

FULL TEXT OF BOARD THREAT TO WIELD AXE

The following is the full text of the Federal Radio Commission's statement warning stations that if they violate their licenses they will be permanently ruled off the air:

Much of the heterodyne and cross talk interference with which the radio listener has to contend is due in part either to the irresponsibility of some broadcasters or their inability to control the emissions from their stations, i. e., to maintain operation constantly on the frequency assigned by the Radio Commission.

In the first case, the fault is with the broadcaster, and the Commission has taken the position that the only remedy is to eliminate those broadcasters who will not operate their stations in conformity with the law and the terms of the licenses which each of them holds.

In the second class of cases, the Commission has determined to require the use of such apparatus as is capable of operating strictly within the limits of frequency deviation allowed by the Commission.

No Excuse for Persistence

The Commission has taken the stand that there is no excuse for any broadcasting station repeatedly to deviate from its assigned frequency, and, as a result, the Commission has refused to renew licenses to the following stations:

WSRO, owned by Harry W. Farlander, Middletown, O.

WHBW, owned by D. R. Kienzle, Philadelphia, Pa.

WAAD, owned by Ohio Mechanics Institute, Cincinnati, O.

WSMD, owned by Tom F. Little, Salisbury, Md.

In a large number of other cases the Commission has received reports that stations have deviated from their frequencies but, pending substantiation of said reports by further investigation, the Commission has refused to grant the usual renewal of license but has renewed the license in each case for a period of 46 days beginning April 30, 1929.

If it is found that the reports are true and that the licensees of these stations either will not or can not operate their stations in accordance with the rules of the Commission, undoubtedly their applications for a further renewal will be denied.

Must Assume Burden of Proof

In any event, where the Commission finds that there has been repeated deviation from frequency, an applicant for renewal of license will be required, at a hearing before the Commission, to affirmatively show that his station in the future will be operated upon its assigned frequency and that apparatus will be used capable of maintaining a constant frequency.

Stations whose licenses have been renewed temporarily pending further investigation are as follows:

KFWB—Radio Entertainments, Inc., San Francisco, Cal.

KGFJ—Ben. S. McGlashan, Los Angeles, Cal.

KFWQ—KFWQ, Incorporated, Seattle, Wash.

KGFR—C. Merwin Dobyns, Long Beach, Cal.

KGGC—Golden Gate Broadcasting Co., San Francisco, Cal.

KOL—Seattle Broadcasting Co., Seattle, Wash.

KMO—KMO, Inc., Tacoma, Wash.

KPQ—Archibald Taft & Louis Wasmer, Seattle, Wash.

KGA—Northwest Radio Service Co., Spokane, Wash.

WAGM—Robert L. Miller, Royal Oak, Mich.

KWTC—Pacific-Western Broadcasting Federation, Santa Ana, Cal.

WICC—Bridgeport Broadcasting Sta., Inc., Easton, Conn.

WONO—Harold E. Smith, Mt. Beacon, N. Y.

KFBL—Leese Bros., Everett, Wash.

Undoubtedly the action of the Commission and the stand it has taken with regard to the elimination of interference from the careless or improper operation of stations has required a great deal of courage.

In most of the stations there are many thousands of dollars invested. Many of the stations are operated by business concerns and are invaluable to those concerns as advertising mediums. No doubt, a strenuous effort will be made to secure the renewal of licenses in practically all of the cases above-mentioned.

The Commission's position, according to its General Counsel, is sound and, upon his advice, the Commissioners have, individually and collectively, decided that the only way to eliminate undesirable broadcasting is to make an effective use of the axe.

Another practice at which the Commission has aimed a blow, is that of transferring licenses or rights thereunder in violation of section 12 of the radio act of 1927. There have been many cases in which the ownership of stations has changed without the matter having been properly brought to the attention of the licensing authority.

The right to operate a broadcasting station is personal. It pertains only to an individual or corporation holding a license, the rights or privileges of which, under the law, may not be assigned or transferred without the written consent of the Radio Commission.

This provision was wisely included in the act in an effort to give the Commission power to keep the control of radio communication in capable hands, willing to properly serve the public.

