	1,492
Johnson.....	9,356	88.8	8,307	5,174	94.7	4,898	1,345	86.9	1,169	2,837	79.0	2,240
Jones.....	5,144	88.3	4,540	1,598	91.3	1,460	1,232	83.4	1,027	2,314	88.7	2,053
Keokuk.....	5,520	86.9	4,799	.....	.....	.....	2,811	87.8	2,469	2,709	86.0	2,330
Kossuth.....	6,511	91.1	5,933	1,385	93.7	1,298	1,745	88.7	1,547	3,381	91.3	3,088
Lee.....	11,425	87.1	9,952	8,198	90.8	7,445	1,000	81.3	813	2,227	76.0	1,694
Linn.....	26,378	92.8	24,490	19,952	95.1	18,970	2,769	85.0	2,353	3,657	86.6	3,167
Louisa.....	3,265	84.1	2,746	.....	.....	.....	1,683	83.5	1,405	1,582	84.8	1,341
Lucas.....	4,187	86.6	3,628	1,754	91.6	1,607	669	85.7	573	1,764	82.1	1,448
Lyon.....	3,772	89.3	3,369	732	93.9	687	1,152	87.4	1,007	1,888	88.7	1,675
Madison.....	4,215	83.8	3,533	1,145	85.5	979	753	85.3	643	2,317	82.5	1,911
Mahaska.....	7,696	88.7	6,824	3,409	92.0	3,137	1,327	85.5	1,135	2,960	86.2	2,552
Marion.....	7,299	88.0	6,427	2,792	94.2	2,630	1,914	83.2	1,592	2,593	85.0	2,205
Marshall.....	9,702	94.0	9,117	5,564	95.3	5,304	1,540	91.8	1,414	2,598	92.3	2,399
Mills.....	3,662	85.7	3,136	754	88.2	665	1,094	87.2	954	1,814	83.6	1,517
Mitchell.....	3,833	88.5	3,390	973	91.1	886	1,003	84.5	847	1,857	89.2	1,657
Monona.....	4,861	83.0	4,032	974	81.8	797	1,505	84.4	1,270	2,382	82.5	1,965
Monroe.....	3,964	83.1	3,300	1,518	92.5	1,404	650	81.2	528	1,796	76.2	1,368
Montgomery.....	4,606	92.0	4,238	1,764	95.4	1,684	1,099	87.6	963	1,743	91.3	1,591
Muscatine.....	9,259	90.5	8,375	5,662	92.3	5,228	1,603	88.6	1,420	1,994	86.6	1,727

IOWA—Continued

County	All Units			Urban Units			Rural-Nonfarm Units			Rural-Farm Units		
	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units
O'Brien.....	5,185	93.4	4,845	1,122	93.8	1,052	1,975	93.9	1,854	2,088	92.9	1,939
Osceola.....	2,689	90.2	2,425	.....	.....	.....	1,285	89.5	1,150	1,404	90.8	1,275
Page.....	6,678	89.1	5,952	3,495	90.7	3,168	899	83.5	751	2,284	89.0	2,033
Palo Alto.....	4,009	90.1	3,612	874	91.8	802	1,143	89.1	1,019	1,992	89.9	1,791
Plymouth.....	6,001	89.5	5,373	1,485	93.1	1,383	1,547	89.8	1,389	2,969	87.6	2,601
Pocahontas.....	4,204	93.6	3,934	.....	.....	.....	1,954	92.9	1,814	2,250	94.2	2,120
Polk.....	56,516	94.0	53,129	47,856	94.9	45,427	5,361	88.4	4,738	3,299	89.8	2,964
Pottawattamie.....	18,471	90.3	16,675	11,693	92.1	10,773	2,752	88.8	2,445	4,026	85.9	3,457
Poweshiek.....	5,368	92.0	4,937	1,610	93.4	1,503	1,401	91.0	1,275	2,357	91.6	2,159
Ringgold.....	3,264	83.1	2,710	.....	.....	.....	1,314	84.1	1,105	1,950	82.3	1,605
Sac.....	4,763	92.6	4,412	915	92.1	843	1,699	91.3	1,551	2,149	93.9	2,018
Scott.....	24,166	93.9	22,686	19,950	94.8	18,918	1,845	88.7	1,637	2,371	89.9	2,131
Shelby.....	4,255	90.6	3,854	1,102	95.3	1,050	945	90.3	853	2,208	88.4	1,951
Sioux.....	6,647	86.9	5,776	726	86.7	630	2,790	88.9	2,482	3,131	85.1	2,664
Story.....	9,286	94.5	8,773	4,572	97.7	4,467	2,129	91.5	1,947	2,585	91.3	2,359
Tama.....	6,237	90.9	5,670	860	93.3	803	2,482	90.0	2,234	2,895	91.0	2,633
Taylor.....	4,176	83.9	3,505	.....	.....	.....	1,917	84.2	1,614	2,259	83.7	1,891
Union.....	4,848	88.8	4,303	2,486	90.6	2,253	778	91.0	708	1,584	84.7	1,342
Van Buren.....	3,702	82.7	3,063	.....	.....	.....	1,801	84.0	1,513	1,901	81.5	1,550
Wapello.....	12,834	89.5	11,479	9,262	92.8	8,592	1,375	84.7	1,165	2,197	78.4	1,722
Warren.....	5,110	84.5	4,321	1,325	92.5	1,226	1,283	84.8	1,088	2,502	80.2	2,007
Washington.....	5,746	87.1	5,002	1,661	91.6	1,522	1,485	84.0	1,247	2,600	85.9	2,233
Wayne.....	4,016	84.6	3,400	.....	.....	.....	2,125	87.8	1,866	1,891	81.1	1,534
Webster.....	11,374	92.9	10,568	6,481	94.4	6,120	1,976	90.1	1,781	2,917	91.4	2,667
Winnebago.....	3,555	88.7	3,152	741	89.8	665	1,074	88.0	945	1,740	88.6	1,542
Winneshek.....	5,807	87.2	5,060	1,580	92.5	1,461	1,192	80.6	961	3,035	86.9	2,638
Woodbury.....	28,394	91.4	25,966	22,851	93.2	21,295	2,371	86.3	2,047	3,172	82.7	2,624
Worth.....	3,006	88.8	2,670	.....	.....	.....	1,357	89.3	1,212	1,649	88.4	1,458
Wright.....	5,442	93.5	5,085	2,004	94.1	1,886	1,308	92.1	1,205	2,130	93.6	1,994
State Total.....	701,824	90.2	633,168	312,393	93.7	292,724	161,077	87.6	141,059	228,354	87.3	199,385

Cities of 25,000 or More Population

City	County	Units	% Radio	Radio Units
Burlington.....	Des Moines	7,861	92.0	7,232
Cedar Rapids.....	Linn	18,488	95.3	17,611
Clinton.....	Clinton	7,467	95.1	7,098
Council Bluffs.....	Pottawattamie	11,693	92.1	10,773
Davenport.....	Scott	19,141	94.8	18,149
Des Moines.....	Polk	46,629	94.9	44,262
Dubuque.....	Dubuque	11,513	93.9	10,810
Mason City.....	Cerro Gordo	7,238	94.1	6,814
Ottumwa.....	Wapello	9,262	92.8	8,592
Sioux City.....	Woodbury	22,851	93.2	21,295
Waterloo.....	Black Hawk	14,930	96.2	14,364

RHODE ISLAND

Estimated Radio Homes, 1940

Number of Occupied Dwelling Units as reported by U. S. Bureau of the Census in advance release, Series H-7. Percent radio-equipped calculated from Series H-7 Bulletin following the Census Bureau practice. Number of radio units, or radio homes, estimated by applying percent ownership to those units not answering radio question and adding such to those reporting radio.

