RADIO BROADCASTING

HEARINGS

BEFORE THE

COMMITTEE ON
MERCHANT MARINE, RADIO, AND FISHERIES
HOUSE OF REPRESENTATIVES

SEVENTY-THIRD CONGRESS

SECOND SESSION

ON

H.R. 7986

MARCH 15, 16, 19, 20, 1934

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COMMITTEE ON MERCHANT MARINE, RADIO, AND FISHERIES

HOUSE OF REPRESENTATIVES

SEVENTY-THIRD CONGRESS, SECOND SESSION

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RADIO BROADCASTING

THURSDAY, MARCH 15, 1934.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE MERCHANT MARINE,
RADIO, AND FISHERIES,
Washington, D.C.

The committee met at 10 a.m., Hon. Schuyler O. Bland (chairman) presiding.

The CHAIRMAN. Gentlemen, we have met this morning for the consideration of H.R. 7986, introduced by Mr. McFadden, and the bill will be inserted in the record at this point.

[H.R. 7986, 73d Cong., 2d sess.]

A BILL To amend the Radio Act of 1927, approved February 23, 1927, as amended (44 Stat. 1162)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Radio Act of 1927, approved February 23, 1927, as amended (44 Stat. 1162), is amended by the addition of two new sections to follow section 28 of said Act (44 Stat. 1172), said new sections to read as follows:

"No person, persons, company, association, or corporation owning and operating a radio broadcasting station, and receiving and broadcasting radio programs for hire, shall discriminate in the use of such station in favor of a program of speech sponsored by any person who is a legally qualified candidate for any public office, and/or by any religious, charitable, or educational company, corporation, association, or society or any other like association or society, and against or to the exclusion of another person who is a legally qualified candidate for any public office, or of another religious, charitable, or educational company, corporation, association, or society chartered or licensed under the laws of the United States, because and for the reason that such person, religious, charitable, or educational company, corporation, association, or society holds and promulgates and advocates views contrary to those expressed in programs that have been broadcast. The owner, lessee, or operator of any broadcasting station contracting for or accepting and broadcasting radio programs for one legally qualified candidate for a public office, and for one class of religious, charitable, or educational company, corporation, association, or society, and refusing to contract for or to accept and broadcast for hire radio programs of speech offered for broadcast by another legally qualified candidate for a public office, or by any other religious, charitable, or educational company, corporation association, or society within the provisions of this section, because or for the reason that such legally qualified candidate, or such religious, charitable, or educational company, corporation, association, or society holds or promulgates a contrary or different view from that which is expressed by the person or parties broadcasting programs, shall be deemed guilty of an unlawful discrimination. All persons, companies, corporations, or associations owning and operating a radio station who shall be guilty of a misdemeanor shall be punished by a fine of not less than $500 nor more than $5,000, and in addition thereto may be required to forfeit the license for operating such broadcasting station.

"No person, persons, company, association, society, or corporation shall by threats, or by coercion, or by misrepresentation, or any other like manner interfere with or prevent, or attempt to interfere with or prevent, the broadcasting of any radio program by any owner, lessee, or operator of any radio broadcasting station; or interfere with or attempt to interfere with, or to prevent any owner,

lessee, or operator of any radio broadcasting station from entering into a contract with another person, persons, company, association, society, or corporation, to accept, receive, and broadcast programs of speech and music by radio. No person, persons, company, association, society, or corporation shall induce or attempt to induce any person, persons, company, association, society, or corporation to withdraw business or fincial support or social intercourse from any radio broadcasting station, or the owner, lessee, or operator of any radio broadcasting station in the use and operation of such radio station or in the broadcasting of any and all programs offered to be broadcast, or which may be broadcast at any such station. Any person, persons, association, society, or corporation violating this section shall be guilty of a misdemeanor punishable by a fine of not less than $500 nor more than $5,000, or in the case of an individual or the responsible officials of an association or corporation, by imprisonment for a term of not less than sixty days nor more than two years, or by both such fine and imprisonment."

The CHAIRMAN (continuing). Mr. McFadden, the committee will be very glad initially if you would explain the difference between the existing law and the proposed amendment. As every one knows, the members of the committee are exceedingly busy in their offices and the committee has considerable matter before it; so it is hoped the time will be conserved as much as possible. There is no desire to cut off anybody; but, at the same time, we wish to avoid repetitions; because statements that are introduced by one witness are as much under consideration as if they are reiterated by a number.

STATEMENT OF HON. LOUIS T. McFADDEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA

Mr. MCFADDEN. Mr. Chairman, I am deeply appreciative of the opportunity to say a few words in connection with H.R. 7986, which I introduced on February 14.

My interest in the subject of radio broadcasting is of long standing. I think I can say, without any reservation, that I probably had the first radio-receiving set that was in Washington, and it was manufactured in a plant which I owned personally.

I have been observing for a long time the development of radio broadcasting in the United States and have been very much interested at all times to see that this modern development proceeded without hindrance and without undue censorship. I recognized early the great power and influence that it would have in the dissemination of information. I realized, as a news-distributing agency, that it had powers equal to that of the press, if not greater, and I have felt for some time, as I have observed the programs over the radio, that there was being exercised a degree of censorship, not only in advertising, but in the subjects that were discussed.

While I recognize the fact that the broadcasting companies have at times indicated that they wanted to hear both sides of the question; nevertheless, I have observed, in many cases, that such was not the result.

Mr. SIROVICH. You spoke of the censorship of advertising. Can you mention any instance where you have observed it, regarding advertising?

Mr. MCFADDEN. Oh, yes; there are many of them—many of them.

Mr. SIROVICH. I mean could you mention any specific cases?

Mr. MCFADDEN. I do not just get your question.

Mr. SIROVICH. You spoke about censorship on advertising. I would like to know what advertisements have been censored.

Mr. McFADDEN. Well I will say to the gentleman it is my understanding that much material that goes out as advertising is propaganda and I am referring to that angle of it. I do not know that I want to state any specific cases at this moment, but I will deal with one or two angles of that a little later on.

At the opening, I would like to present for the record a list of the signers of petitions that have been sent in by the millions, 416,000 people in the United States who are interested in this question of censorship. There has been sent to each of the Congressmen in practically every district in the United States petitions from those who are interested in this question of censorship of radio and possible discrimination.

The CHAIRMAN. It is not intended in that respect that those petitions shall all be copied in the record, I presume?

Mr. McFADDEN. Oh, no. This is a condensed statement showing, by congressional districts and States the number from each one.

The CHAIRMAN. Without objection, that may be incorporated in the record.

(The list referred to is as follows:)

Petition signers according to States

SUMMARY

Alabama	28, 770	New Hampshire	5, 863
Arizona	7, 989	New Jersey	841, 781
Arkansas	22, 912	New Mexico	5, 656
California	226, 964	New York	144, 916
Colorado	36, 039	North Carolina	40, 064
Connecticut	22, 651	North Dakota	8, 011
Delaware	4, 058	Ohio	259, 579
Florida	38, 702	Oklahoma	54, 245
Georgia	40, 957	Oregon	23, 072
Idaho	11, 502	Pennsylvania	238, 774
Illinois	132, 091	Rhode Island	8, 348
Indiana	81, 604	South Carolina	14, 409
Iowa	33, 908	South Dakota	9, 139
Kansas	44, 952	Tennessee	37, 867
Kentucky	20, 256	Texas	106, 568
Louisiana	13, 735	Utah	5, 947
Maine	8, 602	Vermont	1, 167
Maryland	27, 533	Virginia	45, 905
Massachusetts	74, 108	Washington	66, 703
Michigan	112, 704	West Virginia	32, 248
Minnesota	43, 303	Wisconsin	34, 256
Mississippi	18, 835	Wyoming	4, 753
Missouri	74, 504	Hawaii	896
Montana	12, 766	District of Columbia	22, 320
Nebraska	20, 039		
Nevada	1, 170	Grand total	2, 416, 141

Petition signers according to congressional districts

ALABAMA

No. 1	2, 260
No. 2	4, 346
No. 3	2, 274
No. 4	1, 569
No. 5	986
No. 6	1, 464
No. 7	947
No. 8	967
No. 9	13, 957
Total	28, 770

ARIZONA

No. 1 (at large)	7, 989

ARKANSAS

No. 1	3, 138
No. 2	2, 356
No. 3	2, 503
No. 4	3, 469
No. 5	5, 159
No. 6	2, 873
No. 7	3, 414
Total	22, 912

Petition signers according to congressional districts—Continued

CALIFORNIA	
No. 1	5,075
No. 2	2,330
No. 3	5,019
No. 4	4,009
No. 5	6,168
No. 6	8,232
No. 7	5,818
No. 8	6,303
No. 9	9,021
No. 10	10,352
No. 11	16,832
No. 12	13,512
No. 13	20,813
No. 14	20,343
No. 15	16,882
No. 16	18,467
No. 17	22,036
No. 18	14,203
No. 19	14,891
No. 20	6,658
Total	226,964

COLORADO	
No. 1	11,755
No. 2	9,474
No. 3	10,947
No. 4	3,863
Total	36,039

CONNECTICUT	
No. 1	7,642
No. 2	1,848
No. 3	3,422
No. 4	6,169
No. 5	3,570
Total	22,651

DELAWARE	
No. 1 (at large)	4,058
Total	4,058

FLORIDA	
No. 1	12,937
No. 2	2,553
No. 3	3,336
No. 4	19,876
No. 1 (at large [1])	
Total	38,702

GEORGIA	
No. 1	5,239
No. 2	4,840
No. 3	6,058
No. 4	1,711
No. 5	6,902
No. 6	2,155
No. 7	4,598
No. 8	4,960
No. 9	586
No. 10	3,908
Total	40,957

IDAHO	
No. 1	5,598
No. 2	5,904
Total	11,502

ILLINOIS	
No. 1	3,175
No. 2	8,699
No. 3	6,043
No. 4	2,654
No. 5	1,721
No. 6	12,323
No. 7	17,268
No. 8	806
No. 9	1,785
No. 10	4,866
No. 11	9,290
No. 12	12,194
No. 13	3,159
No. 14	4,680
No. 15	2,101
No. 16	4,764
No. 17	1,358
No. 18	4,736
No. 19	3,887
No. 20	1,700
No. 21	5,420
No. 22	9,712
No. 23	3,723
No. 24	1,559
No. 25	4,468
No. 1 (at large [1])	
Total	132,091

INDIANA	
No. 1	12,266
No. 2	4,073
No. 3	9,463
No. 4	9,873
No. 5	7,296
No. 6	2,781
No. 7	8,459
No. 8	5,941
No. 9	4,011
No. 10	5,493
No. 11	6,269
No. 12	5,679
Total	81,604

[1] Some taken from each district.

Petition signers according to congressional districts—Continued

IOWA	
No. 1	5, 793
No. 2	9, 205
No. 3	1, 929
No. 4	2, 204
No. 5	3, 248
No. 6	3, 527
No. 7	4, 060
No. 8	1, 821
No. 9	2, 121
Total	33, 908

KANSAS	
No. 1	7, 677
No. 2	6, 091
No. 3	9, 185
No. 4	8, 366
No. 5	5, 359
No. 6	2, 236
No. 7	6, 038
Total	44, 952

KENTUCKY	
9 (at large) (1 package.)	20, 256

LOUISIANA	
No. 1	5, 057
No. 2	1, 142
No. 3	
No. 4	544
No. 5	939
No. 6	4, 376
No. 7	609
No. 8	1, 068
Total	13, 735

MAINE	
No. 1	1, 719
No. 2	4, 307
No. 3	2, 576
Total	8, 602

MARYLAND	
No. 1	704
No. 2	2, 710
No. 3	4, 765
No. 4	9, 250
No. 5	5, 012
No. 6	5, 092
Total	27, 533

MASSACHUSETTS	
No. 1	3, 856
No. 2	2, 566
No. 3	3, 930
No. 4	5, 042
No. 5	5, 439
No. 6	2, 529
No. 7	6, 373
No. 8	5, 995
No. 9	3, 132
No. 10	9, 952
No. 11	2, 811
No. 12	8, 416
No. 13	5, 542
No. 14	5, 479
No. 15	3, 046
Total	74, 108

MICHIGAN	
No. 1	13, 164
No. 2	6, 544
No. 3	6, 758
No. 4	5, 551
No. 5	4, 676
No. 6	9, 227
No. 7	5, 126
No. 8	4, 422
No. 9	2, 678
No. 10	4, 343
No. 11	1, 631
No. 12	1, 147
No. 13	11, 150
No. 14	6, 225
No. 15	8, 797
No. 16	10, 180
No. 17	11, 085
Total	112, 704

MINNESOTA	
9 (at large) (1 package.)	43, 303

MISSISSIPPI	
No. 1	1, 511
No. 2	1, 515
No. 3	4, 768
No. 4	539
No. 5	2, 859
No. 6	4, 798
No. 7	2, 845
Total	18, 835

MISSOURI	
13 (at large) (1 package.)	74, 504

MONTANA	
No. 1	5, 392
No. 2	7, 424
Total	12, 766

NEBRASKA	
No. 1	4, 038
No. 2	5, 146
No. 3	4, 187
No. 4	2, 354
No. 5	4, 314
Total	20, 039

Petition signers according to congressional districts—Continued

NEVADA	
1 (at large)	1,170
NEW HAMPSHIRE	
No. 1	4,092
No. 2	1,771
Total	5,863
NEW JERSEY	
No. 1	13,148
No. 2	10,332
No. 3	5,482
No. 4	2,893
No. 5	4,614
No. 6	8,151
No. 7	4,925
No. 8	6,239
No. 9	4,248
No. 10	4,456
No. 11	6,222
No. 12	7,102
No. 13	2,134
No. 14	4,835
Total	84,781
NEW MEXICO	
No. 1 (at large)	5,656
NEW YORK	
No. 1	3,926
No. 2	5,846
No. 3	3,512
No. 4	1,608
No. 5	1,909
No. 6	3,063
No. 7	2,855
No. 8	3,559
No. 9	1,818
No. 10	1,556
No. 11	2,696
No. 12	2,556
No. 13	114
No. 14	920
No. 15	1,789
No. 16	1,379
No. 17	1,265
No. 18	1,077
No. 19	3,208
No. 20	3,281
No. 21	8,009
No. 22	1,629
No. 23	1,826
No. 24	5,631
No. 25	5,743
No. 26	2,178
No. 27	2,610
No. 28	2,586
No. 29	4,142
No. 30	7,121
NEW YORK—continued	
No. 31	548
No. 32	4,778
No. 33	1,429
No. 34	2,448
No. 35	4,491
No. 36	4,319
No. 37	1,256
No. 38	7,427
No. 39	2,263
No. 40	8,212
No. 41	6,319
No. 42	7,964
No. 43	4,050
No. 1 (at large).[1]	
Total	144,916
NORTH CAROLINA	
No. 1	1,008
No. 2	3,429
No. 3	2,027
No. 4	3,006
No. 5	2,710
No. 6	9,021
No. 7	3,398
No. 8	2,229
No. 9	4,267
No. 10	5,850
No. 11	3,119
Total	40,064
NORTH DAKOTA	
No. 2 (at large)	8,011
OHIO	
No. 1	2,596
No. 2	4,526
No. 3	19,284
No. 4	7,637
No. 5	2,634
No. 6	4,790
No. 7	4,968
No. 8	3,805
No. 9	11,630
No. 10	4,162
No. 11	3,253
No. 12	14,590
No. 13	5,278
No. 14	28,972
No. 15	10,442
No. 16	15,275
No. 17	10,052
No. 18	12,761
No. 19	13,034
No. 20	23,240
No. 21	24,425
No. 22	32,225
No. 1 (at large).[1]	
Total	259,579

[1] Some taken from each district.

Petition signers according to congressional districts—Continued

OKLAHOMA	
No. 1	12,642
No. 2	3,202
No. 3	3,684
No. 4	7,490
No. 5	11,588
No. 6	5,306
No. 7	5,615
No. 8	4,718
Total	54,245
OREGON	
No. 1	13,211
No. 2	2,662
No. 3	7,199
Total	23,072
PENNSYLVANIA	
No. 1	1,972
No. 2	3,479
No. 3	5,032
No. 4	6,087
No. 5	3,655
No. 6	3,568
No. 7	2,586
No. 8	4,490
No. 9	10,725
No. 10	7,685
No. 11	1,730
No. 12	11,870
No. 13	7,887
No. 14	8,209
No. 15	979
No. 16	1,879
No. 17	3,524
No. 18	7,892
No. 19	4,480
No. 20	4,954
No. 21	9,299
No. 22	3,821
No. 23	4,463
No. 24	7,766
No. 25	12,088
No. 26	10,169
No. 27	7,535
No. 28	7,092
No. 29	11,048
No. 30	14,619
No. 31	14,639
No. 32	7,754
No. 33	10,318
No. 34	15,480
Total	238,774
RHODE ISLAND	
No. 1	5,233
No. 2	3,115
Total	8,348
SOUTH CAROLINA	
No. 1	2,198
No. 2	3,162
No. 3	1,652
No. 4	1,992
No. 5	1,195
No. 6	4,210
Total	14,409
SOUTH DAKOTA	
No. 1	7,202
No. 2	1,937
Total	9,139
TENNESSEE	
No. 1	3,964
No. 2	4,505
No. 3	10,335
No. 4	2,089
No. 5	3,373
No. 6	237
No. 7	1,300
No. 8	3,080
No. 9	8,984
Total	37,867
TEXAS	
No. 1	1,545
No. 2	12,929
No. 3	3,990
No. 4	4,100
No. 5	6,942
No. 6	2,422
No. 7	3,379
No. 8	13,313
No. 9	3,975
No. 10	5,732
No. 11	2,622
No. 12	5,323
No. 13	2,127
No. 14	12,800
No. 15	3,477
No. 16	6,572
No. 17	6,226
No. 18	9,094
Total	106,568
UTAH	
No. 1	834
No. 2	5,113
Total	5,947
VERMONT	
1 (at large)	1,167
VIRGINIA	
9 (at large)	45,905

Petition signers according to congressional districts—Continued

DISTRICT OF COLUMBIA	
1 (at large)	22, 320
WASHINGTON	
No. 1	3, 816
No. 2	22, 298
No. 3	5, 406
No. 4	5, 494
No. 5	15, 983
No. 6	13, 706
Total	66, 703
WEST VIRGINIA	
No. 1	7, 191
No. 2	4, 965
No. 3	2, 767
No. 4	5, 132
No. 5	2, 319
No. 6	9, 874
Total	32, 248
WISCONSIN	
No. 1	5, 669
No. 2	1, 207
No. 3	2, 324
No. 4	4, 211
No. 5	5, 699
No. 6	2, 544
No. 7	3, 472
No. 8	1, 822
No. 9	4, 702
No. 10	2, 606
Total	34, 256
WYOMING	
1 (at large)	4, 753
HAWAII	
Hawaii	896

Mr. McFADDEN. This bill (H.R. 7986) covers the points that these people are interested in. I recognize, in that connection, that there are several bills pending before Congress in relation to the subject of broadcasting and the radio business in the United States. The recent message of the President attempting to set up, or suggesting that there be set up, a new bureau or commission on the subject of radio, telephone, and telegraph, is an interesting suggestion and I am aware of the fact that there are pending before the Interstate and Foreign Commerce Committees both of the House and Senate bills proposing to carry out this particular phase of the President's suggestion.

Mr. CULKIN. Is there anything in that bill that proposes to regulate the scope of radio or other communication, or to censor it—in the communications bill that has been introduced?

Mr. McFADDEN. Well I understand that in the Senate bill there is a phase of that; but I do not believe that the subject matters covered in my bill are in that bill. I might say, in that connection, I have no pride of authorship in this bill and, if it is the sense of this committee when those other measures are taken up that the provisions in my bill can be inserted in those bills, if they are to have the right of way, I would suggest to this committee, if they report favorably on this, that it might be included in those bills very properly.

The CHAIRMAN. I think, really, that suggestion would be addressed to the Interstate and Foreign Commerce Committee.

Mr. McFADDEN. Yes. I just mention that in passing.

Mr. CULKIN. Assuming Congress gives them jurisdiction.

The CHAIRMAN. We tried to secure jurisdiction of that bill, as you know, and were not successful.

Mr. McFADDEN. Yes. I tried to help you in that effort as much as I could, and I think now that inasmuch as telephone and telegraph modes of communication are being taken out of the Interstate Commerce Commission, and because of the crowded work of the Interstate Commerce Commission and the Interstate Commerce Committees in both the House and Senate, this legislation should properly be before this committee.

I would like to say that for more than a hundred years America has stood in the very foremost rank of the governments of the earth. In natural resources America is today the richest country under the sun.

The founders of the American Nation desired greater freedom than they possessed. That they might be free and independent of cruel and oppressive rulers they fled from Europe and established the American Republic, to which Nation men have long pointed with pride. When the Nation was young, many of her statesmen were patriots, because they loved their fellowmen and honestly and valiantly contended for a just government. Today there is little true patriotism left among the rulers of the Nation.

The three visible elements of men that rule the Nation are the commercial, the political, and the religious, and, of these three, the commercial is the most powerful. Among the earlier statesmen of America, there were some God-fearing men who foresaw the advance of a mighty and selfish power and gave warning that the greedy would some day destroy the liberties of the people. That warning was unheeded, and the selfish commercial element, which is otherwise called "Big Business," has stealthily and constantly moved forward to its goal. With grasping arms like the tentacles of a mighty octopus it has laid hold upon practically all of the visible wealth of the Nation. At the same time the men who by laborious efforts have developed the country and produced the wealth of the land have been unjustly treated and robbed, and today they are crying for bread; and that in a land of boundless plenty. And the question is raised how long will such unjust conditions exist?

"Big Business" has no regard for the rights of the common people. In 1917, "Big Business," for ultra selfish reasons, needlessly and wantonly forced the American Nation into the World War, which resulted in the greatly increased wealth and power of a few men and made serfs and paupers of many millions of people. Today, "Big Business" owns practically everything visible. By the manipulation of the finances of the Nation, "Big Business" has acquired title to almost all of the real estate, while hundreds of thousands of honest toilers are losing their homes and their land. A few ultra rich men fix the prices of the food products that are reaped by laborers; and, by reason thereof, the farmers are robbed and the laborers are being starved; and that within the borders of the richest Nation of the world.

