

# NAEB NEWS LETTER

Office of Executive Secretary  
Urbana, Illinois  
April 15, 1940

## IMPORTANT BUSINESS FOR COLUMBUS MEET

Don't forget that NAEB will have an important closed meeting in connection with the Eleventh Institute for Education by Radio at Columbus, Ohio, on April 29th. Herewith are a number of items of business which have been suggested. Others may be added. Order here is not necessarily related to importance.

1. Frequency Modulated Radio Stations.
2. Phonograph Record Licenses.
3. Copyright Law Revisions.
4. Rebroadcasts of WRUL Programs.
5. Required FCC Phonograph Record Announcements.
6. Proposed Revision for FCC Annual Financial Reports.
7. McGregor Educational Transcriptions.
8. NAEB Transcription Exchange.
9. NAEB Script Exchange.
10. FRED Script Exchange.
11. Broadcasting Commercial Sustaining Programs.
12. Member Report of Activities.
13. Officers' Reports.
14. Howard Evans.
15. Bill Boutwell.

Now you can see for yourself that there is plenty to do at Columbus, not to mention what you may be doing at home. Hope to see you in Columbus April 29, 30, and May 1.

## COMMISSIONER RECOMMEND FAVORABLY ON LA GUARDIA PETITION

Recommendation that radio station WNYC, New York City's municipal and non-commercial broadcast station, be permitted to pick up and rebroadcast international programs of station WRUL, Boston, was made to the Federal Communications Commission April 4th by a special committee comprising Commissioners George Henry Payne, acting chairman in the absence of Norman S. Case, and T. A. M. Craven.

This general recommendation, which climaxed hearings on the subject, was unanimous. The committee called attention to testimony by Mayor Fiorello H. La Guardia of New York City, and Professors William Y. Elliott and Harry Rowe Minto of Harvard University. Professor Elliott contended that such a grant would be in the interest of education in general, as it would make available to the public at large the great resources of our universities; that it would enable non-profit radio stations to render better public service; that

rebroadcasting without the use of wires is feasible; that there would be no interference with existing communications, and no one's interest would be injured.

The committee pointed out that rebroadcasting of international programs is not prohibited by international convention; that no use of an international frequency for primarily domestic purposes is involved; that the use of wires for feeder purposes places a serious expense on non-profit stations; that there are no legal bars to picking up and rebroadcasting such programs, and further, "if there exist technical obstacles to this form of rebroadcasting, it is important to learn how these obstacles can be removed."

Accordingly, the committee proposed amending rule 4.10(d) of the Commission to make the authorization possible. There was some difference of opinion as to the exact wording. Commissioner Payne recommended the following change:

"4.10(d) Authority will not be granted to rebroadcast in the United States the programs of an international broadcast station located within the limits of the North American Continent, except upon a satisfactory showing that the rebroadcast programs in question are intended solely for non-profit purposes and are not commercially sponsored."

Commissioner Craven suggested this rewording of the rule:

"4.10(d) Authority will not be granted to rebroadcast in the United States the program of an international broadcast station located within the continental limits of the United States, except upon a satisfactory showing in the following respects:

- "(1) that such rebroadcasting will not detract from the primary function of an international broadcast station, the programs of which are being rebroadcast; and
- "(2) that the technical quality of the rebroadcasting will be reasonably free from distortion and noise, as well as reasonably free from the effects of fading. The Commission will afford to applicants a reasonable opportunity to secure facts concerning the proposed technical performance."

#### KWLC JOINS NAEB

KWLC, Luther College, Decorah, Iowa, has joined the ranks of the National Association of Educational Broadcasters. Welcome, and may we be of service to you. Director of KWLC is Mr. F. C. Gamelin.

#### SEE PACKET

Accompanying the News Letter in the NAEB Packet is a copy of the Frequency Modulation booklet which Howard Evans obtained for the NAEB members. Howard says to tell you boys that they are being sent with his earnest suggestion that they be examined carefully. To which the executive secretary of NAEB adds "Amen".

WOI RATES EDUCATIONAL RADIO AND RECORDING

The "Visiting the Production Centers" section of the April 4th issue of EDUCATIONAL RADIO & RECORDING is given over to WOI - the Voice of Iowa State College. If you don't already know what Professor Griffith and his gang are doing at Ames, you'll enjoy reading this article.

FOR PRESENT NO LICENSE NEEDED FOR RECORDS

Pending decision from appeal in the courts major record manufacturers who previously had announced their intentions of charging license fees from radio stations using phonograph records now have notified stations that pending further notice no fees will be charged. Any NAEB members who have submitted payment to RCA-Victor will have the fee returned by the company. Just in case you have missed recent word, we quote here letters and telegram received from Decca, Columbia, and RCA.

Letter from Rea-Victor reads:

"Camden, New Jersey, April 12, 1940. Following the decision of the United States District Court for the Southern District of New York in the case of RCA Manufacturing Co. Inc. v. WNEW, et al. (commonly called the Whiteman case), we announced a plan whereby upon payment of established license fees many of our phonograph records would be made available to radio stations for broadcasting purposes. We also informed all stations that in the event the courts should ultimately hold that we do not have the right to license our records for this purpose, all license fees paid to us by the stations would be returned.

"It now appears that final determination of the various appeals taken in the Whiteman case will be delayed longer than we had anticipated. Many groups have expressed to us the thought that stations ought not to be called upon to pay us license fees until the case has been passed upon by the Appellate Court. We have, therefore, decided to terminate all licenses heretofore extended to the stations by us and to refund all license fees paid to us thereunder. Meantime we wish to inform you that until further notice from us to the contrary we shall not make use of our records for radio broadcasting purposes the basis of any claim against you, very truly yours, RCA MANUFACTURING COMPANY, INC."

Telegram from Columbia says:

"Bridgeport, We confirm that our consistent policy remains unchanged of refraining from taking action against broadcasters for performance our records. We will not bring action or make claim against your station arising use Columbia Brunswick Vocalion records and will give you due notice if circumstances cause us hereafter to alter policy" (Signed) Columbia Recording Corp Bridgeport Conn"

Letter from Decca Records, Inc, says:

"Heretofore we advised you that the United States District Court for the Southern District of New York rendered a decision holding that

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record manufacturers have the right to control the use of their phonograph records by broadcasting stations. This decision was appealed. We are informed that it may take some time before the courts make final disposition of the appeal.

"It is the purpose of this letter to advise you that for the time being, and subject to withdrawal upon sixty days' written notice, we shall make no claim against you because of any reasonable use of our records on your station." (SIGNED) Jack Kapp, President. (New York April 5, 1940)

Scanned from the National Association of Educational Broadcasters Records  
at the Wisconsin Historical Society as part of  
"Unlocking the Airwaves: Revitalizing an Early Public and Educational Radio Collection."



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