County	All Units			Urban Units			Rural-Nonfarm Units			Rural-Farm Units		
	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units
Bristol.....	6,478	96.7	6,266	6,478	96.7	6,266	.....	.....	.....	.....	.....	.....
Kent.....	15,302	95.5	14,615	13,269	96.0	12,744	1,874	92.6	1,736	159	84.6	135
Newport.....	11,981	95.9	11,490	7,663	96.5	7,393	3,585	95.2	3,413	733	93.4	684
Providence.....	145,070	95.9	139,184	140,888	96.1	135,352	3,243	92.8	3,010	939	87.5	822
Washington.....	8,875	91.2	8,097	2,938	93.9	2,760	5,158	90.7	4,676	779	84.8	661
State Total.....	187,706	95.7	179,652	171,236	96.1	164,515	13,860	92.6	12,835	2,610	88.2	2,302

**RHODE ISLAND—Continued**  
**Cities of 25,000 or More Population**

City	County	Units	% Radio	Radio Units
Central Falls.....	Providence	6,512	94.6	6,159
Cranston.....	Providence	11,252	97.7	10,997
East Providence.....	Providence	8,449	96.8	8,180
Newport.....	Newport	7,663	96.5	7,393
Pawtucket.....	Providence	20,800	96.1	20,420
Providence.....	Providence	67,501	96.3	64,988
Warwick.....	Kent	7,817	96.9	7,575
Woonsocket.....	Providence	13,040	94.1	12,271

NAB Research Department

June 24, 1942

**SOUTH DAKOTA**

**Estimated Radio Homes, 1940**

Number of Occupied Dwelling Units as reported by U. S. Bureau of the Census in advance release, Series H-7. Percent radio-equipped calculated from Series H-7 Bulletin following the Census Bureau practice. Number of radio units, or radio homes, estimated by applying percent ownership to those units not answering radio question and adding such to those reporting radio.

County	All Units			Urban Units			Rural-Nonfarm Units			Rural-Farm Units		
	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units
Armstrong.....	11	81.8	9	.....	.....	.....	.....	.....	.....	11	81.8	9
Aurora.....	1,398	80.0	1,118	.....	.....	.....	488	84.1	410	910	77.8	708
Beadle.....	5,231	89.2	4,665	3,033	94.2	2,859	602	84.5	509	1,596	81.2	1,297
Bennett.....	991	55.4	548	.....	.....	.....	422	44.9	189	569	63.2	359
Bon Homme.....	2,769	80.6	2,231	.....	.....	.....	1,313	81.3	1,068	1,456	79.9	1,163
Brookings.....	4,266	89.8	3,830	1,530	92.2	1,410	802	85.6	687	1,934	89.6	1,733
Brown.....	7,711	93.0	7,170	4,539	96.0	4,358	1,127	85.1	959	2,045	90.6	1,853
Brule.....	1,674	81.1	1,357	.....	.....	.....	823	82.7	680	851	79.6	677
Buffalo.....	434	60.0	261	.....	.....	.....	235	47.2	111	199	75.4	150
Butte.....	2,138	83.9	1,794	.....	.....	.....	1,165	85.8	999	973	81.7	795
Campbell.....	1,120	77.9	873	.....	.....	.....	415	72.5	301	705	81.1	572
Charles Mix.....	3,233	72.6	2,350	.....	.....	.....	1,210	77.8	942	2,023	69.6	1,408
Clark.....	2,315	86.2	1,996	.....	.....	.....	918	85.1	782	1,397	86.9	1,214
Clay.....	2,619	88.6	2,320	982	91.1	895	307	85.7	263	1,330	87.4	1,162
Codington.....	4,318	90.4	3,902	2,786	92.7	2,583	427	83.9	358	1,105	87.0	961
Corson.....	1,587	73.6	1,167	.....	.....	.....	719	73.5	528	868	73.7	639
Custer.....	1,708	72.9	1,245	.....	.....	.....	1,058	72.4	766	650	73.6	479
Davison.....	4,192	90.1	3,779	3,008	92.4	2,780	242	83.8	203	942	84.4	796
Day.....	3,346	85.0	2,843	.....	.....	.....	1,531	84.5	1,293	1,815	85.4	1,550
Deuel.....	2,038	86.9	1,772	.....	.....	.....	758	86.2	653	1,280	87.4	1,119
Dewey.....	1,338	71.6	958	.....	.....	.....	762	70.9	540	576	72.6	418
Douglas.....	1,579	80.5	1,271	.....	.....	.....	578	83.9	485	1,001	78.5	786
Edmunds.....	1,830	82.5	1,511	.....	.....	.....	846	78.1	661	984	86.3	850
Fall River.....	2,073	82.0	1,699	950	85.3	810	502	81.1	407	621	77.6	482
Faulk.....	1,329	90.1	1,198	.....	.....	.....	603	88.7	535	726	91.3	663
Grant.....	2,665	91.2	2,429	744	91.5	680	595	90.1	536	1,326	91.5	1,213
Gregory.....	2,404	75.7	1,821	.....	.....	.....	1,012	78.2	791	1,392	74.0	1,030
Haakon.....	1,004	83.1	834	.....	.....	.....	390	87.3	340	614	80.5	494
Hamlin.....	1,893	84.9	1,607	.....	.....	.....	840	86.4	725	1,053	83.8	882
Hand.....	1,795	87.4	1,569	.....	.....	.....	604	87.5	529	1,191	87.3	1,040
Hanson.....	1,368	84.9	1,162	.....	.....	.....	499	89.1	445	869	82.6	717
Harding.....	831	71.5	594	.....	.....	.....	245	64.5	158	586	74.4	436
Hughes.....	1,858	88.2	1,639	1,239	91.4	1,132	202	78.6	159	417	83.5	348
Hutchinson.....	3,111	79.3	2,467	.....	.....	.....	1,381	79.9	1,103	1,730	78.8	1,364
Hyde.....	788	87.0	686	.....	.....	.....	338	86.3	292	450	87.5	394
Jackson.....	555	76.2	423	.....	.....	.....	280	77.8	218	275	74.6	205
Jerauld.....	1,271	83.8	1,064	.....	.....	.....	596	83.3	496	675	84.2	568
Jones.....	690	82.5	569	.....	.....	.....	302	85.6	258	388	80.1	311
Kingsbury.....	2,843	85.1	2,419	.....	.....	.....	1,394	85.9	1,197	1,449	84.3	1,222
Lake.....	3,159	89.7	2,832	1,401	90.4	1,266	436	87.0	379	1,322	89.8	1,187
Lawrence.....	5,330	89.2	4,753	3,350	90.4	3,030	1,462	88.7	1,297	518	82.2	426
Lincoln.....	3,429	88.2	3,027	700	94.0	658	848	83.5	708	1,881	88.3	1,661
Lyman.....	1,281	78.8	1,009	.....	.....	.....	511	78.5	401	770	79.0	608
McCook.....	2,466	85.2	2,101	.....	.....	.....	1,083	86.5	937	1,383	84.2	1,164
McPherson.....	1,871	73.0	1,365	.....	.....	.....	729	72.1	525	1,142	73.6	840