"Big Business" owns the ships that ply the seas, and that fly through the air. It owns and controls the railways and other ways and means of transportation. "Big Business" has acquired the preferred securities of the public carrier corporations, while some of the common people hold the less desirable stocks and securities. When the railways were recently pressed for money to pay the interest on their preferred securities, "Big Business" caused the American Government to advance a hundred million dollars to the banks upon the pretext of helping the banks to thaw out their frozen assets and to stimulate business immediately; but, instead of so using that money, "Big Business" immediately absorbed the entire hundred million and applied it to the payment of interest on the preferred securities which it held.

"Big Business," which is composed of a very few men, owns and controls the telegraph and telephone lines, the radio, the electric

and power lines, and it owns and controls the mines that produce the fuel and the building material which all the people are compelled to use. It owns and controls the banks and most of the money that is in them. The factories and the great mercantile establishments are owned and controlled by the same selfish interest.

"Big Business" has in its employ the most astute lawyers of the Nation, who write the contracts always in the interest of their clients, and the common people must take the ragged end. Every branch of the Government is contaminated and improperly influenced by "Big Business." It controls the two major political parties of America and names and elects at will the public men to office who will best serve its selfish interests. "Big Business" controls the Army and the Navy, the guns and the ammunition, and the police power of the Nation.

Mr. GIFFORD. Just a moment; I want to get that clear. Did "Big Business" elect Roosevelt?

Mr. MCFADDEN. I think they had a big share in it; yes.

Mr. GIFFORD. Well, you make that statement, don't you?

Mr. MCFADDEN. Well, I do not care——

Mr. SIROVICH. Which interest controls Roosevelt?

Mr. MCFADDEN. Well, I do not care to discuss that angle of the question here in a radio hearing.

Mr. SIROVICH. You have made a general statement here?

Mr. MCFADDEN. Yes.

Mr. SIROVICH. Do you wish to be interrogated on that?

Mr. MCFADDEN. Well, I think that is aside from this particular question.

Mr. SIROVICH. If not, I will respect your wishes.

Mr. MCFADDEN. I will be very glad to go into it with the gentleman on another occasion.

Mr. GIFFORD. That is the trouble, my dear man. I thought you were beside the question, anyhow, myself, and I think the question is very pertinent at this point.

Mr. SIROVICH. Mr. Chairman, I move that the gentleman be permitted to proceed.

Mr. MCFADDEN. Well, generally speaking, in answer to the controversy that has just been raised, I would say that the same financial influences or international influences that were present in the past administration are in evidence here at this particular time, and I think the international financial influence in radio is one of the matters that should be given consideration in connection with any radio legislation particularly as it pertains to broadcasting.

Mr. GIFFORD. I was rather sympathetically following you, and I supposed the past administration would come in for a flaying, but I did not suppose you meant the present one.

Mr. MCFADDEN. So far as I am able to discern, there is very little difference, so far as financial influences are concerned, in the last administration and the present.

Mr. GIFFORD. You spoke about the telephone and telegraph company. How many stockholders are there of that company?

Mr. MCFADDEN. Well, I think, Mr. Gifford, it was said yesterday before one of the committees here that there were something over 600,000 stockholders.

Mr. GIFFORD. Seven hundred thousand, I thought. Is that "Big Business"?

Mr. MCFADDEN. It is "Big Business" controlled, I will say to the gentleman, because of the lack of interest on the part of the stockholders.

Mr. GIFFORD. I agree with that statement.

Mr. MCFADDEN. Which enables those who are connected with "Big Business" to control these big corporations with very little stock control of their own.

Mr. GIFFORD. I agree with that.

The CHAIRMAN. Of course the gentleman understands that silence on our side on an indictment of that kind does not admit acquiescence on the part of the majority members of this committee. [Laughter.] Proceed, Mr. McFadden.

Mr. MCFADDEN. Practically all of the business corporations of America are owned or controlled by "Big Business." The employees of these mighty corporations have a hook in their nose, so to speak, and they dare not call themselves their own. They must obey the selfish men who are the mighty lords of finance or else lose their jobs. They need their salaries to feed and clothe themselves and their families; hence, they are at the mercy of "Big Business" and are therefore serfs.

"Big Business" either directly or indirectly owns or controls almost all of the newspapers and magazines of America, and which agencies serve as propagandists for "Big Business" and their immediate political and religious allies. The same selfish interests own and control the professional clergymen, and these men make merchandise of the Word of God in order to keep the people in ignorance and in subjection to the ruling powers. Thus it is plainly seen that the power of the Government is centralized in the hands of a very few.

Mr. SIROVICH. Did my distinguished friend call the attention of the people of the United States to all of these things when he was chairman of the Committee on Banking and Currency?

Mr. MCFADDEN. I will say to the gentleman I think my record will show that for the last several years I have been pointing out these things.

Mr. SIROVICH. I do not mean for the last several years; I mean during the time the gentleman was chairman of the Committee on Banking and Currency.

Mr. MCFADDEN. Yes; I did.

Mr. SIROVICH. When was it?

Mr. MCFADDEN. I was chairman of the Committee on Banking and Currency for 12 years, ending 2 years ago.

Mr. SIROVICH. And at what time did the gentleman call the attention of membership of the House to these things that he is now calling to our attention?

Mr. MCFADDEN. In various hearings and in statements all through my administration as chairman of the committee. I will say the gentleman will find plenty of it in the hearings on the Strong stabilization bill, which was really an analysis of the operations of the Federal Reserve System, in connection with the domination of that System by "Big Business" and big financiers.

Mr. BROWN. Does the gentleman have any specific instance to give in which those who preached the Word of God have peddled it

as merchandise? In order to make a general allegation, he must have some particular individual in mind that is doing it. For my own part, I would like to know to whom he refers.

Mr. McFADDEN. I will be very glad to tell the gentleman. I am referring to the Council of the Federation of Churches of Christ in America.

Mr. SIROVICH. Does that mean the former chairman of the council, Dr. S. Parkes Cadman, and Bishop R. J. McConnell?

Mr. McFADDEN. It does. They are the chief propagandists on the questions of big business.

Mr. SIROVICH. You know the respect I have for you, Mr. McFadden, but I have always entertained a very great admiration for both the Reverend Dr. S. Parkes Cadman and Bishop R. J. McConnell. I have listened very keenly to Dr. S. Parkes Cadman week after week on the radio preach the true gospel of the brotherhood of man, and I could not conceive in any statement I have ever heard emanate from him an attack that might in any way be considered propaganda. He has always preached the true brotherhood of man and the fatherhood of God.

I would like to know, for the sake of the record, at this time, since those two men have been mentioned, in what way Dr. S. Parkes Cadman and Bishop J. R. McConnell, president of the Protestant Churches of Christ of America, are propagandists and what kind of propaganda they are giving out.

Mr. McFADDEN. I will say to the gentleman, in regard to that——

Mr. SIROVICH. And I say that in all sincerety and in all my affection for you.

Mr. McFADDEN. I will say to the gentleman that both of those gentlemen are members of that particular organization which I referred to as the Council of Federation of Churches. Dr. Cadman until quite recently, was a British subject in the United States. He was very influential in the organization of this particular group and the part that they are taking in the censorship which the N.B.C. have set up of all religious matters, which indicates the international idea in regard to all religious matters, and there are witnesses here, I think, who will present more in detail the affiliations of this particular group, as regards this question of censorship.

Mr. SIROVICH. But while the Rev. Dr. S. Parkes Cadman was born a British subject, is he not today an American citizen?

Mr. McFADDEN. I am not sure. He took out his first papers in 1905 in the United States and there was some lapse of time. Whether those papers have been completed entirely yet, or not, I cannot say definitely.

Mr. SIROVICH. But I mean what propaganda is he giving out; that is what I would like to know—just the specific subject.

Mr. McFADDEN. The subject of internationalism. The groups with which the church is affiliated, this particular group, are engaged with the other organizations, working for the entry of the United States into the World Court and League of Nations, and are a part of that particular group of people who are working to consolidate the interests of the people of the United States with the other countries of the world.

Mr. BROWN. Mr. McFadden, is not that one of the chief tenets of the Christian religion—universal brotherhood, or so-called "internationalism", or respect for the rights of others?

Mr. McFADDEN. Well, I do not think it has quite the tinge that is being taught by these particular groups.

In times past statesmen have warned the people of the danger that would result from the centralization of power in the hands of a few men. While the people have heard this warning, and many of them have sensed the advancing danger, they have been helpless to prevent what has come to pass. Today the common people are bound hand and foot. In 1917 the predatory element that ruled the Nation created the slogan, "The war will make the world safe for democracy", and then caused its propaganda press and its hypocritical clergymen to sound this false slogan throughout the land. Now after 14 years democracy has disappeared from the earth. There is at this very time a concerted movement by those few men who control the commerce of the land to have America ruled by a dictator, which means the setting aside of all constitutional law and the putting into force of such orders as the dictator may deem necessary.

"Big business" maintains paid lobbyists at Washington, which lobbyists conduct also a bureau of information for the special benefit of their employers. Each week a letter goes from that bureau of information to the executive heads of big business corporations. The information is provided for only corporation executives, and not intended for the people. These secret communications disclose in advance the action that Congress will take, what bills it will pass, and what it will not pass; and by watching the public press it is seen that these predictions come true. This and other facts show that the rulers are greatly perplexed and proceeding with much fear.

Well do you know that fear has laid hold upon almost everyone. You see this manifested by Government officials, bank officials, and employees, by business men and farmers, by professional politicians, clergymen, and the common people. Why is there such great fear and perplexity amongst the rulers and distress amongst the people everywhere?

"Big business" and their mouthpieces, namely, the commercialized clergy referred to are reprehensible before God for hindering the truth concerning the present conditions in America and the means which might provide a remedy for the people, by God's help. There should be some action taken to further stop such intolerance in the use of the radio (and that during this session of Congress) to prevent the further entrenchment of such powers. That is the reason why I have introduced this bill and am asking for consideration of it at this time. I believe it will open the way for a fair deal in the proper use of the radio in broadcasting.

Mr. SIROVICH. In the use of the word "intolerance"—"such intolerance in the use of the radio"—what do you mean by that?

Mr. McFADDEN. Well, I think the word is fully understood by the gentleman.

Mr. SIROVICH. No; I cannot understand it. I want you to read that paragraph over, just toward the end there.

Mr. McFADDEN. There should be some action taken to further stop such intolerance in the use of the radio (and that during this session of Congress) to prevent the further entrenchment of such powers.

Mr. SIROVICH. What do you mean by "intolerance" there?

Mr. McFADDEN. I have reference to the kinds of discussions that take place in this propaganda that is being circulated in promotion of the international idea for the United States and not giving an equal opportunity to those who are opposed to that particular view.

Mr. BROWN. Mr. McFadden, you would not propose, of course, to cut out any of their rights to circulate their ideas over the radio, would you; in other words, you just want——

Mr. McFADDEN. I am asking for the same privilege for everyone in that particular. In other words, I do not like the idea of the Radio Corporation arbitrarily setting up, of their own volition, a censorship which deprives other people of the United States, who have views that are in contravention of those views, having the same right.

Mr. SIROVICH. Would you be in favor of having a few clear channels owned by the Government of the United States for the benefit of the people alone?

Mr. McFADDEN. Well, I think in view of the censorship that is being exercised and the use to which radio is being put that it involves the very question of either the Government operating for its own uses, or more strict supervision of the Government over this question.

Mr. CULKIN. Mr. McFadden, are not all those channels preempted now?

Mr. McFADDEN. Practically so.

Mr. CULKEN. Are not they all in use?

Mr. McFADDEN. Practically so; although I believe radio is subject to still greater expansion, if it was possible to adopt certain changes in the method of operation.

Mr. CULKEN. Well the science of radio must be able to find finer broadcasting lanes in order to have more communication; is not that true?

Mr. McFADDEN. I understand the present main chains control about 80 percent of the broadcasting.

Mr. CULKIN. And the Radio Corporation of America controls all chain broadcasting?

Mr. McFADDEN. Well I am suggesting that through that method the two major companies, I understand, control about 80 percent of the broadcasting.

Mr. GIFFORD. Mr. McFadden, I notice over the radio that Members of Congress, who have some very important matters which they are sponsoring, are asked to speak. Now this has received very wide advertising, certainly, this McFadden bill, and have you been invited by the Radio Corporation to speak to the country over the radio on this subject?

Mr. McFADDEN. No, I have not.

Mr. GIFFORD. How do you account for that?

Mr. McFADDEN. Well I have not given it any serious thought. I might say to the gentleman, in answer to that, that something over a year ago I introduced a bill in the House proposing to investigate some of the subversive organizations in the United States. I think I named 19 such organizations. Almost immediately thereafter there went over the air on a Nation-wide hook-up a very severe criticism of the present witness before your committee by Dr. S. Parkes Cadman, because I connected the Council of the Federation of Churches with the Carnegie Foundation and a number of other organizations that were carrying on activities in the United States,

which I considered to be detrimental to the welfare of the people of the United States and its form of government. I was not given the opportunity to answer. I made no application, however. Frequently broadcasters, in my particular activity dealing with these particular subjects here, have paid their respects to me and I have attempted at times to get copies of the statements that were made and in each and every instance I have been unable to secure a copy of the broadcast that was made.

Mr. GIFFORD. I want to suggest that I listen to Senators and Congressman who have specialized in certain things, like the chairman of this committee—I have listened to him with a great deal of pleasure—and I was wondering if you think there has been a well-balanced situation relating to these talks, or have they been very largely in defense of the present conditions. And I wanted to ask how they came to get these invitations, and would the chairman be willing to suggest or someone suggest how these invitations are extended? I often wonder, and I wonder if you know?

Mr. MCFADDEN. I do not know.

Mr. GIFFORD. Do these invitations come from the radiobroadcasting company, or from what source do you receive invitations to speak over the radio on these matters? So many of our Senators and Congressmen have been invited, and who extends the invitation?

Mr. SIROVICH. I will say I have had the pleasure of listening to my friend Mr. McFadden on WJZ and WOR on banking matters, you remember.

Mr. MCFADDEN. Yes.

Mr. SIROVICH. Who extended the invitations to you then?

Mr. MCFADDEN. I was invited to debate, some 2½ years ago, with Norman Thomas by the WOR people, and I spoke once over a Nation-wide hook-up of the NBC; at least, I suppose it was a Nation-wide hook-up.

Mr. CULKIN. What was that subject?

Mr. MCFADDEN. I was invited by a friend of mine here in Washington to go over there and open the program for the Halsey, Stuart Co., a national investment house.

Mr. SIROVICH. Did they allow you to speak on any subject?

Mr. MCFADDEN. No; they wanted me to speak particularly on the opening of the Halsey, Stuart hour, which I did.

Mr. SIROVICH. Did you have to submit your speech beforehand to the company for censorship?

Mr. MCFADDEN. Yes; I submitted it to a friend whom I later understand was connected with the publicity end of either the Halsey, Stuart Co. or the NBC Co.

Mr. GIFFORD. Mr. McFadden, I want to pursue that subject a little further. I wonder if there is any such present use of the radio for what everyone seems to grant is publicity? I think I have had charge of publicity in one way and others have probably had charge of publicity in the other. Is it through these publicity bureaus that get these invitations?

Mr. MCFADDEN. Well, in an address that I made on the floor of the House on the 31st of January, I referred to the possible political censorship or control of certain time for political purposes, and I cited in that particular instance how the Postmaster General, Mr. Farley, speaking in Boston on the previous Saturday evening, was influential

to the extent of killing the regular program of the Columbia Broadcasting hour for that evening so that his particular address could be broadcast.

Mr. GIFFORD. I am interested in the doctor's statement there if there should not be a few cleared channels where the Government would supervise, and I am wondering if any government, at some time or other, would not contain a majority of a political party which would be almost impossible to make the public believe, at least, they could be fair?

Mr. SIROVICH. I want to tell my good friend Mr. Gifford I have been working for the last 3 weeks on a bill which I intend to present shortly, called the National University of the Air, and in which we will have men and women interested in art, science, and politics present their side fairly and squarely on several cleared channels that we have and still own today, that have not been taken away from us.

Mr. GIFFORD. Mr. McFadden, do you think it would be possible for a government such as ours, which always has a majority of one side or the other—would it be possible to have some control of clear channels without some suspicion they were partisan?

Mr. MCFADDEN. I think a certain amount of time could be allotted the administration for the various heads of the Government departments, for the dispersing of information which pertains to the Government.

Mr. GIFFORD. I wanted to know if you are going to bring out here any threats or favoritism, or suggestion from the present Radio Commission which seem to have brought about a condition where favoritism was maintained or fear was instilled into other people. It runs in my mind that there have been some people who have received suggestions from the Radio Commission that they had better not do this, or had better not do that. Have you any information along that line?

Mr. MCFADDEN. I think the gentlemen who are to follow me have specific instances of that kind, which they will enumerate.

Mr. CULKIN. Mr. McFadden, in England, is not the broadcast under the control of the existing Government?

Mr. MCFADDEN. Yes; the British Broadcast.

Mr. CULKIN. And do you know how that has worked out?

Mr. MCFADDEN. I have not studied it in detail; no.

Mr. CULKIN. Do not they usually cut off their opponents when they are on the air?

Mr. MCFADDEN. I have understood they did, yes; and, to a certain extent, I have understood that applied here—that there was static or other elements introduced, if some one was making a statement that was not pleasing. This question that Mr. Gifford raises here is a most interesting question and it is one which I think all of us should give serious thought to—this question of control, for political purposes, of the radio. It is such a powerful influence whereby political parties, by the exclusive use of the radio, can control elections; because there are millions of people in the United States, when they are in a restful state of mind, who listen in to these various talks and are influenced greatly in their determinations as regards political parties or candidates. In my judgment, it is more powerful than the press.

Mr. WILLFORD. How long has this censorship of radio been in evidence?

Mr. MCFADDEN. Well, it has been gradually growing, I will say to the gentleman.

Mr. WILLFORD. And what brought it to the top?

Mr. MCFADDEN. Why, the efficiency of the method.

Mr. SIROVICH. I want to say I was very much interested in your statement before, in which you contended that certain aspersions were cast against you by various speakers and you tried to get the information and the theme upon which they spoke, but could not get it. Would the gentleman be in favor of an amendment to the radio law which would make it necessary for every one who speaks over the radio to give an advance copy of his speech to be kept for the public record, or that it be necessary to have a record taken, like an electrical transcription, that will take down word for word all that the individual states, so that these radio companies may be subject to libel suits, the same as newspapers, magazines, or periodical publications, if they publish statements that libel anybody?

Mr. MCFADDEN. I will say to the gentleman, in that respect, that everyone who speaks over the radio has to submit his manuscript on whatever he proposes to say to the broadcasting company, which is a form of censorship and often has proven to be just that thing—censorship.

Mr. SIROVICH. How can you prove a libel contention?

Mr. MCFADDEN. I think each radio company, if I may say so, should have an accurate record of everything that is said over the radio, so that anyone who wants information regarding a certain statement that has been uttered over a broadcast line should be able to get that statement complete.

Mr. SIROVICH. As a record for a suit for libel?

Mr. MCFADDEN. Well, for whatever purpose he may want it—whether to correct a misstatement, or whatever it might be.

Mr. CULKIN. It is a fact that in the present state of the law any broadcast station is liable in damages for anything said over their station.

Mr. SIROVICH. You cannot prove it.

Mr. CULKIN. Just a minute, Doctor—is that so?

Mr. MCFADDEN. I understand that is the case.

Mr. CULKIN. That is the law in the United States now?

Mr. MCFADDEN. Yes.

Mr. CULKIN. In other words, they have not got to sue the broadcaster; they may sue the station?

Mr. MCFADDEN. I understand that is the case; yes.

Mr. BROWN. Is there any national law to that effect?

Mr. SIROVICH. Yes; but you cannot get proof that the statement was made.

Mr. MCFADDEN. That is the point.

Mr. BROWN. I thought that was up to the various States to include the radio under the libel laws.

The CHAIRMAN. I think it has been left to the libel laws of the States. There is something in the Radio Act about that, but it does not exempt the station, and up in Lancaster County, Nebr., the person giving utterance to libelous or slanderous expressions was held liable. I have forgotten the name of the case.

Mr. BROWN. But they are held liable under the law of the State in which it is uttered, and not under any national law.

The CHAIRMAN. I think that is true. The law as it now exists, as I recall, simply permits that liability to be enforced.

Mr. MCFADDEN. I am told that it is the position of WGY at Schenectady, as stated by Mr. Winslow Leighton, the commercial manager of WGY, that that station was under the control of the National Broadcasting Co. and that no religious matter of any kind could be broadcast over WGY, or any NBC station, without first being approved by the Federation of Churches censorship committee. I think it would be well for this committee to ascertain in minute detail just how this censorship board is set up and why. I think it has a bearing on this whole question that is now before you, and it is a broad question—it is broader than the bill I have introduced here.

It is a matter of great interest to the people of the United States. As all of you know, the introduction of any resolution pertaining to broadcasting or the freedom of the air brings forth a great volume of interest from the American public. The same class of people who recognize that the press of the country is more or less muzzled are interested to know, in this new development, that the control of the air is not abused, but that it is kept open and free for the benefit of all of the people of the United States, and is not used to the detriment of any particular class of people in the United States.

I might say, in connection with this subject of centralizing all radio communications, and the telegraph and telephone at this time, it presents a most interesting situation, when you consider that the British are at the same time undertaking to centralize more directly their control over these same agencies and that one of the leading representatives of Great Britain is in Canada now, or has been for the past few weeks, on this very question of a centralization of control of all means of communications. At the same time, this same gentleman, who happens to be a director of the Bank of England, is putting the finishing touches on the centralized banking plan for Canada, wherein a central bank will be established. It may be that these things are entirely disassociated from each other; but it looks to me as if a general movement is on foot to further centralize and control all communications internationally. And in that connection, it is interesting to note that the International Telegraph & Telephone Co., and the various agencies that are dealing in international communications are also the controlling features in broadcasting throughout the United States.