A Necessary Safeguard

If it were not for this provision unscrupulous parties whom the Commission does not see fit to license, might, by purchase, acquire licenses or rights thereunder which practice in the opinion of the Commission, would be detrimental to the public; through purchase of licenses, etc., monopolies in radio broadcasting and communication might be acquired in violation of the law; and it would be possible for aliens or their representatives, or even alien governments or the representatives thereof, to come into control of radio stations contrary to the intention of Congress.

There are two recent examples of this unlawful practice in California: Station KGFH, formerly owned by R. L. Rust at Glendale, was sold and the new owner continued to operate the station without having secured the permission of the Commission or a formal license to do so. The same purchaser acquired Radio Station KMIC, formerly owned by James R. Fouch at Inglewood, and continued to operate this station also without permission of the Commission.

Radio Station WHB, formerly owned and operated by the Sweeney Automobile School, Kansas City, Mo., has recently gone through two successive transfers, and, without the permission of the Commission, the station has continued in operation.

The application of this station for renewal of license has been designated for hearing, as have been the two applications of the California stations above-mentioned. The Commission has announced that no renewal licenses will be issued to any of these stations unless and until the licensees in each case, or their assignees, have proved that the stations have not been operated in violation of the law, and, further, that public interest will be served by their operation in the future.

Until such showing is made, Stations according to William Kelin, attorney, who KGFH, KMIC and WHB will be off the air.

WBAP OBTAINS 50 KW ORDER; CLEARING WAVE

Washington.

The Federal Radio Commission assigned 50,000 watts to WBAP, Fort Worth, Tex.

The station will broadcast on its present frequency of 800 kilocycles, and later will enter a working arrangement with WFAA, at Dallas, Tex., now operating on another channel. Other stations in this channel will be relocated.

The Commission announced that it has set June 5th as the date for hearing in the case of the National Radio Press Association, headed by Herbert Bayard Swope, former executive editor of the N. Y. "World," for the twenty intracontinental short-wave channels allocated the nation's press for news distribution. The association lost its case to prevent the Commission from allocating these channels in the Supreme Court of the District of Columbia recently.

New station applications follow: Brodie E. Cain, Denton, Texas, requests authority to erect a station using 740 kilocycles, 250 watts. Some evening hours and some morning hours.

Lamar Life Insurance Company, Jackson, Miss. No power or frequency specified.

Jack W. Duckworth, Lewiston, Idaho, requests authority to erect a station using 1,370 kilocycles 500 watts power and unlimited time.

W. E. Green & Sons (W. E. Green & W. O. Green), Manila, Arkansas, requests authority to erect a station using 900 kilocycles, 10 watts, one hour daily except Sunday, more hours requested Sunday.

WOR Play Critic Called Prejudiced

Open animus toward the Shubert Theatre Corporation is charged against Martin Mooney because of his theatrical review broadcasts from WOR, New York, according to William Klein, attorney, who wrote the station a letter demanding that this "defamation of Shubert productions" cease, otherwise suit will be brought.

Klein stated that Mooney never has a good word to say for Shubert shows, and not only knocks them, but uses abusive language, even when discussing plays the newspaper theatrical critics praise highly. Plays mentioned are "Jonesy," "The Love Duel," and "Before You're 25." Mooney's position is that he reviews all shows fairly and that his reports on the Shubert shows represent his honest opinion, which he is entitled to broadcast.

NEW CORPORATIONS

Emsheimer Brothers, radios—Atty. H. S. Van Arsdale, 233 Broadway, New York.

Essbee Radio Sales—Atty. M. Silverman, 264 Echo Place, The Bronx, New York.

Sunnyside Music Shop, radio instruments—Atty. A. Mazzei, Queens, New York.

Cable Radio Tube Corp., Wilmington, Del., radio supplies—Corporation Trust Co. of America.

Meyer's Radio Music Stores, instruments—Atty. W. H. Siebrecht, Jr., L. I. City, Queens, N. Y.

American Sound Recording Corporation, Yonkers, N. Y.—Corporation Trust Company of America, Wilmington, Del.

Commonwealth Radio Distributing Corp.—Atty. H. Ascher, 475 5th Ave., New York, N. Y.

Marvin Radio Tube Corp., Wilmington, Del.—Corporation Trust Company of America.

Neon Radio Corporation—Atty. I. Ehrman, 41 Park Row, New York, N. Y.

Perryman Electric Company, Inc., Larchmont, N. Y., radios—Corporation Trust Company of America.