**SOUTH DAKOTA—Continued**

County	All Units			Urban Units			Rural-Nonfarm Units			Rural-Farm Units		
	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units
Marshall.....	2,122	84.3	1,790	.....	.....	.....	909	82.0	745	1,213	86.1	1,045
Meade.....	2,668	79.8	2,131	880	82.8	729	411	78.5	322	1,377	78.4	1,080
Mellette.....	960	53.3	511	.....	.....	.....	343	55.5	190	617	52.1	321
Miner.....	1,781	85.5	1,523	.....	.....	.....	720	89.4	644	1,061	82.8	879
Minnchaha.....	15,504	92.9	14,409	11,245	94.2	10,596	1,660	89.2	1,480	2,599	89.8	2,333
Moody.....	2,460	90.0	2,214	.....	.....	.....	1,060	88.9	942	1,400	90.9	1,272
Pennington.....	6,677	85.7	5,719	3,951	90.2	3,564	1,634	78.8	1,287	1,092	79.5	868
Perkins.....	1,705	80.4	1,371	.....	.....	.....	648	83.7	542	1,057	78.4	829
Potter.....	1,195	85.2	1,018	.....	.....	.....	660	83.4	551	535	87.4	467
Roberts.....	3,815	84.4	3,221	644	87.6	564	823	86.3	710	2,348	82.9	1,947
Sanborn.....	1,566	80.4	1,259	.....	.....	.....	637	78.7	501	929	81.5	758
Shannon.....	1,183	46.1	546	.....	.....	.....	514	58.9	303	669	36.3	243
Spink.....	3,178	90.1	2,864	.....	.....	.....	1,584	91.2	1,444	1,594	89.1	1,420
Stanley.....	575	83.9	483	.....	.....	.....	269	88.2	237	306	80.4	246
Sully.....	656	82.9	544	.....	.....	.....	209	85.1	178	447	81.9	366
Todd.....	1,244	54.2	675	.....	.....	.....	592	46.9	278	652	60.9	397
Tripp.....	2,482	79.7	1,979	.....	.....	.....	942	84.1	792	1,540	77.1	1,187
Turner.....	3,539	85.6	3,029	.....	.....	.....	1,586	88.6	1,404	1,953	83.2	1,625
Union.....	3,058	86.3	2,639	.....	.....	.....	1,354	86.1	1,166	1,704	86.5	1,473
Walworth.....	1,815	87.3	1,585	769	93.0	715	439	80.3	352	607	85.4	518
Washabaugh.....	439	51.6	227	.....	.....	.....	121	36.7	44	318	57.4	183
Washington.....	368	51.8	191	.....	.....	.....	59	56.1	33	309	51.0	158
Yankton.....	3,870	83.8	3,242	1,807	92.0	1,662	507	73.9	374	1,556	77.5	1,206
Ziebach.....	708	63.2	447	.....	.....	.....	267	57.4	153	441	66.7	294
State Total.....	165,428	84.6	139,854	43,558	92.5	40,291	49,548	81.8	40,495	72,322	81.7	59,068

**Cities of 25,000 or More Population**

City	County	Units	% Radio	Radio Units
Sioux Falls.....	Minnchaha	11,245	94.2	10,596

**TENNESSEE**

**Estimated Radio Homes, 1940**

Number of Occupied Dwelling Units as reported by U. S. Bureau of the Census in advance release, Series H-7. Percent radio-equipped calculated from Series H-7 Bulletin following the Census Bureau practice. Number of radio units, or radio homes, estimated by applying percent ownership to those units not answering radio question and adding such to those reporting radio.

County	All Units			Urban Units			Rural-Nonfarm Units			Rural-Farm Units		
	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units	Units	% Radio	Radio Units
Anderson.....	5,977	61.3	3,659	702	83.0	583	3,006	66.9	2,012	2,269	46.9	1,064
Bedford.....	6,199	67.7	4,196	1,968	73.6	1,449	1,157	73.6	852	3,074	61.7	1,895
Benton.....	2,999	41.8	1,253	.....	.....	.....	1,191	47.0	560	1,808	38.3	693
Bledsoe.....	1,744	41.7	727	.....	.....	.....	599	48.3	289	1,145	38.3	438
Blount.....	9,534	72.2	6,896	2,715	87.2	2,368	2,915	76.9	2,242	3,904	58.5	2,286
Bradley.....	6,873	66.8	4,593	2,996	83.0	2,486	1,553	63.2	981	2,324	48.5	1,126
Campbell.....	6,709	56.4	3,783	967	71.2	689	3,586	58.9	2,113	2,156	45.5	981
Cannon.....	2,375	39.5	939	.....	.....	.....	395	56.2	222	1,980	36.2	717
Carroll.....	6,713	51.9	3,483	.....	.....	.....	2,714	62.4	1,693	3,999	44.8	1,790
Carter.....	7,761	66.6	5,158	2,016	85.3	1,720	2,839	62.0	1,760	2,906	57.8	1,678
Cheatam.....	2,335	53.3	1,246	.....	.....	.....	652	63.2	412	1,683	49.6	834
Chester.....	2,642	47.2	1,248	.....	.....	.....	980	53.6	525	1,662	43.5	723
Claiborne.....	5,338	48.2	2,568	.....	.....	.....	1,429	69.6	995	3,909	40.2	1,573
Clay.....	2,313	39.3	910	.....	.....	.....	360	54.3	196	1,953	36.5	714
Cocke.....	5,284	47.6	2,530	867	78.6	681	879	46.7	411	3,538	40.6	1,438
Coffee.....	4,616	55.7	2,568	1,281	76.9	985	873	65.6	573	2,462	41.0	1,010
Crockett.....	4,425	51.8	2,290	.....	.....	.....	1,114	57.5	641	3,311	49.8	1,649
Cumberland.....	3,451	43.2	1,492	.....	.....	.....	1,168	49.5	578	2,283	40.0	914
Davidson.....	66,923	82.1	54,922	45,804	80.5	36,890	16,703	89.5	14,949	4,416	69.8	3,083
Decatur.....	2,444	52.5	1,284	.....	.....	.....	1,115	53.9	601	1,329	51.4	683