Mr. SIROVICH. Is there any interlocking of members of the boards of directors there?

Mr. MCFADDEN. In many cases, yes; and it would, I think, be very interesting for the committee to look into that particular subject of the control of those agencies at this time.

Mr. GIFFORD. Mr. McFadden, this committee has spent many weeks going into that, and the older ones on the committee will remember how the American Telephone & Telegraph Co. and others parceled it out, some to manufacturers and some to broadcasters, who would not interfere with each other. The matter has been before the Federal Trade Commission and they have made a very voluminous report, as you know. But this bill that you have here seems to be a politicians and religious bill, to protect people running for public

office and to protect religious propaganda sent over the air; is not that practically it?

Mr. McFADDEN. Yes. It is directed at that, particularly; but there are many other phases of it. I have just said that should be dealt with, if possible, in the form of legislation.

Mr. GIFFORD. This committee recalls how some of us complained and have complained constantly that the whole thing is wrong; that this should be more of a communication affair so that if you are out in the wilderness or out on the water anywhere, at a specified hour you should be able to receive a communication from home, right in your automobile, without interference; but, instead of that, you are obliged not to use it, because of interference with the telephone and telegraph.

And you must recognize, with a great invention like this that we have claiming our attention before this committee, it is far from being what it ought to be. It ought to be more useful; we ought not to be supposed to have to listen, whether we like it or not, to Amos and Andy—which I do like [laughter], and whole lot of other things, which we do not like, when the lines ought to be cleared for communications, or education, perhaps.

Mr. McFADDEN. Yes.

Mr. GIFFORD. Or to communication, as you say; but the thing is parceled out and this committee has been knowing that, and I insist again on asking the question—because the Radio Commission feel that they have not the right of censorship, are you going to produce any witnesses that will tell this committee they have received hints not too vague that certain broadcasting stations had better not do this or better not do that?

Mr. McFADDEN. I think the gentleman will be quite satisfied before the witnesses who will follow me have finished.

Mr. GIFFORD. I think many of us here know that broadcasting stations do not even dare come forward and tell us about those hints, and I am wondering if you have witnesses here who will do that.

Mr. McFADDEN. May I suggest this, that I recognize the cost of the up-keep of these broadcasting systems, but I cannot understand why, on a noncontroversial matter, those who want to broadcast their views are barred, when they will pay for the service.

Mr. GIFFORD. Well do you think if it was under Government supervision, like in England, where the radio owner himself pays perhaps $10 a year to own a radio and all matters are put out by the Government, or by a governmental agency—do you think that there would be a freer right that anybody might be able to broadcast?

Mr. McFADDEN. I should hope that would prevail; but, oftentimes, such nations as that are controlled at the top, where the liberties are taken from them in that respect.

Mr. SIROVICH. The gentleman spoke of an international conspiracy that was designed to control the telegraph and telephone and radio. Would you be specific for the record and name the individuals, groups, or corporations that you think are responsible for trying to bring about this international conspiracy?

Mr. McFADDEN. Well I did not use the word "conspiracy." I pointed it out as an interesting incident that the British now have a representative in Canada, or have had during the past two weeks, dealing with that subject.

Mr. SIROVICA. Who is that representative?

Mr. MCFADDEN. Lord Kindersly, a director of the Bank of England.

Mr. SIROVICH. And who are some of the American people who are cooperating with him?

Mr. MCFADDEN. I did not suggest they were cooperating, I suggested it was an incident that was interesting of note, that while——

Mr. SIROVICH. I think you left the inference with the committee that such a thing is going on. That is why I asked.

Mr. MCFADDEN. I just suggested it as an interesting observation that the British and the Canadians are carrying on simultaneously with the agitation here the further centralizing of the control of communication—that the British should be interested to that extent.

The CHAIRMAN. For the information of the committee, the case to which I referred just a few moments ago, in line with the question propounded by Mr. Brown, is the case of *Sorenson, plaintiff on appeal, v. KFAB Broadcast Co.*, which originated in the district court of Lancaster County, in the State of Nebraska, and finally went to the Supreme Court, the Supreme Court denying the writ of certiorari.

That was a case which involved an alleged slanderous statement made by a candidate for office, and originated under, or there was invoked, as I recall, section 18 of the Radio Act, which provides that if any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcast station, he shall afford equal opportunities to all other candidates for that office in the use of such broadcast station, and the licensing authority shall make rules and regulations to carry this provision into effect; provided, that such licensee shall have no power of censorship over the material broadcast under the provisions of this paragraph, and that no obligation is imposed upon any licensee to allow the use of its station by any such candidate.

And the claim was made by the defendant's statement that, in view of the fact that it was denied the right of censorship, consequently it should not be held liable in damages. It was so held liable in damages. I do not know what the ultimate result has been; but, if the members desire to look it up, that is the principal case on that point.

I might say, also, the suggestion is made that the Radio Commission assumed that it had no right of censorship. As a matter of fact, under the provisions of section 29 of the Radio Act, it is expressly provided.

> Nothing in this act shall be understood or construed to give the licensing authority the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the licensing authority which shall interfere with the right of free speech by means of radio communications. No person within the jurisdiction of the United States shall utter any obscene, indecent, or profane language by means of radio communication.

That is section 29. It is my recollection that when that bill was under consideration in the House the question of slanderous expressions came up, and it was the general concensus of opinion it would be, as Mr. Brown stated, determined by the laws of the States.

Mr. GIFFORD. Mr. Chairman, under section 18, it says no obligations are hereby imposed upon any licensee to allow any candidate to speak; but, if he does——

The CHAIRMAN. They must allow the opposite party.

Mr. GIFFORD. They must allow the opposite candidate the equal right. Now, a small radio station that is only allowed 2 or 3 hours a day, when there are many candidates for office, of course, when they have their regular programs with which they are tied up, we find that although one candidate may be on, who may be your opponent, that they do not have sufficient time, because of the radio being tied up by candidates for other offices at that same election; and it is absolutely impossible for those small radio stations to parcel that out and give the candidates equal opportunity.

The CHAIRMAN. My purpose was simply to bring the matter to the attention of the committee.

Mr. GIFFORD. Yes; but I want to show how impossible it is to frame any particular law here that would apply in all cases. It simply cannot be done.

Mr. MCFADDEN. I think I have completed all I have to say, unless there are further questions, with this possible exception:

In regard to this censorship I have suggested, which is in operation through N.B.C. I understand the position of N.B.C. is that that is their contribution over the air, the religious discussions, and that they have set up this arbitrary group to censor all matters pertaining to religion which are broadcast over the air. So far as the two major broadcasting companies are concerned, I think that covers the situation.

I question the right, however, of any broadcasting agency to set up a censorship over religious discussions and attempt to have the Christian religion represented by the Council of Federation of Churches. I recognize there are many Christian churches that have joined in some kind of an association; but this council does not by any means represent the Christian church movement in the United States, and on certain phases of the Bible and the discussions entering into religious matters, under that censorship, other organizations are deprived of their rights to discuss those subjects over the air.

Mr. GIFFORD. One simple question about this bill: I notice the same old statement here in the penalty sections, that you are going to fine somebody so many thousand dollars and, second, you are going to put in jail some members of the corporation.

Mr. MCFADDEN. Yes.

Mr. GIFFORD. You cannot put a corporation in jail, and how are you going to find the responsible members of that corporation?

Mr. MCFADDEN. I think the court would be a little liberal in that case. I think the attitude of the Supreme Court recently has been to treat corporations as individuals.

Mr. GIFFORD. I do not know about the Supreme Court——

Mr. MCFADDEN. I recognize, in that respect, the usual course has been followed in the drafting of the penalty section of this particular bill.

Mr. GIFFORD. I know, but how does it work out?

Mr. MCFADDEN. It works out in about the same manner that those penalty provisions usually work out—very little, except a stump speech is involved.

The CHAIRMAN. As the proponent of this bill, Mr. McFadden, could you point out specifically the additions to the existing law which are contained in your bill?

Mr. McFADDEN. I will say to the Chairman I have not attempted to do that, but I will be very glad to add an analysis of it to what I have said here this monning.

Mr. RAMSPECK. Mr. McFadden, we, of course, all believe in free speech and we attempt no censorship of newspapers; but is it not true that the law permits a newspaper to reject any article or any advertisement which may be offered to them?

Mr. McFADDEN. Yes.

Mr. RAMSPECK. Do you think it would be possible to require radio stations to adopt a different policy, unless we specifically relieve them of liability for libel and slander?

Mr. McFADDEN. Well that, I recognize, is a problem. I would not want to say definitely that that should be done, or should not be done. This subject of the control of the press, as well as the radio, is a very pertinent one now, and I think it should consume the attention of the Members of Congress; because there is a growing censorship of the press which I believe is in contravention of the Constitution—the practices that have grown up in this country in the way of advertising and through the influences that control the papers, which are acting as a censorship, and the same principle is involved in broadcasting. And it is a problem that in its actual operation should be given very careful consideration by us at this time.

Mr. RAMSPECK. Now, Mr. McFadden, you made the statement that this administration, as well as the previous administration, were controlled by "Big Business." The cancelation of the air-mail contracts was certainly not in the interest of "Big Business", was it?

Mr. McFADDEN. Well, I would not want to express myself on that. It is a very controversial question.

Mr. RAMSPECK. Well, as a matter of fact, any Member of Congress knows that "Big Business" was opposed to the cancelation of those contracts, was it not?

Mr. McFADDEN. Certain lines of "Big Business", yes.

Mr. RAMSPECK. Section 7 (a) of the National Recovery Act was certainly bitterly opposed by "Big Business", was it not?

Mr. McFADDEN. I understand it was, yes.

Mr. RAMSPECK. Yet the President has very recently and emphatically expressed his views favorable to that section of the law.

The stock exchange bill, which is now pending, is being very bitterly fought by "Big Business" all over the country, is it not?

Mr. McFADDEN. I understand it is being fought by the influences of the New York Stock Exchange, who have circularized the country, which is resulting in a bit of propaganda that is coming on all of our desks at this time; yes.

Mr. RAMSPECK. And the Securities Act, which was enacted by the extra session of the Seventy-third Congress, has been very bitterly criticized by "Big Business," and they have even withheld the issuance of securities in an effort to have that modified, have they not?

Mr. McFADDEN. I have not watched that as closely, perhaps, as the gentleman has, but there were some very restrictive sections in that bill. There were certain sections of it that I was very much in sympathy with; but I do not feel that that bill, in its actual operation, has worked out to be in the best interests in the flotation of securities that were bona fide and right. Whether that has been resistance on the part of the issuing houses or not is quite a question. I do feel,

however, since the gentleman has raised that question, that one of the great problems before this country at this time is the question of financing maturing obligations. And we find, in that connection, that one of the difficulties in refunding the obligations of industries railroads, and everything else, is largely the unfortunate control of those concerns by "Big Business." And I think beyond a question of doubt that some of the resistance to the Securities Act which you referred to, that was passed at the last session, as well as the resistance to the enactment of control over the exchanges in the further issuance of securities through those channels, is undoubtedly brought about by the opposition of selfishly controlled financial institutions.

Mr. RAMSPECK. Now, the bank-deposit guaranty bill was very bitterly fought by all of the large banks in the country, was it not?

Mr. MCFADDEN. Yes; it was.

Mr. RAMSPECK. And, in addition to that, the Wagner bill, which is now pending to regulate company unions is being very bitterly attacked by the National Association of Manufacturers, is it not?

Mr. MCFADDEN. As regards the bank guaranty of deposits bill, I have expressed myself quite frankly and fully in regard to that, and I will say to the gentleman that 2 years before that bill was passed, in New York, I was told by a representative of the bankers that we were going to pass that bill. When I said I did not think so, they insisted that the bill was to be passed and, when I asked the reason, they said that the investment bankers and the bankers who had sold phony securities to the banks of the country and to the investors throughout the country were afraid to meet the depositors of those banks, and they were demanding a guarantee of those deposits.

I tried to make it clear to the administration, as best I could, that I felt that the responsibility should be fixed and that those men who were responsible for looting the banks in the United States should be punished and one of the regrets I have now is that over a year has passed and there has not been any fixing of responsibility on those men who are responsible to a great extent for the condition of the banks in this country which has caused many of the failures, nor has punishment been meted out to them.

Mr. SIROVICH. The gentleman has constantly been attacking Mr. Mellon on the floor of the House; is that right?

Mr. MCFADDEN. Not Mr. Mellon personally, his practices.

Mr. SIROVICH. I mean Mr. Mellon personally, and the things that he represents.

Mr. MCFADDEN. Well, I have been calling the attention to the evasion of taxes by him and his corporations and to certain refunds of taxes.

Mr. SIROVICH. Do you think the commendable action of the Attorney General of the United States, Homer Cummings, was a response to the appeal of the gentleman from Pennsylvania (Mr. McFadden)?

Mr. MCFADDEN. I think it is.

Mr. SIROVICH. Does that look as if the present administratiou is protecting "Big Business"?

Mr. MCFADDEN. I would not say.

Mr. RAMSPECK. I would like to ask the gentleman, in view of the support by the President of those matters I have referred to, as well as the energetic efforts to bring about better conditions for the aver-

age man, how he can justify the charge he made that this administration is controlled by "Big Business"?

Mr. BROWN. Before he answers that, I would like to add one other matter to those, that the Muscle Shoals development will furnish power at 7 mills per kilowatt-hour to the people of the central and eastern part of the United States, and it is bitterly fought by the power interests all over the United States, which, through the avenue of the radio, is now broadcasting a program urging the people not to allow the cities and towns or the State legislatures to pass legislation allowing them to take advantage of that, and that in my own State of Kentucky the people have just been refused by a "power"-controlled governor and a "power"-controlled legislature the right to take advantage of that 7 mills per kilowatt-hour; and I want to ask if the gentleman thinks the present program of the President of the United States is sponsored by "Big Business" and controlled by "Big Business"?

Mr. MCFADDEN. Well, I am not expert enough on the power project to answer the gentleman.

Mr. BROWN. You know the difference between 15 cents a kilowatt-hour and 7 mills.

Mr. MCFADDEN. Yes.

Mr. BROWN. Now do you think a program which gives 7 mills per kilowatt-hour as against 15 cents per kilowatt-hour in the State of Kentucky is for or against the people?

Mr. MCFADDEN. Well the gentleman's question answers itself in that respect. But to answer the question of the gentleman from Georgia, I cite the present control of the Federal Reserve System; I cite the fact that pretty nearly every financial set-up that has been created in the last session and in the present session has been to bolster up the banking situation and the financial group which control industry and the railroads of the United States; that the dealing with the international financial situation, through the war debt negotiations and otherwise, indicates that the same international financial influences are in operation now that were in operation previously.

Mr. GIFFORD. May I suggest something to Mr. Ramspeck, also, as this "Big Business" argument seems to be pertinent: Our Boston banks did not want to insure under that Guaranty of Bank Deposits Act the banks that had failed down there; they said they thought it was unfair, and of course they resisted it, and they have gone so far now, in my own State, as to absolutely insure their own savings banks and own cooperative banks.

They do not want to be embroiled all over the country with banks that are not so prosperous, perhaps. Now, you made a statement in reference to the Securities Act, and I am wondering if Mr. Ramspeck has ever been called upon as a director to sign that statement as to the issuance of any security. I am not identified with "Big Business," and I despise it as much as anybody here; I am a school teacher formerly; but I want to say this, that I have a little fairness, I hope, and I want to read this statement relating to that. I have seen the Securities Act; I have seen the statement that one of my friends had to sign in order to get his company on its feet again, and how he ever

dared to sign it, I do not know, but this is said here by a Washington correspondent:

> More than anything else this country needs encouragement to recover and to return to the initiation by private enterprise of new ventures which will restore employment. This cannot be accomplished with enterprise in the strait-jacket created by the Securities Act of 1933 and tightened by this bill—

That is, by the present stock-market bill, which is threatened.

I repeat that I am not identified with "Big Business" in any way, but I realize I cannot hire any scared money; I cannot get it any more; and that some aid and credit has got to be given, rather than this constant fear you are engendering. That is said in all pleasantness.

Mr. SIROVICH. The distinguished gentleman will realize that there was need of this legislation, if he will look back to March 4, 1933, to see what the old conditions had brought about, with every bank closed in the United States, and with almost 6,000 banks collapsed.

Mr. GIFFORD. And that from November 4 to March 4 nobody knew what was going to happen; they were drifting for 4 months.

Mr. SIROVICH. Therefore the gentleman concedes some of the things that happened——

Mr. GIFFORD. We drifted for 4 months right into it.

Mr. MORAN. And we drifted prior to the 4 months.

Mr. SIROVICH. I would like to say to my friend, Mr. McFadden, in view of what has been suggested to him by Mr. Ramspeck and Mr. Brown, let me just supplement by stating that the St. Lawrence Treaty that the President is courageously and valiantly fighting for is another indication of his interest in the people of the United States, and does not the gentleman think, therefore, when he takes the composite picture of 1 year's administration by Franklin D. Roosevelt, that he can truthfully state he not only stands for speed and order in government but for progress and reform at the same time?

Mr. MCFADDEN. Well I can say there have been some things the President has done in regard to some of those matters that are commendable but the St. Lawrence Waterway is not one of them.

Mr. GIFFORD. Is there any more confidence in the people than there was a year ago about investing money?

Mr. MCFADDEN. How is that?

Mr. GIFFORD. Is there any more confidence on the part of the people to invest money than there was a year ago?

Mr. SIROVICH. Yes; if they know the money will be safely protected.

Mr. GIFFORD. I notice the Federal Reserve bank loaned less this year than it did a year ago.

Mr. SIROVICH. That is because all banks today are in a liquid condition; they are not interested in helping business, as we were told the other day.

Mr. GIFFORD. They are in a state of liquid fright.

Mr. SIROVICH. It is better to have liquid fright than liquid flight, with no return. [Laughter.]

Mr. MCFADDEN. I thank the committee.

The CHAIRMAN. Who is the next witness you want to present?

Mr. MCFADDEN. Mr. Wertz.

The CHAIRMAN. Please give your name and whom you represent.

STATEMENT OF E. S. WERTZ, ATTORNEY, CLEVELAND, OHIO, ON BEHALF OF JEHOVAH'S WITNESSES

Mr. WERTZ. My name is E. S. Wertz; I am a practicing attorney from Cleveland, Ohio. I am here as one of the individuals who signed this petition, of which there are more than 2½ million others, which was filed with Congress by those who desire to hear the broadcasts given by Jehovah's Witnesses.

The CHAIRMAN. Mr. Wertz, in order that the record may show, it is always desirable to know—are you appearing individually or are you appearing as counsel?

Mr. WERTZ. I appear as an individual and as a friend of Judge Rutherford, with no arrangement as to compensation. He asked me to come here and present the matters which his friends had to offer in evidence, and I told him I would be very glad to come here and assist them.

The CHAIRMAN. I will say there is no disparagement if there is compensation. It is simply to get the matter clear.

Mr. GIFFORD. Do you represent Judge Rutherford?

Mr. WERTZ. No; I am representing Jehovah's Witnesses.

Mr. GIFFORD. And you have had no arrangement with Judge Rutherford, you said?

Mr. WERTZ. Yes; I said that.

Mr. SIROVICH. Who are the "Witnesses of Jehovah" here?

Mr. WERTZ. There are quite a number of them, probably a dozen, and I have taken the liberty of preparing the order in which we would like to present them, if it is satisfactory to the committee.

The CHAIRMAN. Just avoid repetition as much as possible.

Mr. WERTZ. Yes.

Mr. BROWN. Mr. Wertz, of course, I am an attorney, too, and I know sometimes, when we have no previous arrangement as to compensation, it does not mean we won't have any. You expect to make some arrangement about compensation, don't you?

Mr. WERTZ. I assume Judge Rutherford or Jehovah's Witnesses will compensate me for my time and expense.

Mr. BROWN. Therefore you are here as an attorney representing this group and you expect to be compensated by them.

Mr. WERTZ. You may put it that way.

The CHAIRMAN. Is this "Jehovah's Witnesses" a term used by you or is it an organization?

Mr. WERTZ. It is an organization, as I will show you by certified articles of incorporation, as soon as I make my statement.

Mr. GIFFORD. It costs Judge Rutherford a lot of money to put this over the radio, does it not?

Mr. WERTZ. Yes.

Mr. GIFFORD. Where does he get those funds?

Mr. WERTZ. Those funds are contributed by those in the United States who believe in his movement and in his efforts. They are voluntary contributions. There are no members of this organization in the sense that they join something and belong to it and pay dues to be in good standing; they are merely men and women who believe in the movement of which he is the head.

Mr. GIFFORD. And when he is on the air, is there a surplus of voluntary contributions more than the necessary expenses, possibly?

Mr. WERTZ. I cannot give you any information on that; but the secretary of the organization is here and can give you that information.

Mr. GIFFORD. Do you think he would be willing to do that?

Mr. WERTZ. Oh, absolutely; yes.

Mr. WILLFORD. I would like to ask a question, just as a point of information: You say "Jehovah's Witnesses." Just what does that mean?

Mr. WERTZ. May I finish my statement; I will explain it to you in this statement?

Mr. WILLFORD. Yes; thank you.

Mr. WERTZ. As I say, I am here as one of the individuals who signed the petition of which there are two and a half million others, and filed with Congress, who desire to hear the broadcasts given by Jehovah's Witnesses. These two and a half million people have said to Congress the message concerning the true God by Judge Rutherford and others of Jehovah's Witnesses is of interest to us. We disapprove of every attempt to prevent hearing these broadcasts. I also am here to assist in the presentation of the evidence for Jehovah's Witnesses to support these requests.