TENNESSEE—Continued

County	All Units			Urban Units			Rural-Nonfarm Units			Rural-Farm Units		
	Units	%	Radio	Units	%	Radio	Units	%	Radio	Units	%	Radio
DeKalb.....	3,555	48.1	1,711	.....	.....	.....	848	62.5	530	2,707	43.6	1,181
Dickson.....	4,831	50.1	2,425	1,004	85.7	860	1,000	49.7	497	2,827	37.8	1,068
Dyer.....	9,016	63.1	5,685	2,847	72.4	2,061	1,649	62.2	1,025	4,520	57.5	2,599
Fayette.....	6,813	21.6	1,476	.....	.....	.....	1,127	44.4	501	5,686	17.2	975
Fentress.....	2,888	35.6	1,029	.....	.....	.....	935	44.4	416	1,953	31.4	613
Franklin.....	5,505	59.1	3,254	719	76.9	553	1,812	65.4	1,185	2,974	51.0	1,516
Gibson.....	11,854	57.6	6,831	3,346	64.6	2,160	1,587	62.9	997	6,921	53.1	3,674
Giles.....	7,191	54.5	3,921	1,484	71.3	1,058	776	61.9	480	4,931	48.3	2,383
Grainger.....	3,233	38.4	1,239	.....	.....	.....	341	49.0	167	2,892	37.1	1,072
Greene.....	9,065	58.1	5,272	1,587	75.2	1,193	849	58.6	498	6,629	54.0	3,581
Grundy.....	2,574	54.0	1,390	.....	.....	.....	1,821	55.6	1,013	753	50.0	377
Hamblen.....	4,550	60.7	2,762	2,106	73.0	1,537	508	52.1	265	1,936	49.6	960
Hamilton.....	45,942	77.6	35,677	34,213	79.9	27,328	8,622	75.7	6,531	3,107	58.5	1,818
Hancock.....	2,343	35.2	825	.....	.....	.....	149	30.3	45	2,194	35.5	780
Hardeman.....	5,033	38.7	1,946	.....	.....	.....	1,746	55.5	969	3,287	29.7	977
Hardin.....	4,120	49.0	2,028	.....	.....	.....	1,715	54.7	939	2,405	45.3	1,089
Hawkins.....	6,405	52.9	3,389	.....	.....	.....	1,586	68.4	1,085	4,819	47.8	2,304
Haywood.....	6,541	32.0	2,096	1,193	54.2	647	441	38.7	170	4,907	26.1	1,279
Henderson.....	4,611	53.0	2,446	688	69.7	480	1,108	41.5	465	2,815	53.3	1,501
Henry.....	6,893	53.4	3,676	1,838	74.4	1,367	1,450	50.2	728	3,605	43.9	1,581
Hickman.....	3,391	50.0	1,695	.....	.....	.....	1,116	54.3	606	2,275	47.9	1,089
Houston.....	1,512	50.9	771	.....	.....	.....	506	63.6	322	1,006	44.6	449
Humphreys.....	2,958	46.1	1,368	.....	.....	.....	1,039	55.6	578	1,919	41.1	790
Jackson.....	3,344	41.6	1,392	.....	.....	.....	312	61.1	190	3,032	39.6	1,202
Jefferson.....	4,264	60.5	2,582	602	94.6	570	768	67.2	516	2,894	51.7	1,496
Johnson.....	2,825	44.3	1,254	.....	.....	.....	691	48.8	337	2,134	43.0	917
Knox.....	43,990	78.6	34,573	28,601	82.9	23,723	8,747	76.7	6,713	6,642	62.3	4,137
Lake.....	3,046	43.4	1,321	.....	.....	.....	1,014	62.4	633	2,032	33.9	688
Lauderdale.....	5,961	46.0	2,743	779	59.9	466	1,031	54.9	566	4,151	41.2	1,711
Lawrence.....	6,533	49.7	3,253	998	76.8	766	1,554	56.7	881	3,981	40.3	1,606
Lewis.....	1,313	56.2	738	.....	.....	.....	605	59.5	360	708	53.4	378
Lincoln.....	6,651	61.5	4,084	1,386	78.4	1,086	865	60.9	527	4,400	56.2	2,471
Loudon.....	4,571	66.0	3,011	1,789	82.3	1,472	755	69.2	522	2,027	50.2	1,017
McMinn.....	7,376	62.5	4,603	2,698	81.2	2,192	1,198	60.1	720	3,480	48.6	1,691
McNairy.....	4,846	44.5	2,155	.....	.....	.....	1,673	51.6	864	3,173	40.7	1,291
Macon.....	3,691	48.4	1,784	.....	.....	.....	654	62.0	405	3,037	45.4	1,379
Madison.....	14,360	59.9	8,588	7,174	70.2	5,036	2,353	68.7	1,615	4,833	40.1	1,937
Marion.....	4,286	57.7	2,474	.....	.....	.....	3,237	60.6	1,961	1,049	48.9	513
Marshall.....	4,260	65.5	2,796	1,029	78.1	803	635	67.6	430	2,596	60.2	1,563
Maury.....	10,377	64.9	6,728	3,882	75.5	2,931	2,147	60.3	1,294	4,348	57.6	2,503
Meigs.....	1,395	50.3	702	.....	.....	.....	172	68.6	118	1,223	47.7	584
Monroe.....	5,328	48.1	2,560	649	79.4	515	1,022	61.9	633	3,657	38.6	1,412
Montgomery.....	8,288	59.3	4,913	3,304	72.1	2,382	997	56.4	562	3,987	49.4	1,969
Moore.....	1,031	53.5	551	.....	.....	.....	184	60.5	111	847	52.0	440
Morgan.....	3,085	52.3	1,614	.....	.....	.....	1,379	61.9	854	1,706	44.5	760
Obion.....	8,268	65.8	5,439	2,088	74.4	1,554	2,327	56.8	1,322	3,853	66.5	2,563
Overton.....	4,064	31.0	1,263	.....	.....	.....	1,034	43.0	444	3,030	27.0	819
Perry.....	1,770	54.1	958	.....	.....	.....	624	54.3	339	1,146	54.0	619
Pickett.....	1,282	36.0	462	.....	.....	.....	185	45.9	85	1,097	34.4	377
Polk.....	3,242	54.8	1,774	.....	.....	.....	1,774	67.9	1,205	1,468	38.8	569
Putnam.....	6,036	47.6	2,866	1,118	85.4	955	1,511	49.4	747	3,407	34.2	1,164
Rhea.....	3,754	55.7	2,085	.....	.....	.....	2,135	66.2	1,414	1,619	41.4	671
Roane.....	6,295	59.1	3,724	2,373	73.6	1,746	1,690	58.2	984	2,232	44.5	994
Robertson.....	7,182	56.4	4,049	1,716	63.2	1,084	1,301	64.9	844	4,165	50.9	2,121
Rutherford.....	8,381	60.8	5,090	2,746	72.6	1,993	1,101	63.5	699	4,534	52.9	2,398
Scott.....	3,349	44.6	1,492	.....	.....	.....	1,823	51.6	940	1,526	36.2	552
Sequatchie.....	1,111	47.2	525	.....	.....	.....	408	54.2	221	703	43.3	304
Sevier.....	5,078	48.5	2,462	.....	.....	.....	1,246	66.5	829	3,832	42.6	1,633
Shelby.....	96,769	70.6	68,364	81,081	74.9	60,696	6,256	62.6	3,916	9,432	39.8	3,752
Smith.....	4,168	56.0	2,335	.....	.....	.....	981	61.0	598	3,187	54.5	1,737
Stewart.....	3,049	51.3	1,566	.....	.....	.....	770	58.8	453	2,279	48.8	1,113
Sullivan.....	16,079	75.3	12,102	7,015	85.9	6,026	4,470	74.1	3,314	4,594	60.1	2,762
Sumner.....	8,146	57.5	4,680	1,359	73.8	1,003	1,494	61.8	923	5,293	52.0	2,754
Tipton.....	6,775	45.6	3,095	1,010	65.0	656	840	46.2	388	4,925	41.6	2,051
Trousdale.....	1,534	61.2	939	.....	.....	.....	485	67.2	326	1,049	58.5	613

**TENNESSEE—(Continued)**

County	All Units			Urban Units			Rural-Nonfarm Units			Rural-Farm Units		
	Units	%	Radio Units	Units	%	Radio Units	Units	%	Radio Units	Units	%	Radio Units
Unicoi.....	3,050	58.3	1,783	805	89.8	723	1,094	54.7	598	1,151	40.1	462
Union.....	2,004	40.8	818	.....	.....	.....	227	51.2	116	1,777	39.5	702
Van Buren.....	894	44.0	393	.....	.....	.....	323	46.3	149	571	42.7	244
Warren.....	4,939	52.9	2,617	1,297	76.0	986	627	54.3	341	3,015	42.8	1,290
Washington.....	11,690	70.4	8,231	5,632	79.7	4,487	2,229	60.9	1,358	3,829	62.3	2,386
Wayne.....	3,081	40.4	1,242	.....	.....	.....	991	56.9	564	2,090	32.4	678
Weakley.....	8,092	54.1	4,382	1,064	75.1	799	1,856	60.6	1,125	5,172	47.5	2,458
White.....	3,733	43.5	1,628	646	81.1	524	700	37.7	264	2,387	35.2	840
Williamson.....	6,080	57.4	3,487	1,208	72.5	876	710	65.9	468	4,162	51.5	2,143
Wilson.....	6,699	60.0	4,016	1,666	73.1	1,217	1,033	62.3	643	4,000	53.9	2,156
State Total.....	714,894	62.5	446,943	276,056	77.7	214,362	152,197	65.1	99,046	286,641	46.6	133,535

**Cities of 25,000 or More Population**

City	County	Units	%	Radio Units
Chattanooga.....	Hamilton	33,471	79.6	26,635
Knoxville.....	Knox	28,601	82.9	23,723
Memphis.....	Shelby	81,081	74.9	60,696
Nashville.....	Davidson	45,804	80.5	36,890

NAB Research Department

June 24, 1942

**FEDERAL COMMUNICATIONS  
COMMISSION**

**COMMITTEE APPROVES FLY**

The Senate Committee on Interstate Commerce has favorably reported the nomination of James Lawrence Fly to succeed himself on the FCC. The Fly nomination is for a period of seven years from July 1.

**DCB NOW BWC**

The name of the Defense Communications Board was changed to Board of War Communications on June 15 by Executive Order.

**DAVIS THANKS NAB**

Elmer Davis, the Director of the Office of War Information, has acknowledged receipt of and thanked Neville Miller for his offer of cooperation. He states that he will certainly call upon NAB for assistance as needed.

**IN MEMORIAM**

C. G. Phillips, president and general manager of KIDO, Boise, Idaho, died suddenly in Portland, Oregon, from a heart attack. Mr. Phillips was a loyal and valuable member of NAB and we deeply regret his passing.

**FEDERAL COMMUNICATIONS  
COMMISSION DOCKET**

**HEARINGS**

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, June 29. They are subject to change.

Monday, June 29

NEW—WKAL, Inc., Kalamazoo, Mich.—C. P., 1230 kc., 250 watts, unlimited.

Thursday, July 2

Further Consolidated Hearing

NEW—Herald Publishing Co., Klamath Falls, Ore.—C. P., 1400 kc., 250 watts, unlimited.

NEW—Dorman Schaeffer, Klamath Falls, Ore.—C. P., 1400 kc., 250 watts, unlimited.

**FEDERAL COMMUNICATIONS  
COMMISSION ACTION**

**APPLICATIONS GRANTED**

WSNJ—Howard S. Frazier and W. Burley Frazier (Transferors), Elmer H. Wene (Transferee), Eastern States Broadcasting Corp. (Licensee), Bridgeton, N. J.—Granted consent to transfer of control of Eastern States Broadcasting Corporation, licensee of station WSNJ, from Howard S. Frazier and W. Burley Frazier to Elmer H. Wene, for a total consideration of \$3,047, representing 603 shares of common stock (B1-TC-299).

KYA—Palo Alto Radio Station, Inc. (Assignee), Hearst Radio, Inc. (Assignor), San Francisco, Cal.—Granted consent to assignment of license of station KYA (B5-AL-344), from Hearst Radio, Inc., to Palo Alto Radio Station, Inc., for a total consideration of \$50,000.

K49KC—Everett L. Dillard, tr/as Commercial Radio Equipment Co., Kansas City, Mo.—Granted modification of construction permit (B4-MPH-95) for extension of time to November 23, 1942, within which to construct a commercial FM broadcast station. Also granted special temporary authority to operate K49KC commercially with temporary equipment.

W49FW—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Granted modification of construction permit (B4-MPH-82) for extension of time to October 15, 1942, within which to complete construction. Also granted special temporary authority to operate on a commercial basis with a temporary

antenna system pending completion of the antenna specified in the permit.

W57PH—Westinghouse Radio Stations, Inc., Philadelphia, Pa.—Granted modification of construction permit (B2-MPH-71) for proposed antenna system, transmitter site and equipment. Also granted special temporary authority to operate station on a commercial basis with a temporary antenna system pending completion of antenna specified in modification of permit application.

John H. Stenger, Jr., Wilkes-Barre, Pa.—Granted petition for extension of effective date of Commission's Order on application for renewal of license, Docket 5430, for a period of 3 months.

Central New York Broadcasting Corp., Syracuse, N. Y.—Granted authority to close the Commission records with respect to FM station W63SY, by cancelling outstanding construction permit (B1-PH-50) and deleting call signals.

### LICENSE RENEWALS

KWLK—Twin City Broadcasting Corp., Longview, Wash.—Granted renewal of station license for the period ending not later than August 1, 1943 (B5-R-959).

Granted renewal of following station licenses for the period ending in no event later than August 1, 1944:

KTBC, Austin, Tex.; WCAE and auxiliary, Pittsburgh, Pa.; WFMD, Frederick, Md.