Judge Rutherford and other Jehovah's Witnesses are barred from the use of the services of the National Broadcasting Co., the Columbia Broadcasting System, and others of the independently operated stations in the United States. Major chain corporations grant the use of their services to other church organizations without compensation but deny it to Jehovah's Witnesses although they have paid and are willing to pay for the time and the use of facilities. These petitioners object to the chain corporations' selecting certain groups with a single line of religious thought to the exclusion of other groups expressing a different line of Biblical thought. These petitioners object to coercion and threats and to the boycott methods brought by certain religious organizations on radio chains and independent stations to prevent offering their facilities to Jehovah's Witnesses in preaching the gospel.

The barring of Jehovah's Witnesses from the use of the effective radio facilities of the country is brought about by the National Broadcasting Co. and the Columbia Broadcasting System by refusing their facilities, and by both of these systems acquiring an interest in the time of the independent stations by acquiring a preferred right to use the time of independent stations, many of whom would otherwise accept the programs of Jehovah's Witnesses. The inability of Jehovah's Witnesses to use the independent stations in this country is further barred by the action of the Roman Catholic Church officials through threats and coercion in preventing these independent stations from accepting the programs of Jehovah's Witnesses.

Mr. SIROVICH. Have those talks by Jehovah's Witnesses over the radio been used to make attacks against the Catholic Church?

Mr. WERTZ. There have been statements against the doctrines of the Catholic Church but against no member of the Roman Catholic Church or any other church. They have been discussions of the doctrines that are taught by the different religious organizations.

Mr. GIFFORD. He asked you if they were attacks; not discussions.

Mr. WERTZ. They are attacks on no individuals; they are attacks, as I take it, or explanations of the doctrines that are taught by the different religious organizations.

Mr. SIROVICH. For example, what are some of them; state some of them for the record.

Mr. WERTZ. Well I have witnesses here who will give you the exact statements of those things that you ask, which will answer your question.

Mr. SIROVICH. All right.

Mr. WERTZ. The National Broadcasting Co. and Columbia Broadcasting System have successfully barred these petitioners from hearing Jehovah's Witnesses' message by appointing a religious-policy committee consisting of a member of the Catholic, Protestant, and Jewish sects. This committee determines what religious or Biblical instruction and teaching may go on the air through the chain systems. This committee has banned Jehovah's Witnesses' programs from the air.

The radio facilities of the United States are used in the interest of the Jewish, Protestant, and the Catholic faith to the exclusion of independent schools of Christian thought and independent Christian teachings.

Mr. SIROVICH. Do these sects that are permitted to use the broadcast band ever attack another religious denomination or do they preach the doctrines of their own faith?

Mr. WERTZ. They preach the doctrines of their own and explain why, as I understand—they preach and explain why the doctrines taught by other denominations are not in accordance with the Word of God.

Mr. SIROVICH. But would this sentiment wound the pride and hurt the feelings of anyone who was born, through accident of birth, to a certain religion; would it harm him in listening to those things?

Mr. WERTZ. I think they are educational, rather than attacks against any other sect.

Mr. BROWN. I think he misunderstands your question. The Doctor [Mr. Sirovich] asked if these statements that were broadcast by those other religious denominations attack any other religious faith. It would appear from the witness' statement that your people are attacking the Roman Catholic religion and its preachings, instead of giving the preachments of their own faith.

Mr. WERTZ. They are giving the preachments of their own faith and explaining why the others do not conform to the Word of God.

Mr. SIROVICH. Well, why should they do that? If a man wants to take a railroad that goes to God that is called the Catholic road, and another one wants to take a Protestant road, and another wants to take a Methodist road, and another one the Jewish road, why should you object to any individual taking any road he wants? They all lead to God in the end.

Mr. WERTZ. In answer to the gentleman's question, I will say there are gentlemen here who will answer those questions for him. I am merely desiring to make a statement as to what the testimony will prove that we offer, and these gentlemen, I think, are qualified to answer your question. I am not.

Mr. SIROVICH. My purpose in asking the question was to supplement the statement you have made before.

Mr. WERTZ. I will have other witnesses here who can answer you; I cannot.

Mr. GIFFORD. Has there been any discrimination by you against Christian Science?

Mr. WERTZ. I cannot answer that question; I have no information on that.

Mr. GIFFORD. You do not know of your own knowledge?

Mr. WERTZ. No, I have no information.

Mr. SIROVICH. Do these Jehovah's Witnesses also object to atheists?

Mr. WERTZ. I would not assume to answer that, but I will say they certainly object. That is the principal part of their ideas, as I understand them.

Mr. SIROVICH. In other words, they are the anointed group, self-anointed, who are to go out and convert the world only to their own view, is that it, through destructive criticism leveled at every other faith?

Mr. WERTZ. As far as I can answer that question, I will say they make no attempt to convert anybody.

Mr. SIROVICH. What is the purpose of denouncing the doctrines of the other groups?

Mr. WERTZ. That is one thing they do not do. As I understand it, they merely preach what is in the Bible.

Mr. SIROVICH. In other words, they give their personal interpretation to the sentiments contained in the Bible?

Mr. WERTZ. They do not; they quote the Bible. They do not give personal interpretations of it.

Mr. SIROVICH. But they breathe their own sentiment into certain expressions that they utilize; is that right?

Mr. WERTZ. I am sure they do not, but I will call the individuals who can answer those questions.

Mr. SIROVICH. Then why should there by any objection from any other religious organization to giving them the opportunities of free speech that they are entitled to have?

Mr. WERTZ. May I say to the gentleman that I have some witnesses here arranged in order who can answer your question. I am not qualified to enter into a discussion, so far as the Biblical end of this hearing is concerned.

The CHAIRMAN. A lawyer does not have very much time for that, does he, Mr. Wertz? [Laughter.]

Mr. WILLFORD. He is in deep water right away. [Laughter.]

Mr. WERTZ. I want to get the matter presented to you in an orderly way; then you can ask all of the questions you want to.

Mr. RAMSPECK. I suggest we permit the witness to finish his statement.

The CHAIRMAN. We shall be very glad to do so.

Mr. WERTZ. As I say, the radio facilities of the United States are used in the interest of the Jewish, Protestant, and the Catholic faiths to the exclusion of independent schools of Christian thought and independent Christian teachings.

Mr. SIROVICH. The gentleman used the word "independent"; I just want to ask what do you mean by "independent"?

Mr. WERTZ. That they are not affiliated with either the Presbyterian Church, or the Catholic Church, or the Jewish Church, or the Christian Church.

Mr. BROWN. Don't leave out the Methodists. [Laughter.]

Mr. SIROVICH. The reason I ask is that the word "independent" in the dictionary, if you look it up, will mean one that can not be depended upon.

Mr. WERTZ. That may be true, but I do not believe that definition will apply to these people, when you see the results they obtain.

The CHAIRMAN. Proceed, Mr. Wertz.

Mr. WERTZ. When these results were learned 2½ million people of the United States, who had listened to the programs of Jehovah's Witnesses, filed this petition with Congress, which was the largest petition ever filed here, protesting against the banning of the programs of Jehovah's Witnesses from the air. Jehovah's Witnesses have been barred from the use of the radio facilities that effectively cover the area of the United States.

After filing these petitions, House Resolution No. 7986 was introduced to protect political parties, religious, and educational organizations in their right to use the air and to prevent discrimination. We favor this resolution for the reason that it will prevent any station discriminating for or against any charitable, religious, or educational association organized under the laws of the United States. It will prevent any station from refusing to contract with or accept any program of speech of any so-called religious or educational association provided that station has accepted programs of any other religious, charitable, or educational associations which has a different or contrary view to that offered. It will also prevent any person or association from using threats or coercion or misrepresentation to interfere with or prevent the owner of a radio station from accepting for broadcast such programs as are offered by Jehovah's Witnesses. It will make it an offense for any person to induce any person to withdraw business or financial support from any broadcasting station which does accept any programs from Jehovah's Witnesses or similar organizations. The adoption of this resolution by Congress will prevent the unfair practices of the chain stations and will make it possible for an independent station operator to accept programs without fear of the loss of business in accepting programs on the same terms as others offered without being threatened with loss of business in case he does extend his facilities generally to all schools of thought.

Now, we will try, as quickly as possible, without wearying the committee, to present the witnesses. I would first like to offer to the committee's attention a certified copy of the articles of incorporation of Zion's Watchtower Tract Society, and particularly to the paragraph on the purposes, which is article II:

> The purpose for which the corporation is formed is the dissemination of Bible truths in various languages by means of the publication of tracts, pamphlets, papers, and other religious documents, and by the use of all other lawful means which its board of directors, duly constituted, shall deem expedient for the furtherance of the purpose stated.

That is incorporated under the laws of the State of Pennsylvania and this is a certified copy.

Mr. BROWN. Is there anything in that articles of incorporation that gives as the purpose of that organization attacks on other religious faiths?

Mr. WERTZ. No.

Mr. BROWN. Is the Catholic religion mentioned in it?

Mr. WERTZ. I think the gentleman's difficulty arises, if I may say so——

Mr. BROWN. I have lots of difficulties. [Laughter.]

Mr. WERTZ. I think the difficulty arises from the definition of what constitutes "attack."

Mr. BROWN. All I am asking now is there any reference in there to the Catholic religion or to the Methodists, or any other?

Mr. WERTZ. No, sir; there is not.

Mr. BROWN. There is no reference in there?

Mr. WERTZ. No, sir. It is organized for the purpose of dissemination of Bible truths in various languages.

Mr. SIROVICH. When was that organization founded?

Mr. WERTZ. These articles were recorded on the 15th of December 1884.

The CHAIRMAN. Without objection, the paper will be incorporated in the record. (See Appendix.)

Mr. WERTZ. This is a certified copy of the articles of organization of the People's Pulpit Association. This was incorporated on the 19th day of November 1912, under the laws of the State of New York. I will read one paragraph:

Resolved, That the purposes and powers of the People's Pulpit Association be extended, as follows, to wit: Charitable, benovolent, scientific, historical, literary, and religious purposes, and for the purpose of maintaining and conducting classes for the gratuitous instruction of men and women, on the premises or by mail, in the Bible, Bible literature, and Bible history, and for the gratuitous teaching, training, and preparing of men and women as teachers and as lecturers on the Bible and preachers of the Gospel, and to provide and maintain a home, place, building, or buildings for the gratuitous housing, sheltering, and boarding of such students, lecturers, teachers, and ministers, and to gratutously furnish to such students, lecturers, teachers, and ministers suitable meals and lodging, and to prepare, support, maintain, and send out to various parts of the world religious missionaries, teachers and instructors in the Bible and Bible literature, and for public religious worship, and for the purpose of the publication and distribution of Bibles and Bible and religious literature; and that the directors of this corporation be authorized and directed to execute and file a certificate pursuant to section 4 of the membership corporation law, and to take such other steps as may be necessary and proper.

Now this is a certified copy of the original incorporation of the People's Pulpit Association. Article III says that:

The purposes and powers of the corporation are hereby extended by adding to the statement thereof a further statement to read as follows: "The operation of a radio broadcasting station in interstate commerce to carry out the present purposes and powers of the corporation."

That was executed on the 30th day of July 1932.

(The papers above referred to will be found in the Appendix.)

Mr. CULKIN. Will the gentleman state whether or not this organization does in fact operate a radio station?

Mr. WERTZ. They have a small-powered station in Brooklyn, N.Y.

Mr. CULKIN. They have a license for that?

Mr. WERTZ. They have a license for that.

Mr. CULKIN. What is the style of that station, if you remember?

Mr. WERTZ. WBBR.

Mr. CULKIN. That is in operation now?

Mr. WERTZ. Yes. These people had a permit filed for erection of a station at Albany, N.Y., and when it came time to have this permit allowed, why there was a notice called to their attention that New York State had more radio stations than was their quota, and that

they should arrange to divide time with WGY at Schenectady. This was done for a time, until WGY was taken over by one of the chains, and then the chain closed them off from that station entirely.

Mr. CULKIN. But the Brooklyn station still continues to operate?

Mr. WERTZ. Still continues.

Mr. CULKIN. Do you know what is the range of that station—the distance?

Mr. WERTZ. It is a thousand watts.

Now I want to call the committee's attention to the Articles of Incorporation of the International Bible Students' Association, incorporated on the 30th day of June 1914 under the laws of England, and I have a certified copy which we will offer in evidence.

The CHAIRMAN. We are getting into internationalism now, aren't we?

Mr. WERTZ. Yes. These Jehovah's Witnesses are having disseminated their information, as I understand it, in 61 countries of the world.

(The Articles of Incorporation of the International Bible Students' Association will be found at the conclusion of today's hearing.)

Mr. SIROVICH. Mr. McFadden is against internationalism. [Laughter.]

Mr. WERTZ. Well we are perfectly content to take the good we can get out of the good in Mr. McFadden's bill, and to leave the committee to take care of the balance.

Mr. GIFFORD. I notice that the word "gratuitous" appears very often.

Mr. WERTZ. Yes.

Mr. GIFFORD. It is a pretty large program and needs a great deal of financial support?

Mr. WERTZ. Yes.

Mr. GIFFORD. Now tell us how they get that financial support.

Mr. WERTZ. As I understand it, since I came to Washington to prepare this evidence, I have been at the home in Washington that is leased by the Washington members of this association and they can make voluntary contributions, as I understand it, to pay for the maintenance of that home. These members, people who are interested in the work, receive $15 a month to take care of their street-car fare and to buy their clothing. They are fed at a common table and all chip in to pay the expense of it. The income of Judge Rutherford in this work, which he is conducting, is limited to $15 a month. I was in New York on Monday——

Mr. BROWN. $15, and expenses, is it not?

Mr. WERTZ. And maintenance—board and room.

Mr. BROWN. Is that the limitation put on there—and maintenance?

Mr. WERTZ. No; just board and room. It is limited to that; it does not cover anything else than the $15 a month. You asked the question——

Mr. GIFFORD. I want to say to you we have had so many letters that we approach this thing from a sympathetic viewpoint, and you must not regard the questions as unfriendly——

Mr. WERTZ. Yes; I do not.

Mr. GIFFORD. But we are trying to find out the truth, and you want to dispense the fears of those that have any suspicion it is a money-making proposition.

Mr. WERTZ. Oh, absolutely. I feel sure the members of this committee will approach it from a sympathetic point of view, when they understand how these people take this work that they are in.

Mr. GIFFORD. Do you sell those tracts that are printed to get money?

Mr. WERTZ. I understand they do not sell them for money; they offer them to them and tell them they are glad to receive 15 cents, 5 cents, 6 cents, 2 cents, or 30 cents, or whatever the books are, and that money is turned into the treasury and used to reprint other books.

Mr. SIROVICH. Are you familiar with the methods of the Christian Science religion at all?

Mr. WERTZ. I am not.

Mr. GIFFORD. You are not?

Mr. WERTZ. I am not.

Mr. GIFFORD. You never have received treatment?

Mr. WERTZ. No; I never have.

Mr. CULKIN. Can the gentleman state how many subscribers there are to this creed in the United States; do you have an approximation?

Mr. WERTZ. In answer to that question, I would first have to say that this organization has no creed. It only uses the Bible and follows the language of the Bible.

I understand from talking with the officers of the association there are in the neighborhood of 15 million in the United States that are interested in this movement. And that must be so, when they can file a petition here of about two and a half million people in about 3 weeks. And I will say, further, that this 15 million are made up, as I understand it, of Catholics, Protestants, and Jewish people, and nationalities from all over the world. In my own office in Cleveland there were three gentlemen came to see me last week on a matter of legal business and all three of them got to discussing this matter here before Congress, and they volunteered the information to me that they had been raised Catholics and were members of the Catholic Church until they understood the real teaching of the Bible, and then they affiliated themselves with this thought.

Mr. BROWN. Have you converted any Methodists away from the church? I want to find out about the Methodists. [Laughter.]

Mr. WERTZ. I would like to call Mr. Koerber, the representative of this association in Washington, to answer that.

Mr. SIROVICH. First, what is this Jehovah's Witnesses? Is that an organization? You said you would explain that.

Mr. WERTZ. Jehovah's Witnesses is the generic term that is applied to these people who are operating under these charters I have read to you, to carry out those purposes. It is a generic term.

Mr. SIROVICH. It is a composite term?

Mr. WERTZ. Yes; they might be called Bible students, or Zion Watch Tower Followers, but they have taken the name which they claim to use under authority of the Bible. It is a generic term.

Mr. SIROVICH. As interpreted by this organization?

Mr. WERTZ. Yes; as interpreted by this organization.

STATEMENT OF ANTON KOERBER, WASHINGTON, D.C.

Mr. KOERBER. My name is Anton Koerber, 1603 Massachusetts Avenue; home office, 117 Adams Street, Brooklyn, N.Y.

The CHAIRMAN. What is your official position with these organizations?

Mr. KOERBER. I am the Washington representative for the Watch Tower organization and also travel from place to place on the mission of an evangelist and in connection with various business of this organization. I have been with it since 1914—exactly 20 years now. I was very pleased to note some of the questions that were asked and, if I may, I would like to refer to them briefly and probably clear up a misapprehension that developed over a word that was used.

In these broadcasts that were referred to, there is no attack made upon any one as individuals, or any creed or any organization of people regarding their faith; but any one knows that in stating the Scriptures and doctrines, certain questions are involved there that have been regarded as controversial. But if the truth is plainly stated, it is not controversial. However, one of the first things that will be noticed in studying the Bible is that the Lord condemned the attitude of the clergy, who have for years past prevented the people from an individual understanding of God's purposes expressed in the Bible. The clergy, as leaders of organized religion, now oppose the message of His kingdom. As it was in the prophet's day, in the Lord's day, and during the Middle Ages, so it is at the present time. And because statements have been made along that line from time to time in stating the Scriptures showing what is prophesied for this day and showing that the clergy have been most negligent in declaring certain scriptural truths of what is taking place on earth; they have become incensed, organized, and decided that this association and this message must go off the air. That is what this whole trouble is all about.

Mr. BROWN. I thought that the Lord only condemned lawyers? Will you quote where he condemned the clergy?

Mr. KOERBER. I will be glad to.

Mr. BROWN. I am a lawyer. [Laughter.]

Mr. KOERBER. I will answer your first question first, Mr. Brown, by saying that in the days of the Lord when one referred to lawyers, they referred also to those men who were priests or the clergy, for in those days Hebrew men were compelled to study the Bible for an understanding of the law instead of the present method of legislation of today, and for that reason they were referred to as lawyers. And second, the thought that is derived from those statements of condemnation in the Bible was that they had formed their own courts in addition to the Roman courts, which meant to say that while they lived there in Jerusalem under Roman law they claimed to be loyal to God as Jews and among themselves regarded His word as supreme, concerning the various details of their lives. But when the Lord came to declare God's Kingdom which would bring peace on earth as Jehovah had promised through the prophets, and good-will to fellow men, the clergy found occasion to be against him because he exposed their true position as not representing God's law and he called them hypocrites; and that is the condition that exists in Christendom today. All those conditions pictured what would exist

today. Now I would like to make this statement: Judge Rutherford desires to make a statement, before this committee. He is in California. He is not well or he would be here. He has spent 40 years in this work, and I think it would be enlightening to this committee to hear what he has to say regarding this work we are engaged in, and the interference experienced, as well as the developments, which led to the filing of these petitions. Then, if you care to ask me any questions, to the best of my ability, I will try to answer them. May I have that permission to read it?

The CHAIRMAN. Without objection, you may proceed.

The Chair hears none.

Mr. KOERBER. This is addressed:

To the Congress of the United States, the Seventy-third, second session, Washington, D.C.:

STATEMENT

Supporting all of bill number H.R. 7986.

The undersigned Joseph F. Rutherford, makes the following statement under oath:

My name is Joseph F. Rutherford, my residence 124 Columbia Heights, Brooklyn, N.Y. Temporarily I am at San Diego, Calif. I am, and since 1917, have been the president of the following organizations or corporations, to wit: Watch Tower Bible and Tract Society, Peoples Pulpit Association, International Bible Students Association, all of which are in fact one and the same and engaged in identically the same work, being organized in different places and under different names for convenience.

About the year 1869, a company of Christian people at Pittsburgh, Pa., formed themselves into an organization under the name of Zion's Watch Tower Tract Society, and in the year 1884, by process of law became incorporated by that name and title. In 1896, by order of the Common Pleas Court of Allegheny County, Pa., duly entered of record, the name of the corporation was changed to that of Watch Tower Bible Tract Society. In 1909, the Peoples Pulpit Association was created and organized under the membership corporation law of the State of New York. The term "International Bible Students Association" was a generic term applied to all people of a common faith in different countries of the earth who were associated together in a specific Christian work, and in the year 1914, a corporation was formed under the laws of England by that name. * * *

In other words, that organization was formed to carry on this work in other parts of the earth.

* * * The term "Society" is often used to designate these Christian people in united body engaged in their specific work under the direction of the corporations above named. Seeing that Jehovah God's chief purpose was and is to take out from the nations a people for His name to be used for His witnesses, these Christian people, by the Lord's favor, have taken the name of "Jehovah's Witnesses" and are generally known throughout the earth by that name.

The sole purpose of the organizations above mentioned is to serve Jehovah God as He has commanded in His Word, the Bible, which requires all who have devoted themselves to Jehovah God to be obedient to His laws or commandments. The persons of this association or organization are taught and firmly believe that there is one Almighty God, the Creator of heaven and earth, and whose name alone is Jehovah, which latter name specifically means His purpose toward His creatures; that there is one Redeemer of mankind, the Lord and Savior Jesus Christ, who is the Son of Jehovah God. We accept and believe and teach the Bible, which is otherwise designated the Holy Scriptures and this we understand to be the Word of God given for the instruction of man in the way of righteousness.

We have no formal creed such as formulated and promulgated by other organizations. We believe the Bible and that is our creed. We put forth no effort to obtain members, nor to propagate the doctrine of any human organization. The Bible teachings which we fully accept we understand to be the following, to wit:

God created the earth and created the first man perfect and placed him on the earth; that God made His spirit creature Lucifer the overlord of man; that Lucifer rebelled against God, and thereafter his name was changed from Lucifer to

Satan, Serpent, Dragon, and Devil; that Satan induced man to sin against Jehovah's law, and for that wrongdoing man was sentenced to death, and all the human race being the offspring of that first man, Adam, by reason of inherited sin, were born as sinners or imperfect; that Satan challenged Jehovah God to put on earth men that would maintain their integrity toward Him and be faithful to God under the severe test; that God permitted Satan to live and carry on his rebellious work in order that his challenge might be fully put to the test and in due time forever settled in the right way, and that a testimony might be given to all creation to the name of Jehovah in order to give opportunity for men to voluntarily take their stand on the side of Jehovah God and live or choose to take their stand on the side of the Devil and be destroyed. The great climax must be reached at some time, and that is now at hand.