Granted further extension of following station licenses upon a temporary basis only, pending determination upon applications for renewal of licenses, in no event later than August 1, 1942:

KBST, Big Spring, Tex.; KCMC, Texarkana, Tex.; KFJB, Marshalltown, Iowa; KGKL, San Angelo, Tex.; KPLT, Paris, Tex.; KRBC, Abilene, Tex.; KSWO, Lawton, Okla.; KTFI, Twin Falls, Idaho; KUOA, Siloam Springs, Ark.; KVGB, Great Bend, Kans.; KXL, Portland, Ore.; WBRB, Red Bank, N. J.; WCAX, Burlington, Vt.; WCAZ, Carthage, Ill.; WCOO, Meridian, Miss.; WMRO, Aurora, Ill.; WSPB, Sarasota, Fla.; KGGF, Coffeyville, Kans.; KMTR, Los Angeles, Calif.; WCBT, Roanoke Rapids, N. C.; WCOP, Boston, Mass.; WFPG, Atlantic City, N. J.; WOV, New York, N. Y.; WSPR, Springfield, Mass.; KGIW, Alamosa, Colo.; KVAK, Atchison, Kans.; KWKH, Shreveport, La.; WOV, auxiliary, New York, N. Y.

W5XAU—WKY Radiophone Co., Oklahoma City, Okla.—Granted further extension of station license upon a temporary basis only, pending determination upon application for renewal of license, in no event later than August 1, 1942.

W9XLA—KLZ Broadcasting Co., Denver, Colo.—Granted further extension of station license upon a temporary basis only, pending determination upon application for renewal of license, in no event later than August 1, 1942.

W9XER—Midland Broadcasting Co., Kansas City, Mo.—Granted renewal of station license for the period ending not later than May 1, 1943.

Granted further extension of following station licenses upon a temporary basis only, pending determination upon applications for renewal of licenses, in no event later than August 1, 1942:

W3XDD, W3XPY, Phippany, N. J.; W8XO, near Mason, Ohio.

W8XUM—WBNS, Inc., Columbus, Ohio.—Granted further extension of station license upon a temporary basis only, pending determination upon application for renewal of license, in no event later than August 1, 1942.

### DESIGNATED FOR HEARING

KINY—Edwin A. Kraft, Juneau, Alaska.—Designated for hearing modification of construction permit (B-P-3089) to change frequency to **1050 kc.**, make changes in transmitting equipment and commencement and completion dates (B-MP-1478).

KTBI—Tacoma Broadcasters, Inc., Tacoma, Wash.—Designated for hearing application for construction permit (B5-P-3483) to change frequency to **1050 kc.** and increase height of antenna. To be consolidated with hearing on KINY above.

WJOB—O. E. Richardson, Fred L. Adair & Robert C. Adair, d/b as Radio Station WJOB, Hammond, Ind.—Designated for hearing application for construction permit (B4-P-3470) to increase power to 250 watts and make changes in equipment.

### CASES DISMISSED

In its Memorandum Opinion of April 27, the Commission stated its policy, among other things, not to grant applications involving the use of materials to construct or change transmitting facilities for standard, FM and television broadcast stations. The Commission on June 23, in view of this policy, dismissed without prejudice the following applications:

#### Standard

E. Ogden Driggs & Louise Rust Driggs, a partnership, d/b as Frankfort Broadcasting Co., Frankfort, Ky. (B2-P-3429); WTMJ, The Journal Co. (The Milwaukee Journal), Milwaukee, Wisc. (B4-P-3397); WMC, Memphis Publishing Co., Memphis, Tenn. (B3-P-3380); KXA, American Radio Telephone Co., Seattle, Wash. (B5-P-3358); KVI, Puget Sound Broadcasting Co., Inc., Tacoma, Wash. (B5-P-3348); WFBR, The Baltimore Radio Show, Inc., Baltimore, Md. (B1-P-3333); KOWH, World Publishing Co., Omaha, Nebr. (B4-P-3313); KVAK, Radio Enterprises, Inc., Atchison, Kans. (B4-P-3309); KOIN, KOIN, Inc., Portland, Ore. (B5-P-3300); KGIR, KGIR, Inc., Butte, Mont. (B5-P-3298); KVNU, Cache Valley Broadcasting Co., Logan, Utah (B5-P-3243); Northern Ohio Broadcasting Co., Elyria, Ohio (B2-P-3230); WCOV, E. D. Rivers, Valdosta, Ga. (B3-P-3213); WBAX, John H. Stenger, Jr., Wilkes-Barre, Pa. (B2-P-3014); WTMC, Ocala Broadcasting Co., Inc., Ocala, Fla. (B3-P-2708); KTSW, Emporia Broadcasting Co., Inc., Emporia, Kans. (B4-P-3457); KGW, Oregonian Publishing Co., Portland, Ore. (B5-P-3450); WHIS, Daily Telegraph Printing Co., Bluefield, W. Va. (B2-P-3434); WJHL, WJHL, Inc., Johnson City, Tenn. (B3-P-3433); KBPS, Benson Polytechnic School, R. T. Stephens, Agent, Portland, Ore. (B5-P-3154); WJDX, Lamar Life Insurance Co., Jackson, Miss. (B3-P-3031); WREN, The WREN Broadcasting Co., Inc., Lawrence, Kans. (B4-P-2272).

#### Television

Allen B. DuMont Laboratories, Inc., Washington, D. C. (B1-PCT-16).

#### Relay

L. B. Wilson, Inc., Portable-Mobile, area of Cincinnati, Ohio (B2-PRE-417); WEWE, WJIM, Inc., Portable-Mobile, area of Lansing, Mich. (B2-PRE-424).

#### FM

Houston Printing Corp., Houston, Tex. (B3-PH-126).

### DOCKET CASES

#### Standard

Robert V. Lee, Bradenton, Fla. (Docket 5944); Midstate Radio Corp., Utica, N. Y. (Docket 6141); WIRE, Indianapolis Broadcasting Inc., Indianapolis, Ind. (Docket 6237); Fred C. Morgan, Harrison Eiteljorg, Roger A. Beane, d/b as Hoosier Broadcasting Co., Indianapolis, Ind. (Docket 6263); Dyke Cullum and Harry R. England, as co-partners, d/b as Radio Co. of Annapolis, Annapolis, Md. (Docket 6279); WRUF, University of Florida, Gainesville, Fla. (Docket 6281); KGHF, Curtis P. Ritchie, Pueblo, Colo. (Docket 6312); Eastern Pennsylvania Broadcasting Corp., Scranton, Pa. (Docket 6314); Aloha Broadcasting Co., Ltd., Honolulu, T. H. (Docket 6315); WICA, WICA, Inc., Ashtabula, Ohio (Docket 6120); WWSW, Walker & Downing Radio Corp., Pittsburgh, Pa. (Docket 6121); Lake Shore Broadcasting Corp., Cleveland, Ohio (Docket 6172); KGNC, Plains Radio Broadcasting Co., Amarillo, Tex. (Docket 6211); Charles P. Blackley, Staunton, Va. (Docket 6215); Bob Jones College, Inc., Cleveland, Tenn. (Docket 6221); Washtenaw Broadcasting Co., Inc., Ann Arbor, Mich. (Docket 6231); WAGE, Sentinel Broadcasting Corp., Syracuse, N. Y. (Docket 6259); William L. Klein, Chicago, Ill. (Docket 6271); WCBS, WCBS, Inc., Springfield, Ill. (Docket 6298); WLAW, Hildreth & Rogers Co., Lawrence Mass., (Docket 6306); Western Mass. Broadcasting Co., Pittsfield, Mass. (Docket 5998); Parkersburg Sentinel Co., Parkersburg, W. Va. (Docket 6031); Colonial Broadcasting Corp., Norfolk, Va. (Docket 6057); WRAL, Capitol Broadcasting Co., Inc., Raleigh, N. C. (Docket 6210).