To carry out his side of the question put at issue by the challenge, Jehovah promised that he would send to earth a redeemer of man, which redeemer would purchase the human race, and in God's due time would establish over the earth a government of righteousness and under which all men might have the opportunity for everlasting life and happiness; that God sent his beloved Son Jesus to the earth for this purpose; that the death of Jesus provided the redemptive price for man; that Jesus was raised from the dead a divine creature and made Jehovah's chief representative in the universe and the rightful Ruler of the world.

The Scriptures further plainly set forth and teach that men have formed governments from time to time and endeavored to carry them forward and that Satan, exercising his subtle and wrongful influence over men, has influenced them and caused and induced their governments to become corrupt and to dishonor the name of Jehovah God; that Satan carrying on this unrighteous work has overreached religious organizations and has used them as his chief means to deceive the people, as well as the rulers, and to turn them away from the true God, and hence the world in general has come under the wrongful influence and domination of Satan the Devil; that the majority of men are ignorant of this great fact * * *

In fact we all were.

* * * and it is God's will that testimony should be given concerning the same that men may understand the truth thereof.

We do not claim to interpret the Scriptures; we claim, however, that they set forth certain facts during the various generations that men have lived on earth, as a guide to life.

The Scriptures plainly show that in Jehovah's due time Jesus must come again and set up his kingdom of righteousness; that the time of his coming might be known by men who were watching and waiting therefore, the Scriptures declare that this time should be marked by a world war, accompanied by pestilence and great distress and perplexity upon the nations of the world; that in 1914 this prophecy concerning the end of the world and the coming of the Lord's kingdom began to have fulfilment and the understanding thereof became possible only after that date; that Jesus Christ approximately at that time cast Satan the Devil down to earth and for that reason there is now great suffering, woe, and distress upon the nations and peoples of the earth, and that Satan is the primary cause of such distress and suffering and he brings this upon men in order to turn them away from the true God and his kingdom; that just now Satan is gathering all the nations, and particularly the nations of Christendom, to the great battle of Armageddon, at which battle Satan's organization will be completely destroyed; that according to the Scriptures that will be the greatest tribulation the world has ever known and will be the end of all trouble upon the earth; that following Armageddon peace and prosperity, happiness and life will come to men who are obedient and that the obedient will abide forever upon earth and there will never be another war; that the great battle of Armageddon is impending and that it will come to pass within the present generation.

The Bible further teaches, which we accept and believe, that Jehovah has commanded that within the period of time from 1914 A.D. until the battle of Armageddon the faithful followers of Christ Jesus on earth must be witnesses for Jehovah and must inform the rulers and the people of Jehovah's purpose to destroy the wicked rule of earth and in its place and stead to establish his government of righteousness under Christ Jesus for the blessing of all the nations of the earth. To this end, therefore, Jehovah God commands his witnesses to proclaim and teach that the millions of people who have died are not in purgatory, nor in a place called hell, nor are they conscious in any place, but that they are dead, in the grave, know not anything, and hence are not undergoing suffering any-

where; that during the reign of Christ Jesus, all who are in their graves or the state of death shall be resurrected and be given an opportunity to take their stand on the side of the Lord and obey him and live forever on earth; that the Bible shows conclusively that, since the dead are actually unconscious and out of existence, no man or men can offer prayers in behalf of the dead, and that prayers of men offered for the dead are wholly without value and avail nothing; that all prayers must be made to God in the name of Christ Jesus, and only God can forgive sins in answer to prayer; that Jehovah God alone is the lifegiver and hence that he is the Father because father means life giver, and he alone can bestow the blessings which men sorely need; that under Christ Jesus' reign these blessings will come and for this reason Jesus taught his followers to pray: "Thy kingdom come, thy will be done on earth as in heaven", and since then all of his true followers have thus and sincerely prayed to Jehovah God.

The Bible further teaches, and which teachings we accept and strive to obey, that those who are devoted to God must proclaim the good news concerning the kingdom of God both to the rulers and to the people and to inform them as taught by the Scriptures that the only hope of the world is God's kindgom and that this testimony must be given not for the purpose of converting men of the world now, but as a witness, in order that those who desire may serve God and live, or refuse to serve Him and lose that great privilege; that as soon as this witness work is completed, there will follow the great tribulation of Armageddon; and following Armageddon will come the resurrection of the dead and the blessing of the people of the earth who obey the laws of God's kingdom.

The teaching of these Bible truths as commanded by the Lord has caused religious leaders to become greatly angered at us for the reason that these Bible truths make known the fact that the people have been taught many doctrines which are not supported by the Bible, and hence the people have been deceived greatly to their injury. For this reason, leaders in religious denominations have launched an active campaign against Jehovah's witnesses. We have no controversy with any man and we have no fight with any man but we must be obedient to Jehovah's commandments and declare this truth as set forth in His Word and it is His Word of truth that has caused the great opposition to our work and has resulted in much persecution of the faithful and harmless Christian people who have engaged in this work of proclaiming the truth.

The radio is the creation of God and not of any man, hence it is our God-given privilege and duty to use the radio to proclaim the truth which is set forth in the Bible in order that the people might hear and this we have been doing. The truth proclaimed by radio has exposed the errors taught by men and therefore it is the truth that has caused the opposition to our using the radio. Instead of replying to the teachings which we have been promulgating from the Scriptures, the opposers seek to destroy our opportunity of using the radio for that purpose and to try to deprive the people of having the opportunity of hearing these truths by radio. Repeatedly I have offered to discuss these Bible questions with the clergymen by radio, not for the purpose of holding up any one to ridicule, but that the people might for themselves determine what they desire to believe, but all such requests for such a public discussion have been ignored and the opposition to our work has increased in the manner above mentioned.

The very existence of the governments and peoples of the earth is now at stake and for that reason there could be nothing of such public and vital importance to the people as a correct knowledge and understanding of Jehovah God's purpose of and concerning them. If the people go the wrong way, they shall surely die, whereas, if they go in the right way, they may receive the blessings of life. Hence, the message of God's kingdom proclaimed as set forth in the Bible comes clearly within the purview of the Radio Act concerning public interest, convenience and necessity.

Many radio stations have gladly broadcast our programs and during the past 3 years there has been a wide proclamation of the truth in this way, and this has afforded to the radio stations much legitimate revenue since we have paid for the broadcasting of such programs. In that time, millions of people have heard these Bible instructions and have rejoiced and these truths have helped them to be better men and women. Such has been the expression by many thousands both of Catholics and Protestants, Jews, and non-Jews. It must be conceded that the people have the right to hear what they please without interference from any one and, as long as that which is broadcast is moral and upbuilding, and for the good of those who hear, surely no one has any right to interfere with the proclamation of the same.

The Catholic people as such are not against the message which we proclaim and this is evidenced by the numerous letters received from Catholics in various parts of the country. Many of them have expressed their great desire to hear more and thousands of them are reading that message that is in printed form. It is the priests or clergymen and officials of the Catholic organization that have engaged and carried on and are carrying on a vigorous and vituperative campaign against us. That they have a right to abuse us no one will call in question, but they do not have the right to employ the means of boycott, of threats and coercion against radio stations in order to force such stations to cease taking and broadcasting our programs. The Catholic press and the Catholic clergymen throughout the country are employing these very wrongful methods and threaten business loss and disaster to radio stations in order to prevent them from taking and broadcasting our programs and thus are depriving the people of hearing them as well as depriving the radio stations of legitimate right to broadcast such things as they may deem proper.

We are not here asking for any favor of Congress, but we are here demanding that our rights and the rights of the general public be safeguarded and that men and organizations be prohibited from employing threats to destroy the business of radio stations and using that and like coercive methods to compel radio stations to deny us the use of their facilities. We will be the last ones to ever complain of opposition to us, but we do insist that we have the right under the fundamental law of this land, and above all under the law of God, to contract with the owners of radio stations to broadcast our programs and that such stations have the right to freely contract with us without interference or fear of suffering loss at the hands of other persons or organizations. For that reason we are asking this Congress to make it a criminal offense for any person or organization to use threats, boycotting or other coercive methods to hinder or interfere with the free making and performance of contracts between persons or organizations with reference to radio broadcasting. Such a rule of law is general, and for the general welfare and not in the interest of any particular organization and every honest and law-abiding person should be in favor of such a law. It extends the same privilege and protection to all regardless of religious faith or previous condition of servitude.

With elaborate pontifical ceremonies, the year 1933 was declared to be a holy year in which united prayers should be made to bring to the world peace and prosperity. In a radio speech I called attention to this as being presumptuous before the Lord, since no man has any power or authority to declare a year a holy year. That proper and legitimate and Scriptural criticism of "Holy Year" called forth from the Catholic press a tirade of abuse and villification against me and repeated threats to destroy the business of radio stations that would dare to continue to broadcast speeches made by me. * * *

And that has been going on ever since. We have a copy of that broadcast, and see if you can find anything in it—I urge you to find any personal criticism or any offense to any creature.

Mr. SIROVICH. What did you say, then?

Mr. KOERBER. May I just finish this?

Mr. SIROVICH. Yes.

Mr. KOERBER (reading):

Concerning the personal abuse of myself, I have no complaint, but threats made against owners and lessees of radio stations who broadcast such programs as they desire, and therefore putting such owners and lessees in fear of loss of business or social support and which resulted in depriving millions of people of hearing what they wish to hear is so grossly wrong that it demands the serious attention of Congress. Let the Roman Catholic clergy believe and teach what they desire, but when they attempt to tell American citizens what they may or may not hear or what they may and may not do, and employ threats, boycott and coercive means to accomplish their wrongful purpose, then it is that the law-making body of this land should take positive action for the protection of American interests.

Surely it has not come to the point in America that the people are permitted only to hear one side of an important question at issue. The so-called "Holy Year" has come and passed, and the united prayers of the political religious institutions have resulted in bringing neither prosperity nor peace to the world; but, on the contrary, wars are threatened, and poverty continues to stalk abroad in the earth. Jehovah God in the Bible has told why these unhappy conditions are here and what will be the outcome thereof. Is it not of greatest public interest, convenience, and necessity that the people hear these truths?

No religious, political, or financial institution has the constitutional right to use the Federal Radio Commission either directly or indirectly in an attempt to frighten the owners or lessees of radio stations and thus cause them to refrain from broadcasting certain or specific programs which they have the legal right to broadcast. A case in point is this—

And this will answer Mr. Gifford's question.

* * * After broadcasting my speech on "Holy Year" by a large number of radio stations in the United States, and after the Catholic press and the clergy had launched a vigorous attack upon me and against the radio stations that had broadcast the same, and after the clergy had made vigorous protest to the Federal Radio Commission against such speech, then the Federal Radio Commission requested me to file with it a list of stations that had broadcast that speech and to furnish a copy of the speech to the Federal Radio Commission, which request I readily complied with. After all of this and after the Commission had been furnished the information requested, then the Federal Radio Commission addressed letters to numerous radio stations, the names of which stations were on the list I had furnished to the Commission, requesting such stations to advise the Commission as to whether or not they had broadcast my speech concerning the "Holy Year." The manifest purpose of such letters to the various stations was not to obtain information asked for, but was an indirect way of advising such radio stations that further broadcasting of such speech by myself might be grounds for refusing to renew their license. That some of the stations so understood and construed those letters I know to be true, because managers of radio stations so expressed themselves. For the guidance of the Federal Radio Commission and for the public interest, Congress therefore should so amend section 11 of the radio act as to clearly define the meaning of the phrase therein, to wit: "Public interest, convenience, and necessity."

If the Roman Catholic hierarchy be permitted to determine what is of public interest, convenience, and necessity, and can by means of threats or other wrongful means prevent radio stations broadcasting what is displeasing to such religious organization, then the Roman-Spanish inquisition will be in full force in America even though in a somewhat more refined form, and the freedom of speech in this land will cease. The Congress should take positive action, not in behalf or against any religious organization, but in behalf of the people in general to safeguard the interest and the rights of the people which are guaranteed by the Federal Constitution.

With us it is not at all material, nor do we care if the Catholic institution increases its followers by the millions, because that responsibility is upon that organization and the men who conduct it, and they must account to Jehovah God and not to us. We are commanded by Jehovah God to sound His notice and warning to the rulers and to the people concerning His name, the establishment of His kingdom, and what shall shortly fall upon the world; and this we must do in order to meet the responsibility laid upon us, and all who oppose the proclamation of such message of truth will receive a just recompense at the hand of Jehovah God. The obligation now resting upon this Congress is to see that no hindrance is put in the way of a free proclamation of God's Word and that obligation cannot be side-stepped or met by merely ignoring it.

There are two gigantic radio corporations in America owning, leasing and operating radio stations, to wit, the National Broadcasting Co., and the Columbia Broadcasting Co. These corporations by their officers have undertaken to determine what the American people may or may not hear with reference to what the Bible contains and hence have limited the use of their facilities to certain religious organizations and have unjustly and do unjustly discriminate against all others, including ourselves, and which is detrimental to the interest of millions of American citizens. Such radio corporations have denied the use of their facilities to us for hire because what we teach is not pleasing to certain religious organizations which organizations they do favor. Such unjust discrimination should not be permitted and this Congress should take the necessary steps to prevent such discrimination. The rights of the people are supreme to that of any organization or corporation and the right of the minority can not be properly ignored. Unless this Congress takes action as here suggested, then millions of people will be denied the opportunity of hearing God's Word of truth and this Congress will bear a great responsibility therefore before Almighty God.

We call attention to these facts which are fully supported by God's Word, the Bible, and by the physical facts which are now apparent to all, that it may be seen that the world has reached a great crisis, and that no man knows the way

out, but God's Word furnishes and clearly points to the only way out and the only possible way of escape to safety; that God has commanded that these facts must be brought to the attention of the rulers and to the people themselves and a failure of God's witnesses to do so would cost them their lives.

In this hour of great crisis upon the world and when the people are in such dire need of knowledge and understanding of God's Word of truth, every effort should be put forth to give the people an opportunity to hear and understand the Bible truths. No person, persons, companies, or corporations should be permitted to put in fear owners and lessees of radio stations and thus wrongfully prevent the people from hearing by radio the all-important message of Jehovah's Word. Having brought these matters to your attention, our responsibility ends and there yours begins. In all kindness I suggest that before passing finally upon the question raised by the petitions filed in support of this bill, that you give due consideration to the fact that Christ Jesus is earth's rightful King and Jehovah God; that His kingdom is at hand, and that this matter of notice and warning is given to you in harmony with the expressed will of God, as set forth in the prophecies, and these facts having been brought to your attention, such adds greatly to your responsibility, as declared in the following and many other supporting Scriptures, to wit: Ezekiel 3:18–21; Psalm 2:6–12.

That is signed by "J. F. Rutherford" and is sworn to before a notary public:

STATE OF CALIFORNIA,
County of San Diego, ss:

On this 14th day of February, A.D. 1934, before me Maiguerite De Luca, a notary public in and for said county, personally appeared Joseph F. Rutherford to me known and known to be the person who signed the statement set forth in the foregoing pages, and being by me first duly sworn, says that he signed and executed the same and that the statements therein are true.

Subscribed and sworn to before me the day and date above.

[SEAL] MARGUERITE DE LUCA,
Notary Public in and for the County of San Diego, State of California.

Now, I will be glad to answer your questions, Dr. Sirovich.

Mr. SIROVICH. Will you be kind enough to give the committee the benefit of the substance of one of those sermons on the air?

Mr. KOERBER. In my humble way, I will try to: The substance of those sermons on the air is based, of course, on what has just been stated; that is, that Jehovah God did not make this earth for creatures to live in the terrible condition which has existed for centuries; that he has always promised through the Scriptures that sometime there is going to be a better day, and that day will be when men have good bodies, minds, and hearts and have a right to life by following the course of action which God has provided through His kingdom for everyone obedient and which will give them the right to life in that kingdom, just like they have a right to citizenship in the United States. For that reason, the establishment of God's kingdom is of paramount importance, so He taught His people to trust in Him and to pray that time saying when we pray "Our Father, who art in Heaven, Hallowed be Thy name; Thy kingdom come", and all the prophets, the Lord Jesus, the disciples all pointed to that time. And when that time does come it is evidenced by certain outward signs and those signs began to be fulfilled since 1914; that there is page upon page, in fact there are 150,000,000 books in the hands of people in this country, which give evidence of these signs according to the Scriptural proof; that the Lord has called a people for His name to give testimony as His witnesses concerning these facts and that we find the same opposition to the message; the same difficulty existing

as existed in the days of the prophets and in Jesus' day, that is, that those who claim to have the only authority to state the Scriptures, those who claim to have the only authority to read and understand the Scriptures, namely, the clergy, who have made a business out of religion and hindered the free proclamation of the truth. No one can have a knowledge of God's purposes unless he is devoted to the Lord. The fact that the clergy are not recognizing that God's kingdom is at hand and are not giving the people the message as God directed in the Bible, proves they are not serving the Lord.

There is not one man out of a hundred who takes the time to read and study the Bible, but there is a group of people who have taken it upon themselves to be loyal to Almighty God and to study such questions for themselves, and that is what they are doing. If others do that, if that method grows, that means that the preachers will all be out of business. For that reason, they are protesting against this.

Mr. SIROVICH. Did not the Saviour follow the Prophets Isaiah, Jeremiah, Hosea, Obadiah, Malachi and Ezekiel?

Mr. KOERBER. Yes, sir; they were all men of God.

Mr. SIROVICH. And did not the Saviour state at the time that he was interrogated like you are now "Give unto Caesar that which is Caesar's and give unto God that which belongs to God"?

Mr. KOERBER. Absolutely, but under diff——

Mr. SIROVICH. Now he gave unto God that which belongs to God. Did not you have the priesthood in those days?

Mr. KOERBER. Yes, they had what they called "priests".

Mr. SIROVICH. Did not they have an organized group of disciples that went out to be witnesses to carry the Gospel? And what were the actual disciples of Christ, if it was not an organized priesthood?

Mr. KOERBER. Yes, they had an organization which Jesus——

Mr. SIROVICH. Then if you had been living at that time you would have appeared before some committee and said "Don't let these people go out and preach because they are an organized priesthood" where they had devoted and consecrated their lives to their ideal?

Mr. KOERBER. May I answer your question direct?

Mr. SIROVICH. Surely.

Mr. KOERBER. Who fulfilled the Scriptures? Did the prophets fulfill the Scriptures or did the priests of Jesus' day fulfill the Scriptures?

Mr. SIROVICH. The priest is to interpret the Word of God.

Mr. KOERBER. The faithful prophets were servants of God but not always the priests. God called the prophets to give the Kingdom message. Jesus was both faithful as a priest and a prophet of God. That is why he is called "the faithful and true witness". He was the true prophet of God because he declared God's word of truth. Many of the wicked priests or clergy killed God's prophets for declaring the truth; that is why Jesus said "Oh, Jerusalem, thou didst kill with stones the prophets", and the same class also had Jesus killed for declaring the truth.

Mr. SIROVICH. That is an interpretation.

Mr. KOERBER. I am stating facts from the Scriptures.

Mr. SIROVICH. Well, that is an interpretation of the Scriptures.

Mr. KOERBER. Oh, no; that is fact.

Mr. SIROVICH. It depends upon the meaning you give it.

Mr. KOERBER. That is the fact as the Lord states it.

Mr. SIROVICH. But somebody has to carry the fact just as you are carrying the fact now?

Mr. KOERBER. I am spreading the Scriptures only. I will answer your question direct. We believe we are in the same position that the prophets were in and that Christ Jesus and the disciples were in, for this reason: They preached what you would commonly call now "a different school of thought", didn't they?

Mr. SIROVICH. Exactly.

Mr. KOERBER. Yet, what was then denounced by the clergy as heresy or different schools of thought, was the teaching or true Gospel of Christ and people all over the earth, now millions of them, believe that to be true. But in that day you could not convince the leaders. Why? Not because the common people did not want to hear the Kingdom message, because it is written "the people received him gladly and many believed on Jesus"; it was the clergy that sought to put him to death when he exposed their position and the wicked conditions that existed wherein the clergy made merchandise of the people under the cloak of religion. And that is what they are doing today. I do not say all preachers have done this, but I do say that is a true picture of the situation that exists today. We are not making an attack against any class of people because as I say we find people of all classes in this work to praise God. I was born and raised a Lutheran and the reason was because my parents were Lutherans and I did not know the difference between a Christian and a Lutheran until I received this kingdom message. Many others formerly identified as Methodists or Catholics, when they have come to an understanding of God's purposes as expressed in the Bible, they are determined to serve Him and be identified as witnesses to His name and Word. That is why we are here. We are here recommending the Bible as the only true basis of understanding of all peopple for all things in life. If all come to the same conclusion that will do away with any religious controversy and all honor will go to the Lord.

Mr. SIROVICH. Do not the Methodists and Baptists announce the same doctrine, and they go ot the Bible as the source of their information, don't they?

Mr. KOERBER. We believe, as far as I can understand—I am not a Methodist; as I say, I was born and raised a Lutheran and some people who were born and raised Catholics and Methodists can answer that better; but I say that much inimity among people, among nations results from contentions of worship. The fact that one man will say "I am a Methodist", another man will say "I am a Baptist" or "I am a Catholic" shows there is dissension and so there seems to be a barrier. You all know as well as I do that there is a barrier between them that precludes an understanding of the vital questions of life, and that barrier should not exist. It cannot possibly be said that such conditions are from Jehovah, the true God, who wrote the Bible. He did not establish 50 different creeds and different methods of worship and service. There is only one Almighty God, whose ways are just and true and which does not lead to confusion. Satan has caused all divisions and dissensions to turn man away from God. In Paul's day some started divisions then; some said "I am for Paul", others said "I am for Apollos"; but Paul said, "I have planted; Apollos watered; but God, the Creator, made the plant, so worship only him". When all creatures come to know that there

is but one true and living God, whose name alone is Jehovah and obey His law as the supreme authority, then will be the real fatherhood of God and brotherhood of man existing here among all.

Mr. SIROVICH. Is not every religion fundamentally alike? They believe in one fundamental living God and only differ in the outside ceremonies connected with the worship of that God?

Mr. KOERBER. I believe some started out that way, and in direct answer to your question, I will cite an example. It was with the prime motive of seeking freedom in honest service to God that the pilgrims came over to this country; but I believe that at the present time, the powerful religious organizations of so-called "Christendom", including those in this country, are the most wicked and oppressive on the earth and do not represent God but do represent the Devil—"By their fruits ye shall know them." I say this advisedly and without compromise and I do not imply that every little church building that harbors God-fearing people on every hill and dale is included, nor do I infer that the people who are prisoners in the churches are guilty as a whole, but rather, organized clergy, who have commercialized religion are, as a whole, guilty and responsible for these wicked conditions.

The CHAIRMAN. That is all denominations, is it?

Mr. KOERBER. What is that?

The CHAIRMAN. That is all denominations that your charge is brought against?

Mr. KOERBER. I am not bringing any charge against any one.

Mr. SIROVICH. He talks against organized religion.

Mr. KOERBER. Organized religion, in the sense in which I have just used that word; yes. We claim the clergy are not teaching the fundamental doctrines of the Scriptures and do not declare God's purposes, but that they have resorted to creeds in place of the Scriptures which have defamed the name of God, and for that reason there are sectarian organizations here and there with hatred, envy, and strife as a part of their religious barriers.

The CHAIRMAN. That would apply to the Methodists, Baptists, and Presbyterians?

Mr. KOERBER. No, it does not apply to any people because they are prisoners. My mother and father right now are Lutherans. They do not see this Kingdom issue yet. Why? Because they have been taught from childhood up to have a great reverence for their church and preacher and that they shall listen to and obey what the preacher says. The preacher claims he only has the right to understand and tell what is in the Bible; but he has no more right to tell them that than I have. The clergy claim their rights as custodians of the Word of God on the basis that they are educated and learned men. In substance they say, "I went through college and it stands to reason that because I studied the matter in college, I know more about this Bible than others, and my authority should be respected." But that does not follow at all. The Scriptures are the only guide for all creatures and the Lord has decreed that only those who are wholly devoted to Him can understand his purposes. "The secrets of the Lord are with those who love Him." The very fact that He rejected the learned priests or clergy in selecting the Twelve to represent His Kingdom interests proves our contention, on this point.

Mr. SIROVICH. Is not that only a symbolism?

Mr. KOERBER. I do not understand the question.

Mr. SIROVICH. From my study of every conceivable kind of religion, I have come to the conclusion that there are two schools of religious belief and interpretation. One group is called the esoteric, philosophical school. This group represents to my mind the powerful and profound abstract thinkers of religion and theology. They interpret omnipotence and infinity in terms of transcendental interpretations which are far beyond the capacity of the average person to comprehend and understand. Such representatives of the esoteric school are men like Buddha, Plato, Maimonides, Réné des Cartes, Spinoza, Emanuel Kant, Einstein, and such powerful and brilliant minds as they represent. The average person cannot understand their philosophic and religious conceptions and interpretations. These men, therefore, are representative of the esoteric school.

Now, we have another group of religious philosophic writers who write for the common mass of people. They take these deep and profound religious, spiritual, and intellectual concepts of infinity and omnipotence and put them in the form of symbols, which are known to the common mass of people as their expressions of concept. Through these symbols there have developed the different methods of worship of God throughout the world.

Generally speaking, everyone with the exception of atheists believe in one ever-living God. Every religious denomination differs from every other religious group in the ceremonies and in the symbols connected with the worship of one ever-living God. The people who utilize symbols as interpretative of religious convictions are called the exoteric, philosophic religious school. The 12 fishermen are but the symbols of the sign of the zodiac called Pisces. The 12 fishermen represent the 12 months of the year. It is found in many religions as Jacob and his 12 sons, which is the sun and the 12 signs of the zodiac. Jesus and his Twelve Disciples is again symbolic of the sun and the 12 signs of the zodiac. The modern jury system of the judge and the 12 jurors, is a simile of the same thesis that I am propounding to you.

Then there is a school of ascetic cabalistic philosophers who believe that the 12 signs of the zodiac represent a period of 25,920 years. Each sign of the zodiac stands for 2,160 years, and represents a new religious principle that comes into the world through astronomical conception of the precession of the equinoxes. For example, when the Egyptians ruled the civilized world and the Hyksos or shepherd kings were in control of Egypt and Egyptian civilization was at its highest through the building of the obelisks, pyramids, and so forth, the sun was in the sign of Taurus. Taurus is symbolic of the bull. So the religion of the common people was given to them as the worship of the bull. That is called esoteric symbolism.

Then when Egyptian civilization had ruled for 2,160 years, through the precession of the equinoxes the sun was in the sign of the zodiac called Aries. Aries represents the ram. That became the Jewish religion.

Then through the precession of the equinoxes the sun was in the sign of Pisces, which is today represented by the Christian religion. Pisces, in esoteric symbolism, represents the water with the fish and sea. We developed the symbolism of two fishes, one going in one direction and one in another, symbolic of life and death. We have the twelve fishermen, the Disciples of the Savior. We have the miter of the

Pope with the fish on it. The catacombs of Rome, of the ancient Christians, have the mark of the fish upon them. On Friday, amongst many Christian faiths, only fish is eaten. This is called the exotic symbolism.

Many mystic cabalistic philosophers think that with the establishment of the American Revolution, July 4, 1776, we are now about ready to enter the next sign of the zodiac called Aquarius, which is represented by the water bearer, which is symbolic of air and water, and which represents the kind of religious conception that the next 2,160 years may bring. It is already beginning to manifest itself through the conquest of the air by airplanes and dirigibles, and through the conquest of the water by submarines and by divers who are exploring the bottom of the seas and oceans.

My friend will thus observe that there are as many different views upon religion and their conceptions as we have hair on our heads. I want everyone to have a right to follow any avenue they want and believe anything they want, along the lines they want, so long as they don't bring about a condition that will destroy the life, liberty and happiness of those who believe in anyway they want. Now I do not believe perhaps in all of what you say, but I would give my life for the privilege of having you say it. [Applause.]

The CHAIRMAN. Are there any more questions?

Mr. KOERBER. I want to say in answer to Dr. Sirovich that we thoroughly agree in this principle of freedom of worship; that we are not seeking to interfere with any man's religion. There is not one statement in all of the 156 million books, nor in any of the booklets that have ever been given out—which I will be glad to give to this committee—there is not one statement that can be shown that we are finding fault with any man's worship to God. But we claim the same right that no one shall interfere with our worship to our God, Jehovah.

Mr. SIROVICH. Would your preachments on the air at any time be instrumental in bringing about a revolution and riot by those who disagree with you?

Mr. KOERBER. Absolutely not.

The CHAIRMAN. Mr. Ramspeck has some questions I believe.

Mr. RAMSPECK. The witness has just answered what I wanted to bring out. As I understood his argument, he was simply contending for the right to use the facilities of the air to spread their viewpoint and not to curtail the same use by another organization.

Mr. KOERBER. Yes, sir. Not only that, but also we are willing to pay for it.

Mr. SIROVICH. I would like to ask you another question: Have any newspapers or periodicals or publications ever denied you the privilege of advertising your talks in the press in the spirit of free speech?

Mr. KOERBER. Yes.

Mr. SIROVICH. Why?

Mr. KOERBER. That is for them to answer; I do not know.

Mr. SIROVICH. Do not you think from that standpoint, if newspapers who are the custodians of the freedom of the press, the periodicals, and publications, deny you the rights, privileges, and immunities that you are entitled to, that the same opportunities may be afforded to broadcasting stations?

Mr. KOERBER. I did not get an opportunity to finish answering that question. We do not advertise through the newspapers except to advertise a meeting of some kind or a broadcast, and in advertising broadcasts we spent hundreds, or rather, thousands of dollars in doing our work in times past—principally advertising our broadcasts in the papers. But you asked me if we had ever been denied such advertising. I remember one specific occasion when the New York Times did deny us.

Mr. SIROVICH. Why?

Mr. KOERBER. I do not know.

Mr. SIROVICH. You could not legislate to compel them to accept?

Mr. KOERBER. No; we did not seek to. I remember that one occasion, just to answer that question direct.

Mr. SIROVICH. I just wanted to know.

Mr. CULKIN. You do distinguish between the press and the air, then; is that right? You say you do not blame them for not accepting your copy in connection with this when they refused you the use of their publication. Did I understand you correctly?

Mr. KOERBER. I say we did not find them in default. I mean to say we took no legal action or make any such complaint against them, no. But in direct answer to your question, we believe there is a distinction in radio in this sense, that wave lengths are limited and that if two corporations control 75 or 80 percent of the best time on the air, and they refuse to let others use their facilities except through a certain group delegated with restrictive powers as to what religious views can be expressed and refuse us the use of their facilities on that ground, it is discrimination; when a group of bankers or a group of business men can say "You can only have a certain class of religious programs on the air" and give that time to that man or this man and censor everyone else, that is surely throttling the free use of the air. That is what we are complaining of.

Mr. SIROVICH. Did you ever ask Dr. S. Parkes Cadman or Bishop McDonnell, who head that organization or agency, why this privilege was denied you?

Mr. KOERBER. No, sir; I have not.

Mr. SIROVICH. Have you communicated with them?

Mr. KOERBER. Yes, sir; Mr. Goux did, and we have the answers to the letters here.

Mr. SIROVICH. What did they say?

Mr. KOERBER. If I may answer that a little more in detail and not say "yes" or "no"——

Mr. SIROVICH. Go right ahead.

Mr. KOERBER. I might say this: That in the early part of 1927 we used the N.B.C. facilities; we were pioneers in broadcasting over WBBR or own radio station and later we used other stations to broadcast over. When we began, one of the first things we learned in this radio business was that the big corporations secured all the best wave lengths. In one case of ours they got the very wave length we applied for. We further found our license held up and our wave length given to the Radio Corporation of America at that time, although we had applied some 7 or 8 months before they had. They came in afterwards.

Mr. BROWN. That was in the Republican administration, was it not?

Mr. KOERBER. Yes, sir. [Laughter.]

Mr. CULKIN. The stations you applied for—where were they located?

Mr. KOERBER. WBBR in Brooklyn, N.Y.; also WORD at Chicago, and at Albany later. I would like to show a little diagram here, which will give you an idea of what is going on. The average layman does not know where these programs come from, how they are fostered, and just what power the corporations have. Here is a little statement of watts. I am not an engineer, but here is a simple statement that any man can understand. It shows the number of 100-watt stations of National Broadcasting Co., the number of 200; the number of 2,500, and the number of 50,000; and the sum total of watts of those stations that the National Broadcasting Co. is using is 1,126,700 watts. And the other stations, which we must scout around to get, even though we have to pay almost twice as much as we would if we used the N.B.C. chain, yet we will only be using 175,150 watts.

Mr. SIROVICH. Would the gentleman be in favor of legislation that would put aside a clear channel to be reserved for religious denominations to talk over that channel along any line they want, independent of the big broadcast chains?

Mr. KOERBER. Yes, sir.

Mr. SIROVICH. So that every religious denomination can preach the gospel as they see fit?

Mr. KOERBER. Yes, sir; without censorship and without damage to anyone.

The CHAIRMAN. If you do that, won't you exhaust all of the clear channels in the requests that would come from the various organizations?

Mr. KOERBER. No doubt, it would, Judge Bland. For that reason we did not go into such an angle as that. We are not legislators and we leave it up to you how to frame this bill. We are backing this McFadden bill because it seems to express a much-needed remedy in radio conditions, as far as broadcasting educational and religious programs is concerned.

Mr. SIROVICH. Is that in the McFadden bill? That is not in the present law?

Mr. KOERBER. No; that is not in the present law. The McFadden bill clarifies the present law; that is, on the points of discrimination and interference.

No organization has the right to say: "This is a Catholic community, and we will dictate to the radio station what the people shall or shall not hear." The people should know and understand that there is organization in this country controlled by wicked clergy who have the idea that they can rule the people through the influence of big business. Representative McFadden referred to this when he exposed the activities of the Federal Council of Churches; when they hear that high-sounding name "The Federal Council of Churches of Christ in America", the inference is that everyone who lives near attends some small church in a town in Virginia, is associated with the group in New York broadcasting these programs, whereas, as a matter of fact, the poor people have nothing to do with it. The whole thing is controlled through an influential group who use the clergymen as their mouthpieces to state certain things over the radio, which will

conform with the policy advocated in their own selfish interests. No one is ever permitted to say anything which may be considered inimical to the interests of the N.B.C. or the other chain systems.

Mr. SIROVICH. Would the gentleman be kind enough to state for the record whether the Federal Council of Churches in America is a Protestant organization, or Catholic?

Mr. KOERBER. It is Protestant.

Mr. SIROVICH. So this is an organized Protestant clergy that is objecting to you? You have been talking against the organized Catholic clergy.

Mr. KOERBER. Well, both. They have the thing sewed up, if I may use a sort of common expression, that what the Protestant clergy do not have, the Catholic has. Recently they have taken law into their own hands and forced the Watch Tower programs off the air by unethical methods. That is what we are complaining about and only about that—the practice of such unethical methods to accomplish their purpose.

Mr. SIROVICH. You still have not stated their objections to your utilizing the air.

Mr. KOERBER. The chains do not make any objections except that we express a different view than what their policy calls for. Their policy calls for only such views that are confined within the expressions of their religious committee.

Mr. SIROVICH. What is that view?

Mr. KOERBER. Their view?

Mr. SIROVICH. Yes.

Mr. KOERBER. The Lord knows; I do not know what it is.

Mr. CULKIN. Did the gentleman read that article in the last issue of the American Mercury?

Mr. KOERBER. I want to read it. I noticed a piece in the paper about it the other day and I would like to have it.

Mr. CULKIN. In that article which seems to be very informative, it suggests something in the nature of a consumers' counsel over the radio, which will supplement the existing licensing system and give the public programs that are constructive and educational, and give the public a chance to hear what it should hear.

Mr. KOERBER. We are entirely in favor of that.

Mr. SIROVICH. In other words, the consumer is the forgotten man.

Mr. CULKIN. Yes; the consumer is the forgotten man and in the present system this writer claims—as I say, he seems to be well informed—he claims the present system has broken down (it is simply a political presentation, general presentation of facts) and they are not actually representative of the present-day thought.

The CHAIRMAN. Just as a matter of information, how does he propose to finance that—by Government appropriations?

Mr. CULKIN. Well, I think the writer suggested that it might be voluntary. He recognized the difficulty in the situation, especially in the present state of the law, but that there ought to be some sort of high-class organization that would give everybody a chance to be heard and get away from some of the present political phases of the radio broadcasts and give the people programs that would really be informative and educational.

The CHAIRMAN. Are there any further questions?

Mr. BROWN. Has the witness ever tuned in and listened to the discussions of Father Coughlin?

Mr. KOERBER. I have.

Mr. BROWN. You would not think his discussions were actuated by any attempt on his part to commercialize his particular religion, would you?

Mr. KOERBER. Well, I will answer that indirectly, sir. I think you remember some time ago he was taken off the air.

Mr. BROWN. I had that in mind to ask that question—as to what influence stopped him from broadcasting over certain stations.

Mr. KOERBER. Well, I think I can answer that indirectly from what I have heard only, and understand about the matter and not from our own experience. I understood that he was going far afield of religious subjects and was saying things that were considered an inimical influence to certain American interests. For that reason one of the large chains and several of the larger stations, decided not to keep him on. But what happened was this: Several hundred thousand letters went down into the stations by the Catholic machine, and they had to put him back on as a popular demand. And that same machine operates to put people off of the air. I am glad you mentioned that matter.

They have an organization in this country of several hundred newspapers and other organizations, and when someone does or says something they don't like, the machine goes into operation and down he goes.

Mr. WILLFORD. In other words, the people want just what they want?

Mr. KOERBER. That is right.

Mr. WILLFORD. Don't you think we ought to allow them to have what they want?

Mr. KOERBER. We have no objection to that if they use fair means to have what they want.

Mr. WILLFORD. I want to ask this question which is in my mind, just to obtain information: You come here representing one particular line and in your presentation of your case you attack openly other lines. Would it not be better, would you not get more public sentiment if you would come in and just sell your wares and not attack, and would you not keep public sentiment in your favor? You know the people think—I have plenty of mail on my desk every day and they call this a religious fanatic war, and would it not be better if your name would be rubbed out and could not you help rub it out and win public sentiment and not arraign the people, the masses, on a religious subject, which we are all very much deficient in? None of us have religion only when we need it right quick and then we can not find it. (Laughter.)

Mr. KOERBER. These show the lack then of Bible instruction. That is what we claim is needed.

Mr. WILLFORD. We are woefully lacking in that, all of us.

Mr. KOERBER. That is the most vital thing in life.

Mr. WILLFORD. It is to some. Some people may spend their life on that, others have a need of a lot of that on the last day.

The CHAIRMAN. Is not the best source of Bible instruction, the Bible itself?

Mr. KOERBER. Yes, sir.

The CHAIRMAN. And should you not let every man go to the Bible rather than to teach your own interpretation of that?

Mr. KOERBER. We are not trying to do that, Judge Bland, and there is nothing to show in this discussion or any other discussion that that is the case.

The CHAIRMAN. I did not say you were. I asked that question.

Mr. KOERBER. We certainly believe in that and that is what we are advocating, the free use of the air instead of one man or one group promulgating one idea to the exclusion of others. We do not claim any exclusive right to the air, we do not want anything like that; we want equal rights.

Mr. SIROVICH. Did my friend ever hear the Reverend Dr. S. Parkes Cadman speak on a Sunday?

Mr. KOERBER. I heard him, I think, about a year and a half ago.

Mr. SIROVICH. I mean did you ever listen in, tune in on him?

Mr. KOERBER. Well, I heard him over in New York about a year and a half ago.

Mr. SIROVICH. Have you ever found any sentiment he ever expressed that any individual, who was a member of any other faith, could feel was obnoxious or offensive to him?

Mr. KOERBER. No; I don't think there was anything that was obnoxious or offensive to any one necessarily, except it might be called obnoxious when he is called a Bible student because he does not talk on the Bible.

Mr. SIROVICH. What does he talk on?

Mr. KOERBER. I would say in general on the philosophy or moral points of human life.

Mr. SIROVICH. Were not the ancient Essenes the great philosophic school who lived along the River Jordan and the Dead Sea, who were the first communistic group of religious followers, the type who portrayed the gospel of the general philosophy or moral points of human life? These great philosophers and founders of the cabalistic school of metaphysics inspired such men as St. John the Baptist, who, in turn, inspired and baptized the Savior. These Essenes lived, worked, and drudged just for a bare subsistence and gave away their surplus materials to all the poor and needy who came to them for assistance.

Dr. S. Parkes Cadman symbolizes to my mind that type of a great religious idealist, who has given all his life in teaching, in learning, and in the love of his fellow men that others may be the happier for his having lived.

Mr. KOERBER. I do not want to argue those points; you asked me a question and I am stating my opinion. Now, as to what other people think; I do not know what they think; but I do believe this, that the censorship which exists here certainly must have a reaction on the Congress and should be done away with for the one simple reason that it deprives us of a constitutional right. I will cite a hypothetical case. We had a station in Schenectady. I mean we broadcast over WGY in Schenectady. For some years we had the free use of that station, therefore we had a fine audience that heard the programs and wanted to hear them. The N.B.C. took over that station some time last year, not very long ago, and from the time they took it over we have not been on. We applied to the N.B.C. for time and they referred us to the Federal Council of Churches of Christ in America's secretary, one Dr. Goodman. Our man went down

immediately to New York and conferred with Dr. Goodman. He said, "How is it that we have broadcast for years over WGY and now you, the N.B.C. come and take over the station and we are suddenly cast off? You cannot say it is public opinion because no one has expressed a contrary view or one complaint against this program. Why then have we been taken off?" His answer in substance is this, which we have affidavits to prove—"As long as I have breath in my body, your man, Judge Rutherford, will never be on the air over the N.B.C."

Mr. SIROVICH. Did you appeal to the Federal Radio Commission?

Mr. KOERBER. No, we wrote to their home office.

The CHAIRMAN. I will say the Federal Radio Commission have no power of censorship.

Mr. KOERBER. No; we did not apply to them, we understand that. The point I make is this: What right has a large corporation, controlling the ether waves that the N.B.C. does, to put into the hands of one man such power that he, because he holds a personal animosity against another, can say that millions of people cannot hear an important message broadcast? That is what we are seeking to correct.

The CHAIRMAN. Is not the alternative to that that you would have to have censorship set up?

Mr. KOERBER. Pardon?

The CHAIRMAN. Is not the alternative to that that you would really favor governmental censorship?

Mr. KOERBER. No, sir; I do not think so.

The CHAIRMAN. Is not that dangerous?

Mr. KOERBER. I think that kind of censorship is dangerous.

Mr. CULKIN. Judge Bland stated a moment ago that under this Nebraska case the broadcasting station was responsible in damages to anybody aggrieved by a broadcast program. You understand that is the state of the law, Mr. Witness?

Mr. KOERBER. Yes.

Mr. CULKIN. Now if you take away their power of censorship would not you have to relieve them from responsibility in damages?

Mr. KOERBER. I see your point.

Mr. CULKIN. Is not that true?

Mr. KOERBER. I see that point.

The CHAIRMAN. That would be the trouble under that construction of the act.

Mr. KOERBER. I see.

The CHAIRMAN. They have no power of censorship and yet are liable.

Mr. KOERBER. Yes.

Mr. CULKIN. What would be your suggestion for curing that, if you have any suggestion, Mr. Witness?