#### Commercial Television

WIXG, General Television Corp., Boston, Mass. (Dockets 5988 and 5989).

#### FM

Piedmont Publishing Co., Winston-Salem, N. C. (Docket 6045).

## MISCELLANEOUS

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted modification of construction permit, as modified, for new transmitter, increase in power, install directional antenna for night use and change in hours of operation, for extension of completion date from June 30 to December 31, 1942 (B2-MP-1580).

WIUC—University of Illinois, Urbana, Ill.—Granted modification of construction permit, as modified, for new non-commercial educational broadcast station, for change in transmitter location, change in antenna system, and extension of commencement and completion dates from September 16, 1941, and July 16, 1942, to 10 days after grant hereof and 60 days thereafter, respectively (B4-MPED-13).

W55M—The Journal Company (The Milwaukee Journal), Milwaukee, Wisc.—Granted modification of construction permit, as modified, which authorized new high frequency broadcast station, for change in type of transmitter only (B4-MPH-100).

WAWZ—Pillar of Fire, Zarephath, N. J.—Granted license to cover construction permit for installation of new transmitter, changes in directional antenna system, and increase in power (B1-L-1672); granted authority to determine operating power by direct measurement of antenna power (B1-Z-1405).

WWSW—Walker and Downing Radio Corp., Pittsburgh, Pa.—Granted license to cover construction permit for changes in auxiliary transmitting equipment (B2-L-1671).

KGKF—KGKL, Inc., Portable-Mobile, area of San Angelo, Tex.—Granted application for license for reinstatement of relay broadcast station license which expired October 1, 1941 (B3-LRY-264).

KWFR—Wichita Broadcasting Co., Portable-Mobile, area of Wichita Falls, Tex.—Granted license to cover construction permit for new relay broadcast station (B3-LRY-280).

WJW—WJW, Inc., Akron, Ohio.—Granted petition for an extension of time in which to file an opposition to the petition for rehearing filed by the Capitol Broadcasting Co., Inc., against the grant of the application of WJW, Inc., for changes in its directional antenna and transmitter location; time extended to June 19, 1942.

Herald Publishing Co., and Dorman Schaeffer (both at Klamath Falls, Ore.).—Continued until July 2, 1942, the further hearing on applications for construction permits for new stations (Docket Nos. 6090 and 6091).

Mosby's Inc., Anaconda, Mont.—Denied petition for reconsideration and grant of application for new station (Docket 5966), and amended the issues heretofore released to eliminate reference to Memorandum Opinion of February 23 and substitute therefor an issue in the opinion of April 27, 1942.

Beauford H. Jester, Individually, and as Trustee for W. W. Callan, Dewit T. Hicks, Hilton W. Howell, Wilford W. Haman, Robert G. Levy, Ross M. Sans, and Davis Stribling, Waco, Texas.—Denied petition to reconsider and grant without hearing application for construction permit for new station, and denied petition to prosecute pending application pursuant to provisions of Commission's Memorandum Opinion of April 27, 1942.

South Florida Broadcasting, Inc., Miami, Fla.—Denied petition to reconsider and grant application for new station pursuant to Commission's Memorandum Opinion of April 27, 1942 (Docket 6153).

The Evening News Press, Inc., Port Angeles, Wash.—Denied petition for grant of application for construction permit for new station, and designated said application for further hearing (Docket 4875).

Columbia Broadcasting System, Inc., Boston, Mass.—Denied petition to grant application for new FM station near Paxton, Mass., and designated said application for further hearing (Docket 6024).

WKAL, Inc., Kalamazoo, Mich.—Granted motion to dismiss without prejudice application (B2-P-3270) for new station.

KMP—Eddie Erlbacher, Cape Girardeau, Mo.—Granted petition for continuance to August 3 of hearing now scheduled for June 30, in re application (P2-PC-101-A).

KYW—Westinghouse Radio Stations, Inc., Philadelphia, Pa.—Granted petition for dismissal without prejudice of application for modification of construction permit for extension of completion date.

South Florida Broadcasting, Inc., Miami, Fla.—Granted motion for continuance to July 14 of hearing now scheduled for June 24 in application for a new station (B3-P-2942).

## APPLICATIONS FILED AT FCC

### 560 Kilocycles

KFDM—Beaumont Broadcasting Corp., Beaumont, Tex.—Construction permit to install new transmitter.

### 620 Kilocycles

WKAQ—Radio Corporation of Porto Rico, San Juan, P. R.—Construction permit to move auxiliary transmitter  $3\frac{1}{4}$  miles from San Juan District, San Juan, P. R., to Sabana Llana, Municipality Rio Piedras, P. R. (location of main transmitter) and use for auxiliary purposes only.

### 930 Kilocycles

WKY—WKY Radiophone Co., Oklahoma City, Okla.—Modification of construction permit (B3-P-3114, as modified, which authorized installation of directional antenna for night use, move of transmitter, and increase in power to 5 KW day and night) for extension of completion date from 7-20-42 to 1-20-43.

### 1080 Kilocycles

WINK—Mid-America Broadcasting Corp., Louisville, Ky.—Modification of construction permit (B2-P-2760) which authorized a new broadcast station, for extension of commencement and completion dates from 1-12-42 and 7-12-42 to 7-12-42 and 1-12-43, respectively.

### 1160 Kilocycles

KSL—Radio Service Corporation of Utah, Salt Lake City, Utah.—Construction permit to make changes in transmitting equipment.

### 1240 Kilocycles

WGGA—Henry Estes, Austin Dean and L. H. Christian, d/b as Gainesville Broadcasters, Gainesville, Ga.—Voluntary assignment of license to Blue Ridge Broadcasting Company.

### 1260 Kilocycles

KYA—Hearst Radio, Inc., San Francisco, Calif.—Assignment of license from Hearst Radio, Inc., to Palo Alto Radio Station, Inc. Amended: re officers of parent company (American Newspapers, Inc.)

### 1290 Kilocycles

KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Modification of construction permit (B5-P-3100) as modified, for installation of directional antenna for day and night use, and increase in power, requesting extension of completion date from 7-16-42 to 8-16-42.

### 1310 Kilocycles

WDOD—WDOD Broadcasting Corp., Chattanooga, Tenn.—License to cover construction permit (B3-P-2641) as modified, for increase in night power, installation of directional antenna for night use, and move of transmitter.

WDOD—WDOD Broadcasting Corp., Chattanooga, Tenn.—Authority to determine operating power by direct measurement of antenna power.