Mr. KOERBER. I do not know.

Mr. CULKIN. Would you relieve them from liability and make the broadcaster himself solely responsible in damages for any slanderous matter over the radio?

Mr. KOERBER. I do not know, except the people who broadcast could be made responsible. By being responsible people, financially or otherwise, I mean, to give a bond or whatever was required.

Mr. CULKIN. There should be some responsibility, you agree on that?

Mr. KOERBER. Yes, sir. We are glad to do that.

Mr. CULKIN. The two things cannot go hand in hand. In other words, you have to relieve them from responsibility if you take away the power of censorship.

Mr. KOERBER. Absolutely.

Mr. CULKIN. And there should be some responsibility.

Mr. KOERBER. Yes, but that question is not involved with the chains, for the simple reason that they do not look at the program and see what we are going to say and then say they won't take it. They presume to know what it is going to be, or they presume that no one beside the men on their committee can say what shall be broadcast.

Mr. CULKIN. In other words, they have delegated the power?

Mr. KOERBER. To a self-established censorship committee.

Mr. CULKIN. With respect to religious subjects, they have delegated it to this central church body?

Mr. KOERBER. That is right and we do not agree that such power is legal.

Mr. CULKIN. And they have absolutely exercised that censorship?

Mr. KOERBER. Yes; they do.

Mr. SIROVICH. There are about 600 broadcasting stations in the United States, some large stations and others small, and they go down the line: Did you ever try to use electrical transcriptions of the spoken voice and send them around to find out how many are opposed to letting you use the broadcast band?

Mr. KOERBER. If they will give us 600 broadcasting stations, we will pay for them and use them.

Mr. SIROVICH. That is not my point. I mean the N.B.C. may control with its chain 70 or 80 stations; the Columbia may control with its chain 70 or 80 stations, and that is about 150 stations altogether. That leaves about 450 independent stations throughout the United States.

Mr. KOERBER. I see.

Mr. SIROVICH. Which control, so far as volume is concerned, more licenses than the other two chains? Have you made any attempt to try to spread your principles or items through the other 450 stations?

Mr. KOERBER. Yes.

Mr. SIROVICH. And if so, with what success?

Mr. KOERBER. The first point in answer to your question is that despite the fact that there are several hundred stations that are not being used by those chains, those several hundred stations, as I just showed here, do not anywhere near cover the area and do not have anywhere near the wattage that the smaller number used by the chains do cover.

Mr. SIROVICH. But that is not the point. Those auditors that listen to your program—you have more people listening to you on the 450 stations that are independents than you have, in my humble opinion, on either broadcast band. Am I right, Mr. Bellows?

Mr. BELLOWS. I will talk about that when I go on the stand, Dr. Sirovich.

Mr. KOERBER. I will say that we have attempted to do that and are attempting to do it now, but we are face to face with this boycott proposition I am speaking about.

Mr. SIROVICH. You mean they would not take you—even the independents?

Mr. KOERBER. We have been on the air and they have taken our broadcast for 5 or 7 years until recently, due to threats and coercion.

Mr. SIROVICH. How many independent stations have refused your broadcasts?

Mr. KOERBER. Since the "Holy Year"—since that proclamation of the "Holy Year" speech I am speaking of?

Mr. SIROVICH. You mean the depression year? [Laughter.]

Mr. KOERBER. Maybe we had better put you on the air on our program because I think you believe like we do. [Laughter.]

Mr. CULKIN. The Doctor thinks the "Holy Year" is an economic proposition.

Mr. SIROVICH. I will accept that. [Laughter.]

Mr. RAMSPECK. Is not this the real situation, that the radio stations, being engaged in a public business, have, for their own benefit financially, established a voluntary system of censorship in that they do not make it a practice to take programs of a controversial nature or of a nature that will bring criticism to those stations no matter whether it is religion, or business, or what it may be? Is not that true?

Mr. KOERBER. No; it is not true because, the points that they raise in programs through their religious committee is of a controversial nature that they broadcast. You might say that almost every question that you can bring up in life regarding education is of a controversial nature. We are not kicking about that.

Mr. RAMSPECK. Do not they eliminate programs, for instance, advertising patent medicines?

Mr. SIROVICH. Patent medicines! [Laughter.]

Mr. RAMSPECK. The point I am trying to make is this: Your radio stations are now, under the present law, private business concerns and engaged in it solely for the purpose of making a profit, and the reason they barred you and many others from the radio is because it has raised a controversy among their listeners—the listeners have objected? There may be other reasons why they barred you, that is true; but, as a general policy, as I see it, the radio company is like a newspaper—they do not want to print things that are going to hurt circulation, and that is what listeners are to a radio station. Is not that the situation?

Mr. KOERBER. Well, that is the stand they take. We have come against that on several occasions, and have taken this matter up with them and we claim they have no right under the constitutional laws to assume such powers to tell people what they can hear on the basis that certain things might have been controversial. That is not up to them to decide.

Mr. RAMSPECK. But you are taking the position that the radio station is a public utility.

Mr. KOERBER. No; we do not take the position it is a public utility, but possibly it may have to be, we do not know.

Mr. RAMSPECK. It would have to be if we required them to take anybody's program that is offered, would it not?

Mr. KOERBER. I do not feel qualified to answer those questions as to whether it should or should not be a public utility as I am simply stating the reasons to you as to why you should remove the barriers which we have found to be preventing the message which millions of people desire to hear and have now raised their voices in favor of

hearing. For several years past the same condition has existed. I understand and appreciate what the stations are up against sometimes, with the censorship proposition, but our programs are entirely legitimate and for the good of the people; and their action is not predicated upon the fact that the chain corporation must protect its interests as it is held liable, because we have assumed the responsibility in our contracts. But there is one point that is left out entirely and that is the very fact that the chains have been permitted to acquire all of this power, places them in a position where they can dictate the policy of this country politically, educationally, and religiously, because they can dictate what you and I shall and shall not say and hear.

Mr. CULKIN. That, of course, is terminable at the end of a year, is it not?

Mr. KOERBER. But it goes from one year to another.

Mr. CULKIN. I know, but these rights to use those waves are only under a license for a year.

Mr. KOERBER. Yes.

Mr. CULKIN. And are terminable at the end of the year, is not that true?

Mr. KOERBER. Yes; but they are always renewed.

Mr. CULKIN. But that power is vested in the Federal Radio Commission?

Mr. KOERBER. Yes, sir; that is the way I understand it.

Mr. CULKIN. And there is no vested right in the air except for the period of a year?

Mr. KOERBER. Except that license is renewed.

Mr. RAMSPECK. The point I am trying to get is this: You are asking Congress, no matter how much we might sympathize with your difficulties and with the unfair methods that some persons may have used toward you—you are asking the Congress to require a private business enterprise to take business that they do not want, and we do not require that of any other private enterprise in the United States.

Mr. KOERBER. No.

Mr. RAMSPECK. Why should we make a different rule for radio as compared with the newspapers, grocery stores, or any other private business?

Mr. KOERBER. We are requesting Congress to require these chain corporations either to release the power that they have on these stations through preferred option of time—and I have not gone into that matter yet and that is a very interesting question—to release that time or to make provision on the chains which they have for the program that millions of people have stated they want to hear. They can no longer say this is some little 2 by 4 sect now because it is not.

Mr. RAMSPECK. Granting that is true, the fundamental question I want you to answer is, Why should Congress say to any private business—the radio, grocery store, soda fountain, drug store or anything else—that you must accept business from anybody that offers it to you?

Mr. KOERBER. Congress does not have to make that statement, Mr. Ramspeck, but they should make some statement to the effect that they want to be fair in their dealings because if they are not,

then you are saying to the radio chain corporations, "We have given you certain power that nobody can take away from you." And to show what that is leading to, back in 1927, those chain corporations only had a few stations whereas today they have 1,126,000 watts in use on the air. There is the answer to the question. They can right now dictate the policy of our country about whether Democrat or Republican, if they want to use the powers you are granting them in your argument.

Mr. RAMSPECK. Then does not your argument simply boil down to this—that the fundamental policy of the American Government toward radio is wrong and they ought to be made public utilities?

Mr. KOERBER. We would be entirely in favor of it because we believe it would inject into that field, if we make them public utilities, a proper protection to the public, provided such power is properly used.

Mr. RAMSPECK. Does not that necessarily follow, if we are going to tell them that they must put you back on the air?

Mr. KOERBER. I do not now that it does; you are a lawyer, I am not. I am simply speaking as a layman and attempting to answer your question as one interested in fair play for radio.

Mr. SIROVICH. They could circumvent that by saying they have other contracts made with other people, which prevent you from having time.

Mr. KOERBER. Surely.

Mr. SIROVICH. I know of business interests that wanted to have national hook-ups, wanted to get time, and they could not get it because the time was limited on the national hook-up. And suppose you amend the act and you want to get them to change an assignment, and they tell you they are very sorry, but they have contracts for the facilities with other people. What are you going to do about it?

Mr. KOERBER. All right, they do do that as I just said——

Mr. SIROVICH. What would you do in that hypothetical case?

Mr. KOERBER. I notice a statement in the bill which to us seems to be very fair and which says:

> That no person or persons shall discriminate in the use of such station in favor of a program of speech by religious, charitable, or educational company or society and against and to the exclusion of another person, religious, charitable, or educational society.

Here is shown an equal consideration in respect to the question of discrimination. We do not say that station owners have no right to discriminate in the question of choosing certain types of programs. We understand that they should have some rights as to the selection. But we do say that they should not establish a so-called "religious policy" and Sunday after Sunday broadcast a certain type of religious program while excluding the important message of God's kingdom, as we desire to broadcast it, when millions desire to hear. Frankly, we believe there is too much religious programs over the air and not enough of real Bible instruction, which is vital to the people now. What we say is that there should not be undue discrimination by having one group of religious programs on the air constantly to the exclusion of the other group of Bible instructions. That is what they have done. We have not had an opportunity to use the chain facilities since 1927, even though we are willing to pay for the same while certain religious organizations use it free of charge.

Mr. BROWN. You say there is too much religious talk now over the air. Are you in favor of some law to curb the production? [Laughter.]

Mr. KOERBER. I will say in direct answer to your question: I believe this Congress has gone a long way to have something to say in debunking banks. I would like to see them debunk the clergy and clear the air for the kingdom message. [Laughter.]

Mr. SIROVICH. Does that apply to all clergymen?

Mr. KOERBER. No; the organized, commercial clergy.

Mr. BROWN. I call the witness's attention to this, in connection with your statement that the clergymen are commercializing religion, that from my conversation with the clergy and my observation, what few times I have been to church, the last few years, I know, if they are commercializing religion, business is very bad with them. [Laughter.]

The CHAIRMAN. How many more witnesses have you, Mr. Wertz?

Mr. WERTZ. I have Mr. Goux, who will explain what the two chain broadcasting systems have done to prevent the use, and another witness to show the attitude of the Radio Commission, and two other witnesses beside that who will bring the publications of the Catholic church and file them with the committee to show the number that have prevented independent station owners from accepting contracts. I imagine it would take an hour.

(After informal discussion, the committee adjourned until tomorrow, Friday, Mar. 16, 1934, at 10 o'clock a.m.)

RADIO BROADCASTING

FRIDAY, MARCH 16, 1934

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE MERCHANT MARINE,
RADIO, AND FISHERIES,
Washington, D.C.

The committee met at 10 a.m., Hon. Schuyler O. Bland (chairman) presiding.

STATEMENT OF MR. ANTON KOERBER—Resumed

Mr. KOERBER. The question was asked yesterday as to how this financial responsibility would be placed, inasmuch as the Radio Commission has no power of cenorship and felt it should reside in the hands of the broadcaster.

I want to call the attention of the committee that in the contracts for some time past that have been desired by these corporations, they carry a clause that does place financial responsibility on the part of the individual who is braodcasting or speaking over the chain facilities, or independent facilities, and it reads as follows:

The witnesses—

Which means the speakers—

Agree to save the broadcaster harmless against any claim or liability for libel, slander, infringement of copyright, or any other demand of any kind whatsoever, brought, claimed, or charged, directly or indirectly, by reason of broadcaster's rendering service in accordance with this agreement. It is agreed that nothing will be broadcast that is in violation of any law or regulation promulgated by duly constituted governmental authorities, particularly with reference to libel and slander.

There are other provisions, but that particular part covers it. Mr. Ramspeck asked the question and it was brought up yesterday.

Now one other point, Judge Bland and members of the committee: We have a case here in Washington that briefly covers the conditions that exist in respect to endeavoring to secure time on the stations, particularly the chain facilities. It is well known that WMAL is owned and operated by the Columbia Broadcasting System——

Mr. WILLFORD. The N.B.C., is it not?

Mr. KOERBE. I mean to say the N.B.C., also the WRC radio facilities, likewise; and I understand WMAL there is leased by N.B.C.; WJSV is owned by the Columbia Broadcasting System, and WOL is an independent station, which at times now is taken in by what is called the Yankee network, which is a subsidiary of the Columbia Broadcasting System. So that the four stations that are in Washington today are controlled in some manner by the chain facilities. I understand WOL has not concluded any specific chain arrangement,

except they simply are employed in the chain broadcast system, and I am not including them; but the three major stations here are controlled by the chain facilities.

Now we broadcast over WMAL for three and a half years without any complaints and with satisfaction to the listeners and to ourselves with a very important program. Immediately after that station was taken over by the National Broadcasting Co., we were advised that at the termination of our contract they would no longer broadcast it. No reason was given, or anything of the kind.

We had broadcast over WCAP, which afterwards became WRC, at the time that the telephone company operated it. They took our programs and were pleased with them, and had no complaint at all. But shortly after the Radio Corporation of America took them over, we were also advised, when we applied for time, that we could not get these facilities.

We broadcast over WJSV for over a year and a half, and the same thing happened. There was no reason given, except that they had no time available and that there was a certain policy adopted which they felt we did not fit into.

Now we are calling attention of the committee, if we may, that there is now an instance cited that we find of conditions throughout the land. We are arranging to build our own chain, because we have no other way to broadcast, at an expense at nearly twice as much as to use either one of those facilities of the chain corporations, and to broadcast on March 25. We have applied to those stations, that is, the managers of the stations locally, to let us have time, to engage a half hour for our program, so that Congress could hear this message and decide for itself, and we are glad to pay for the time on all of the stations, so that they would be sure to hear it and let them decide, once and for all, whether it is a message of vital importance to the people and good will to the people and to the glory of the Lord and we have been refused these facilities, now.

Mr. WILLFORD. When you make application, you have a regular form of application that you make?

Mr. KOERBER. Yes; we do, and we also have written letters and called in person.

Mr. WILLFORD. I mean you have a regular form, a regular contract that you ask?

Mr. KOERBER. Yes; we usually have written a form letter. That is a letter in the same form goes out to the stations applying for permission to use their facilities, and then, of course, the matter through correspondence is taken up from time to time——

Mr. WILLFORD. And your request is no different from the request of anybody else?

Mr. KOERBER. No, sir. There is no reason stated except the broadcast will be given on March 25, and we asked for the facilities of these stations, which we formerly broadcast over and which, as I say, immediately after the chain corporations took them over, in each case of the stations, WJSV, WMAL, and WRC, although we broadcast for some years over those stations, immediately when the chain corporations took them over, we were advised there was nothing doing.

The CHAIRMAN. Where do you get your finances?

Mr. KOERBER. They are all voluntary contributions by people who are working people and who have an interest in and desire to hear the message of God's kingdom proclaimed in a nonsectarian manner.

The CHAIRMAN. Have you any large contributors?

Mr. KOERBER. No large contributors; no, sir; I do not know that there is any specific large contributor. They are mostly made up of small contributors. For instance, in Washington, ther is no one who sends a lot of money up to the headquarters, to any man, and says "Here, take this money and broadcast." It is not done like that. If that was done, it could easily be turned to a selfish suppose, if they desired. But that is not done. The point is this: The people who are interested here in Washington write to our organization headquarters and say "We desire to hear this message every Sunday and we will pay the cost." When the program goes on, that money goes here into our headquarters fund and whatever is required, if it cost $150 or if it cost $180, then that is turned over to the station. It does not even get to Judge Rutherford, or any other man who broadcasts.

Mr. SIROVICH. Do you own any station at all?

Mr. KOERBER. We only own WBBR, as I mentioned here yesterday.

Mr. SIROVICH. How many hours have you on that station?

Mr. KOERBER. The exact number I do not know. I can place that in the record.

Mr. SIROVICH. Well, about?

Mr. KOERBER. Thirty-three hours a week.

Mr. SIROVICH. How long have you utilized that station to broadcast the message of Jehovah's Witnesses?

Mr. KOERBER. Can I let Mr. Goux answer that? He will be on immediately following me.

Mr. SIROVICH. I just wanted to know about.

Mr. KOERBER. I do not know, sir.

Mr. SIROVICH. The question I want to ask is, Would you be willing to allow similar time for other religious denominations to utilize this broadcasting station to answer anything you may say?

Mr. KOERBER. Surely.

Mr. SIROVICH. Have you ever had any other religious denominations seek time on your chain?

Mr. KOERBER. No. We have ——

Mr. SIROVICE. Have you ever had any other religious denomination ask you?

Mr. KOERBER. No, sir.

Mr. SIROVICH. Would you deny them that privilege if they wanted to pay for it, on your own station?

Mr. KOERBER. We do not charge anything on our station for broadcasting.

Mr. SIROVICH. I mean would you give that to other religious denominations?

Mr. KOERBER. If they want to debate a subject, we would be glad to donate that time and have offered to do that, too. That is what I say. That proposition has been offered. And not only that but to pay half for time on other stations.

I am bringing that question in this morning. We are now arranging for a broadcast by Judge Rutherford on March 25, from coast to coast on a question of vital importance to the people, concerning what

is taking place from a Bible standpoint. We believe everyone is concerned in that coast-to-coast program, and we have applied several times to these stations in Washington, so that every Member of Congress can hear, and we are willing to pay for every station on it—and we cannot get the facilities.

Mr. SIROVICH. Why do you use the words "Jehovah's witnesses"?

Mr. KOERBER. We use the words "Jehovah's witnesses" because Jehovah, as stated in the Scriptures, is the true and living God; He was the God of the Jews, of the Prophets, and the God of our Lord Jesus and——

Mr. SIROVICH. But in the Holy Bible, in the Old Testament, you find four different names for God.

Mr. KOERBER. That is right.

Mr. SIROVICH. We find the name "God" being used to apply to Jehovah.

Mr. KOEBER. Yes.

Mr. SIROVICH. Then you find the name "Jehovah", and that was the same thing.

Mr. KOEBER. That is the Almighty God—Jehovah.

Mr. SIROVICH. As a matter of fact, from the mystic standpoint, they are four different things. Would you like to have people follow you, after your program, and bring out that your interpretation is all wrong?

Mr. KOERBER. Why, they can do that, if they want to.

Mr. SIROVICH. In the first 23 chapters of the Bible, I believe you only find one word that typifies God, and that is the word "Elohim." It begins in the Book of Genesis when it says "In the beginning God, which is Coln, created the heaven and the earth, and the earth was without form and void, and the Spirit of God moved upon the face of the waters and God said 'Let there be Light', and there was light."

After the twenty-third chapter, we find the other word which stands for God. It is called "Jave", or "Jehovah", and it is that God, apparently, that you with your followers refer to when you call yourselves "witnesses of Jehovah."

The third word for God in the Bible is El Shaddai which Moses observed as the spiritual essence of God when he saw the inspired flame to which he said I "Who art thou?" And the answer came back "I am that I am."

And the fourth word that stands for God in the Holy Bible is Adonoi, which amongst many interpreters stands for the sun. And so, when we speak of the love of Venus for Adonis, it is really the love of the planet Venus as it sails around its orbit, the sun, and comes into close proximity, which symbolizes affection, sentiment, romance.

Now the Jave or Jehovah, of which your membership calls itself witnesses, was picked up by the ancient Greeks and they called Jehovah or Jave, "Job." Some call Job "Zeus" and refer to Zeus as their Father in Heaven, and the word "father" in Greek means pater. Therefore, when you unite the word Zeus with pater, it is Zeuspater. When the ancient Phoenicians sailed up the Adriatic and founded a little place that they named after their home town, which they called Phoenetsia, which has come to be known as Venitsia, they pronounced the word "Zeuspater" as "Jewpater." That is the derivation of the word Jupiter, which was named after that great planet, which is supposed to be the judge of the heavens.

So that if you allow yourselves to get into a controversy, you are going to use "Jehovah" which, from your angle, will mean one thing, and from the angle of other religious denominations will mean another, and will institute controversial matters that redound to no one's gain. Would it not be better if your organization just preached the doctrines you believe in, and nothing else?

Mr. KOERBER. No, sir. We do not believe in preaching any man's doctrine; we believe that every one has a right to worship as he pleases and——

Mr. SIROVICH. We are not taking exception to that; everyone agrees to that; but the moment you go outside of your territory and begin to excoriate the Catholic Church, because your association——

Mr. KOERBER. We do not do that. We are charged with that; the clergy lead the people to believe we do that, because they do not want them to hear our program. If you would hear it just once for yourself, Doctor, I am sure you will find it entirely impartial. It is more of an educational program, pointing out, comparing these Scriptures with physical facts so that they can understood, and we know it is for the welfare of mankind to understand them. The Bible is more important than any other law that is upon earth.

Mr. SIROVICH. Mark you, I am in full favor of free speech.

Mr. KOERBER. I know you are.

Mr. SIROVICH. And I will battle for every man to have the privileges of free speech. The only thing that has come to my mind, as I deliberate, meditate, and reflect, is the advisability of allowing those controversial matters to go on in which you excoriate the other people for not believing as you do.

Mr. KOERBER. We do not do that, I assure you, and we are ready this morning to file a copy of virtually every broadcast we have given in the last 7 years, which is in book form, and just a brief perusal of those will show that such is not the case.

Mr. SIROVICH. Would you be willing to have the record state now that if an opportunity is given to you by the broadcast stations to broadcast the message of Jehovah's witnesses along the lines you indicate, to interpret the Bible literature, that the moment you attempt to pillory some other faith and denounce other faiths, which creates hard feeling and prejudice and leads to other things, that they have a right to take you off?