### 1320 Kilocycles

KTRH—KTRH Broadcasting Co., Houston, Tex.—Modification of construction permit (B3-P-3011) as modified, which authorized installation of new transmitter, directional antenna for day and night use, change frequency, increase power, and move transmitter, requesting extension of completion on date from 7-10-42 to 9-10-42.

### 1330 Kilocycles

WFBC—Greenville News-Piedmont Co., Greenville, S. C.—License to cover construction permit (B3-MP-1509) for installation of directional antenna for night use, and increase in power.

WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Authority to determine operating power by direct measurement of antenna power.

#### 1390 Kilocycles

KGER—Consolidated Broadcasting Corp., Ltd., Long Beach, Calif.—Modification of construction permit (B5-P-3096, as modified, which authorized new equipment, increase in power, installation of directional antenna for night use, and move of transmitter) for extension of completion date from 7-12-42 to 10-12-42.

#### 1420 Kilocycles

KCRA—Arkansas Broadcasting Co., Little Rock, Ark.—Extension of special service authorization to operate on 1010 kc., 5 KW night, 10 KW day, directional antenna night, using transmitter as authorized in construction permit (B3-P-3049 as modified) for the period 8-1-42 to 8-1-44.

#### 1510 Kilocycles

KGA—Louis Wasmer, Spokane, Wash.—License to cover construction permit (B5-P-2602) as modified, for increase in power, installation of directional antenna for night use, installation of new transmitter, and move of transmitter and studio.

KGA—Louis Wasmer, Spokane, Wash.—Authority to determine operating power by direct measurement of antenna power.

### FM APPLICATION

W63NY—Marcus Loew Booking Agency, New York, N. Y.—Modification of construction permit (B1-PH-3, as modified, which authorized new high frequency broadcast station) for extension of completion date only from 7-10-42 to 1-10-43.

### TELEVISION APPLICATION

W9XCB—Columbia Broadcasting System, Inc., Chicago, Ill.—Modification of construction permit (B4-PVB-74) as modified, which authorized new experimental television station, for extension of completion date from 7-15-42 to 1-15-43.

### MISCELLANEOUS APPLICATIONS

WAUT—Evansville on the Air, Inc., Portable-Mobile.—Modification of license for change in location of transmitter from Portable-Mobile, area of Evansville, Ind., to 2nd floor, 203 N. W. Fifth St., Evansville, Ind.

WEMU—The WGAR Broadcasting Co., Cleveland, Ohio.—License to cover construction permit (B2-PRE-414) which authorized a new relay broadcast station.

## FEDERAL TRADE COMMISSION DOCKET

*Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.*

### 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.

**Koch Laboratories, Inc.**—Charging false representations in the sale of medicinal preparations designated "Glyoxylide," "B-Q," and "Malonide Ketene Solution," a complaint has been issued against Koch Laboratories, Inc., and William F. Koch and Louis G. Koch, officers of the corporation, all of 8181 East Jefferson Ave., Detroit.

**R. B. Semler, Inc.**—A complaint has been issued charging that R. B. Semler, Inc., New Canaan, Conn., in connection with the sale of a hair tonic designated "Kreml," has violated Section 3 of the Clayton Act, which prohibits exclusive dealing agreements where the effect may be to substantially lessen competition or tend to create a monopoly. (4773)

**D. K. Tuey**—Alleging misrepresentation in the sale of Chinese herbs sold for medicinal purposes, a complaint has been issued against D. K. Tuey, 107½ South Broadway, Los Angeles. (4774)

### CEASE AND DESIST ORDERS

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

**Blank & Stoller Corp.**, formerly of 227 East 45th St., New York, and four individuals, three of whom were officers of the corporation, has been ordered to cease and desist from misrepresentations in the sale of photographic miniatures, also known as goldtone miniatures. (4523)

**Lincoln Academy, Inc.**, trading as Preparatory Service Bureau, 43 Lincoln Park, Newark, N. J., formerly known as Metropolitan Training Academy, and Mr. & Mrs. K. Arnold Freedman, its officers, have been ordered to cease misrepresentations in the sale of correspondence courses intended to prepare students for Civil Service examinations. (4703)

**National Press Photo Bureau, Inc.**—An order to cease and desist from misrepresentation in the sale of portrait photographs has been issued against National Press Photo Bureau, Inc., and Kay Hart Studios, Inc., and their officers, Samuel F. and Clara L. Reese, all of 509 Fifth Ave., New York, and Bolivar Studios, Inc., formerly of the same address. (3898)

**Novelty Sales Co.**, 806 Walnut St., Philadelphia, has been ordered to cease and desist from selling or otherwise disposing of merchandise by means of a game of chance or lottery scheme. (4039)

### STIPULATIONS

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

**Beck Jewelry Enterprises, Inc.**, 126 East Berry St., Fort Wayne, Ind., which operates 29 retail stores in eight States, generally under the name "Beck Jewelry & Optical Co.," stipulated that it will discontinue certain representations in connection with the sale of its "Kant-Break" eyeglasses. (3493)

**Cuban Cosmetic Co.**—Alexander C. Brent, Jr., trading as Cuban Cosmetic Co., 5142 South Wabash Ave., Chicago, has entered into a stipulation to cease and desist from the use in advertising matter of any representation or statement, such as "Restores the hair to its natural color," which tends to convey to purchasers the impression that the preparation will restore gray hair to its natural color. (3494)

**Gardner Nursery Co.**, Osage, Iowa, entered into a stipulation to cease and desist from making, by means of radio, catalog or other advertising, any deceptive or exaggerated statement which tends to mislead the public as to the size, quality or probable growth of so-called "trees" or other nursery stock sold by the respondent. The stipulation points out that "fine young shade trees" advertised by the respondent as averaging about a foot in length which would grow to a height of 14 feet in one year or 20 feet in three years consisted largely of shoots or cuttings so small that their development often required years of special care. (3492)

**Royal Diamond Co.**, Jim the Diamond Man, and American Bible Club, C. E. Griffey, 769 Insurance Building, Omaha, Nebr., stipulated to cease certain representations in the sale of jewelry and publications. (02998)

**Sarco Remedy Co.**, E. L. Bachman and V. E. Chambers, Sidney, Ohio, stipulated that in the sale of "Minton's Asthma Remedy" they will cease representing that the preparation will prevent, remedy or correct asthma or any underlying cause of it, or has

therapeutic value in its treatment in excess of furnishing limited, temporary relief from paroxysms due to or associated with asthma. (02997)

**Sears, Roebuck & Co.**, Chicago, stipulated to cease certain representations in the sale of "Dr. Overfield's Farm Mixture." The respondent agrees to cease advertising that this product can be depended on to insure health or growth of bone or body in pigs and that it will cure, remedy, prevent or control bull nose, necro or other similar diseases in pigs. The respondent further agrees to discontinue representing, through such statements as "worm remedy" or "will keep them free from worms," that the product is effective in the prevention of worm infestation in hogs, pigs, sheep or goats. (02996)

**E. S. Wells Estate**—George T. Wells, trading as E. S. Wells Estate, 706 Grand St., Jersey City, N. J., has entered into a stipulation to cease certain representations in the sale of a poison for rats and mice designated "Rough on Rats." (02995)