Mr. KOERBER. I say if we create ill will, or prejudice, we do not belong on the air, or anyone else. I am thoroughly glad to admit what you said yesterday, and I am sure you will agree if you will just take a brief time to examine those broadcasts, which you asked for yesterday, we have brought them here today and would be glad to have you examine them. You asked for a copy of the text.

The CHAIRMAN. They may be filed. They will not be made a part of the record, but will be placed in the files of the committee for examination.

Mr. RAMSPECK. Mr. Koerber, is it true that Judge Rutherford denies the divinity of Christ?

Mr. KOERBER. No, sir; that is not true.

Mr. RAMSPECK. I just wanted to clear that up. That statement has been made to me, and I did not know.

Mr. KOERBER. As a matter of fact, if you remember, I read a letter yesterday from him that we are followers of Christ and believe Christ

is the invisible King right now, just as we believe Satan has been the invisible power to turn men away from God; so that the purpose of this message is for people to have knowledge, understanding, intelligent understanding, of what the King is doing so they can follow out God's purposes that is in the hands of Jehovah, the Almighty God, and His angelic force of which Christ Jesus is the King. That is what we believe.

The CHAIRMAN. Who is your next witness?

STATEMENT OF A. R. GOUX, SECRETARY, PEOPLES' PULPIT ASSOCIATION, 124 COLUMBIA HEIGHTS, BROOKLYN, N.Y.

Mr. GOUX. The statement that I have includes some general observations and then follows with some specific points respecting the National Broadcasting Co. and the Columbia Broadcasting System.

The National Broadcasting Co. began operations in 1926; the Columbia Broadcasting System began operating in 1927.

During the time that the National Broadcasting Co. and Columbia Broadcasting System controlled only a few stations, we were able to make up our own chain and could get by fairly well with the dissemination of our program. In recent years, both of these systems have expanded by acquiring other powerful stations. These chain companies have also acquired by contract a prior claim on practically all the desirable time on independently owned stations. Therefore, at the present time, these two chain companies control all but a few of the powerful stations in the United States.

Owing to the refusal of these chain systems to carry our programs on their networds, we are compelled to make up a separate chain of small stations, or stations with small power and a short radius of transmission. This greatly increases our expense by compelling us to carry more telephone-line connections to get the required greater number of stations to cover the listening areas as far as practicable, by means of the smaller stations, than could be covered if we had free access to the powerful stations used by the National Broadcasting Co. and Columbia Broadcasting System.

Many of the station we are compelled to use now have little sending capacity. We are unable to cover the same areas with the use of these small stations as we could cover by the use of the larger stations. We are compelled to expend larger sums of money and we do not get the service, nor do we provide the programs for all who desire to hear.

I would like to call attention here to a comparison of actual charges made by the National Broadcasting Co. and the Columbia Broadcasting System and the cost involved to us for the wire lines only on this particular broadcast of March 25.

In the N.B.C. Red network, there are approximately 90 stations and the day rate is $4,495 for the entire network.

Mr. WILLIFORD. For how long?

Mr. GOUX. Half an hour. I will mention that as a basis of this program, because it is a comparison with our program, for one-half hour on March 25, from 6:30 to 7 p.m., which, in the eastern zone, would be classified at the night rate, and in the zones of the West, the Central, Mountain, and Pacific zones, the daytime rate would

apply. So I will give you both of those rates. It is $4,495 for the day rate for the entire chain. The night rate for the Red network of the N.B.C. is $8,726.

Now, the Blue network for approximately the same number of stations, but possibly in many cases not as desirable stations as some of the Red network stations, the day rate is slightly less, $4,306; the night rate is $8,348 for that entire network.

For the C.B.S. network, approximately 100 stations, it is $4,797 for the day rate; the night rate is $9,582.

Against that we have assembled approximately 140 stations, and I will show, in concluding this portion of the statement, the make-up of the three groups (the N.B.C., C.B.S., and the Watchtower network), simply to identify the relative values from a standpoint of carrying capacity and equipment at our disposal, and that which is not at our disposal.

To connect this 140-station group for this March 25 broadcast, the American Telephone & Telegraph Co. will bill us approximately $30,000 for wire lines alone, and those are facilities which, in many cases, will carry speech only; will not be suitable for broadcasting musical programs, because it is purely a speech program of one half hour. The higher-grade lines which we will use in the main trunks on this occasion, as on former occasions when music was provided whenever we used such a private network, were of course, charged at a much higher rate than the "speech only" lines. It is necessary to have these better-grade facilities for the trunk lines in order to provide adequate transmission to remote points that will be served by the inferior grade facilities.

So that means a comparison of $30,000 as against the highest N.B.C. figure of $8,726, if we apply the night rates all along the line throughout the country on this one half hour period for a 1-time broadcast; and the C.B.S. figure, the highest figure, is $9,582 for everything as against $30,000 for only wire lines. Then we will have approximately a charge of something like $5,000 for station rental in addition to the $30,000 line costs.

Today these chains monopolize the United States by station ownership and by preferred option of time on independently owned stations that have been assigned to use the choice operating frequencies and the high power. Taken as a whole, those chain-controlled stations have the capacity to reach all listening areas of the United States at any time, to the exclusion of the other stations. And by that I mean that in the evening times particularly, as every listener can testify, the smaller station in any given locality is very much interfered with and hampered by the output of the larger stations, that may broadcast even from a distance.

In recent years, a regional chain was organized, known as the Yankee network, covering New England. This chain is now associated with C.B.S. The Yankee network includes smaller stations with preferential contracts as to time.

The city of Washington has the powerful C.B.S. outlet in WJSV; it has also two N.B.C. outlets, WMAL and WRC, and it has also one independently owned station of low power, WOL. We are prevented, as already stated, from using any one of these four stations. WOL declines to broadcast our programs for fear of incurring the disfavor of the Federal Radio Commission. The two chain systems dominate the other three Washington stations.

A number of the populous areas of the United States we are unable to reach—such as Chicago, where on this particular occasion, March 25, we have access only to one 100-watt station; St. Louis, where we have access to no stations; Pittsburgh, and New England, where even with the smaller stations the coverage is very limited and very unsatisfactory. It is not merely a matter of sending out a signal, but sending out a signal that will be acceptable to the listener, that will be understandable with the other material that is going out on the air from the larger stations at the same time, not only in that city, but in nearby cities. And this condition is due to the fact of the preferred option of time held by the chains on the stations in these particular communities I have mentioned, for these stations that have an adequate sending capacity.

Another comparison is the power list. In the make-up of the N.B.C. network, of approximately 90 stations, there are two 100-watt stations; three 250-watt stations; fourteen 500-watt stations; one 750-watt station; thirty-four 1,000-watt stations; one 1,500-watt station; one 2,500-watt station; seven 5,000-watt stations; one 7,500-watt station; five 10,000-watt stations; one 12,500-watt station; one 25,000-watt station, and nineteen 50,000-watt stations. The total wattage for the N.B.C. is 1,126,700.

Now against that——

Mr. SIROVICH. About how many people listen to that? Have you any figures that would indicate about how many people listen in to that?

Mr. GOUX. Well, it covers the whole country; if the network is on complete, it is very unlikely that there would be any one who has a radio set that could not pick up one of the N.B.C. stations anywhere within the continental United States.

The CHAIRMAN. It would depend on how he turns his dial, would it not—whether he is listening to that network, or not?

Mr. GOUX. Yes. He may listen to the C.B.S. program at the same time.

Mr. SIROVICH. But you mean that any person in the United States, if he wanted to tune in, can listen to that program?

Mr. GOUX. That is my opinion. I do not know whether an actual check has ever been made.

Mr. SIROVICH. Go right ahead.

Mr. GOUX. On the C.B.S., then, by comparison, they have twelve 100-watt stations, as against two of the N.B.C.; seven 250-watt stations, as against three of the N.B.C.; thirty-one 500-watt stations, as against fourteen of the N.B.C.; thirty-five 1,000-watt stations as against thirty-four of the N.B.C.; six 5,000-watt stations as against seven of the N.B.C.; three 10,000-watt stations as against five; and eight 50,000-watt stations as against nineteen of the N.B.C. The total wattage is approximately 493,450.

Mr. SIROVICH. Can everybody tune in on that in the United States, if they want to dial in?

Mr. GOUX. It is quite probable, I imagine, just looking at the picture as a whole, that there may be certain areas in which C.B.S. programs would not be receivable under certain atmospheric conditions, and possibly also interference from N.B.C. stations operating on the same or similar channels at that time.

Mr. SIROVICH. The knife cuts both ways, does it not?

Mr. GOUX. Possibly. Now, then, on the Watchtower network of this March 25 program, approximately 140 stations, the make-up is in marked contrast with the other two; that is, three 100-watt stations as against twelve and two—twelve C.B.S. and two N.B.C. (In each power group I will mention the Watchtower figure first, then C.B.S. figure, then N.B.C., just for convenience in making the comparison.) Then there is one 200-watt station; thirteen 250-watt stations, as against seven and three by comparison; twenty-nine 500-watt stations, as against thirty-one and fourteen; twenty-three 1,000-watt stations, as against thirty-five and thirty-four; five 5,000-watt stations as against six and seven; one 7,500-watt station—the N.B.C. has one; two 10,000-watt stations, as against three and five; one 25,000-watt station—the N.B.C. has one; and one 50,000-watt station, as against eight of the C.B.S. and nineteen of the N.B.C. The total wattage is approximately 175,000.

And that compares with 1,257 watts for the Watchtower network, on the average; for the C.B.S., on the average, 4,837, approximately 4 times greater, even though the station number is 40 less than this group that is assembled for this special private network; and the N.B.C. average is 12,518, for their 90 stations, approximately, showing again a figure more than twice that of the Columbia in wattage and approximately 10 times greater, with 90 stations, than is available to us with 140 stations.

Now just as a matter of interest in passing, with respect to the kilocycles, noticing the fact that the convenient listening points are naturally at the frequencies in the so-called "upper portion" of the dial of a receiving set, rather than those in the lower portion: In the N.B.C. network the average of its kilocycles is 952; in the C.B.S., the average of its kilocycles is 1,101; in this special Watchtower network, the average is 1,193.

Mr. GIFFORD. May I ask you to tell what the purpose of those figures is?

Mr. GOUX. The purpose is merely to show the comparison between the facilities that are withheld from us and of those only that are available to us.

Mr. GIFFORD. Who is "us"—the Watchtower?

Mr. GOUX. Yes; generally speaking, the Watchtower; Jehovah's Witnesses, the organization that is testifying here with respect to the matter of being deprived of the opportunity to use the facilities of the country in the public interest.

Mr. GIFFORD. Have you been refused stations?

Mr. GOUX. Yes, sir.

Mr. GIFFORD. You have been refused?

Mr. GOUX. Yes, sir.

Mr. GIFFORD. Who owns the N.B.C.?

Mr. GOUX. The N.B.C. is owned by the General Electric Co., the Radio Corporation of America, and the Westinghouse, jointly.

Mr. GIFFORD. And how were they acquired—by purchase of these stations, or were they original grants by the Radio Commission?

Mr. GOUX. I did not catch that, Mr. Gifford.

Mr. GIFFORD. Were most of those stations acquired by purchase?

Mr. GOUX. The stations that are owned were acquired by purchase. Of course, they do not own them all. They own approximately more than a dozen.

Mr. GIFFORD. I am getting at how did the N.B.C. get control of so much—by purchase of other people, or original grant?

Mr. GOUX. By purchase.

Mr. GIFFORD. Others got the original permission?

Mr. GOUX. By purchase and by contract for time.

Mr. GIFFORD. Did you question the granting of renewals to the purchaser from the original grantee?

Mr. GOUX. I do not get the point of your question on that, Mr. Gifford; I am sorry.

Mr. GIFFORD. Does it place the N.B.C. in an unfavorable light if it purchases a station, when the renewal time comes—because they have so many other stations that they should not be granted a renewal? Would that projudice them in getting a renewal?

Mr. GOUX. I should not think so. It has not been in evidence.

Mr. GIFFORD. As a matter of fact, they approve everything, because they have given everybody a renewal, have they not, that has acted properly on the air?

Mr. GOUX. Generally speaking.

Mr. GIFFORD. Well do you criticize that method of obtaining stations by purchase?

Mr. GOUX. Not necessarily.

Mr. SIROVICH. As a general proposition, as a legal proposition, they cannot be sold to another dealer without the consent of the Federal Radio Commission?

Mr. GOUX. That is right. I understand, of course, that has been obtained in all these cases where they have acquired stations.

Mr. SIROVICH. Have you any stations that are under contract—your Watchtower organization?

Mr. GOUX. All those stations that I have referred to as engaged for this March 25 chain are under contract. We make a contract for the specific program.

Mr. SIROVICH. You are doing the same thing that the N.B.C. or Columbia network are doing—just making contracts with stations to utilize time?

Mr. GOUX. We are making contracts for the purpose of disseminating a program, not for a commercial purpose. We are not in the business of broadcasting for the sake of accumulating revenue, but the N.B.C. and C.B.S. are. That is their objective. We are using the radio as a means of service to the people, just as we use the printing press.

Mr. SIROVICH. Do you use your entire time that you have, on stations that you own, just to disseminate your religious philosophical ideals?

Mr. GOUX. We own only one station.

Mr. SIROVICH. Well do you use the time for any commercial purposes?

Mr. GOUX. None whatever; there is never a penny of a commercial program put on.

The CHAIRMAN. I understand this is just contract time on those stations.

Mr. GOUX. In the case of all other stations independently owned, we only contract time for a particular program.

Mr. SIROVICH. And the ones you own are only utilized for your own religious purposes and nothing else?

Mr. GOUX. We broadcast programs of the kind that are provided for within the provisions of the radio act.

Mr. SIROVICH. I mean do you realize any money at all in selling time?

Mr. GOUX. None whatever. We sell time to no one. We have had applications many times for time, have had many applications by stations desiring to combine with our station, with a view to turning over to us some of their commercial business, but all of those have been invariably declined.

Mr. SIROVICH. Now when you stated before that you did disseminate your religious information over the general net work at one time, meaning the N.B.C. and the Columbia——

Mr. GOUX. Not the C.B.S., only the N.B.C.

Mr. SIROVICH. Did you receive any letters in the mail for the sale of any tracts of yours at that time?

Mr. GOUX. We received thousands of requests——

Mr. SIROVICH. About how many, in round numbers?

Mr. GOUX. Well I should say that for the broadcast of July 1927, the only time that we used the N.B.C. facilities, we received over 20,000 requests in 1 day.

Mr. CULKIN. You said 1927—what did you mean?

Mr. GOUX. That is what I mean, 1927; that is the only time we used the facilities—July 1927.

Mr. SIROVICH. You said you received about 20,000 requests?

Mr. GOUX. In 1 day.

Mr. SIROVICH. When you have used this inadequate network that you have just enumerated, about how many requests came in to you then?

Mr. GOUX. I may say that the requests which come by mail——

Mr. SIROVICH. I mean from all sources.

Mr. GOUX. I imagine that the requests on this occasion—this is purely an opinion—would come to approximately 10,000.

Mr. SIROVICH. How much money did you get in voluntary contributions in 1927 as a result of your dissertation on the general chain?

Mr. GOUX. I do not know that has ever been computed. We have no means of ascertaining those things, because the contributions, as has already been stated by Mr. Koerber, are not necessarily sent to the headquarters, but may be used locally in the furtherance of the work of that group. There is no solicitation for contributions, for donations, of any kind in any of these broadcasts.

The CHAIRMAN. Do not you send agents around the street selling tracts and things of that kind, and at the same time ask them to sign a petition?

Mr. GOUX. We do not send anyone around selling anything.

The CHAIRMAN. I have been advised that people have been approached, I have very definite information, for the sale of tracts and, at the same time, they were presented a petition for signature.

Mr. GOUX. Well, the information given on that point is incorrect. The manner in which this work is carried on is this: Jehovah's witnesses who carry this message to the people, offer the people the opportunity to consider more fully the things which some may have heard over the radio and others may never have heard of in any manner.

The CHAIRMAN. That is, by means of the tract you are selling, is it not?

Mr. GOUX. We are not selling at all. If I may, I will read for the record the manner in which this is brought to the attention of the people at their homes. It is a very short piece, and this is a card which is shown to the person at the door [exhibiting]:

In these days of perplexity you want to get on the right side of every question. You learned when a child what Jesus said about dividing people as sheep and goats are separated. That apt prophetic parable is now being fulfilled over all the world, and everyone is taking the side of Jehovah or against Him. Which side are you on? You cannot decide that properly unless you have the facts before you. This booklet explains the whole matter so clearly that with it as a guide you can make no mistake. This is your copy and you should read it carefully, that you may be able to help your family and your neighbors to also decide the right way. You may contribute 5 cents to aid in a wider distribution of this very helpful message.

No one is asked to contribute. If one wishes the booklet, accepts it, and makes no contribution, there is not the remotest intimation on the part of the one calling that he must contribute, or that the booklet is his only if he provides a nickel, or whatever sum he may wish. The purpose of the activity is to carry information to the people in their interest. The matter of receiving, the readiness to receive a contribution, is entirely a matter for the individual to decide who desires to share in this work, if he is so disposed to do.

Mr. SIROVICH. What is contained in that booklet that you give voluntarily, or that they can remit 5 cents for?

Mr. GOUX. Not a thing in the nature of solicitation.

Mr. SIROVICH. I mean what is the substance of the material?

Mr. GOUX. The substance of it—we have a copy of it here, sir. It is entitled "Dividing the People", containing three addresses. One is entitled "The True God"; the second "The Mimic God"; the third one is "Why Serve Jehovah." It is in three chapters.

Mr. SIROVICH. Does it denounce any other faith?

Mr. GOUX. The booklet will speak for itself, and I can assure you it does not.

Mr. WILLFORD. There is a question I want to ask: When you were going over the Columbia-National broadcast systems and giving the power and wattage of each one, I have in mind a station that broadcasts about seven times a day, for 15 minutes or 30 minutes, on the Columbia broadcast program, and outside of that it is all local. Are they included in those figures as the Columbia broadcast?

Mr. GOUX. Well, they are included here if they are listed in the rate schedules of C.B.S., as a station available for engagement through their central office.

Mr. WILLFORD. They also conduct programs over the National as well as the Columbia, and they have to pay for them. Now, they have to buy on the market, the same as everybody else?

Mr. GOUX. May I ask, for information, which station it is, if it takes programs of both chains?

Mr. WILLFORD. They buy their program, and sometimes it is a good program. For instance, when our President speaks over the air, they will get such things as that. They buy it. Now, is that included in your power; is that what makes that power go up to those enormous figures, up to a figure like that, or are you just including those that are in absolute control 24 hours day?

Mr. GOUX. I am including only stations that are quoted by the Columbia network and by the N.B.C. in their standard rate schedules for engagement by any commercial sponsor.

Mr. WILLFORD. In other words, if the Columbia puts out a program or the National broadcast puts out a program, those stations are compelled to broadcast it?

Mr. GOUX. If they fulfill their contract.

Mr. WILLFORD. That is what I want to know—whether they are compelled to do this, or can they, if they wish, say it is a matter for each one to decide?

Mr. GOUX. The contract absolutely requires that the chain has first option on that time. When a program is due to come, the station is obliged to carry it.

Mr. WILLFORD. Do not they have a contract that says if you take their National broadcast system—and I have talked over the National broadcast and the Columbia, both—you may have just the one station, or you may have two, or you may have a dozen; it depends on how much you pay, how much your demands are? All programs are not chain programs?

Mr. GOUX. Well, there are classifications, groups, within which they allow an individual station to be engaged in connection with another station elsewhere; or, in certain groups, the entire group must be engaged according to their own arrangement.

Mr. WILLFORD. Each individual station you are talking about?

Mr. GOUX. Certain stations. This principle is not applicable to every station, but it is only within certain groups, and they have some dozen or more groups of stations in various parts of the country. They have the basic network and then they have the so-called "supplemental" network.

Mr. WILLFORD. The reason I brought that up is those big figures you have, to find out how they were arrived at—whether you were taking in everything, or only the Columbia and National broadcast programs.

Mr. GOUX. Oh, no; not every station.

Mr. WILLFORD. Or whether you have it complete.

Mr. GOUX. I will emphasize that for the purpose of the record, that the stations mentioned (approximately 90 in the N.B.C. group and approximately 100 in the C.B.S. group), comprised only stations that are regularly affiliated with those two chains and are quoted in their standard rate schedules for engagement by commercial sponsors.

Mr. RAMSPECK. How many of the stations listed in the N.B.C. network are owned by the National Broadcasting Co.?

Mr. GOUX. Well, approximately 15.

Mr. RAMSPECK. The others are what you call affiliated stations?

Mr. GOUX. They call them associated stations.

Mr. RAMSPECK. Associated stations?

Mr. GOUX. Yes.

Mr. RAMSPECK. How many does the C.B.S. own of the 100 you mentioned?

Mr. GOUX. I am not altogether familiar with that, but I should say, roughly, 10.

Mr. RAMSPECK. And the other stations have a contract?

Mr. GOUX. Also there are associated stations and they have contracted with the chain system on certain kinds of programs, and the chain has a preferred option of time

Mr. RAMSPECK. It is your contention that these affiliated or associated stations will not take your program because the chains (the N.B.C. and the C.B.S.), do not want them to take them; is that right?

Mr. GOUX. Because the Columbia, in the case of the Columbia, has a preferred option on that particular time. And I will cite in the statements relating to the C.B.S., which I have yet to read, some specific instances that will more thoroughly clarify that situation.

Mr. RAMSPECK. Have you ever approached the individual station owners about this matter?

Mr. GOUX. Frequently; constantly.

Mr. RAMSPECK. Of those affiliated or associated stations?

Mr. GOUX. Yes.

Mr. RAMSPECK. Have you taken it up with them directly?

Mr. GOUX. Certainly, we always do. We always deal with the individual stations.

Mr. RAMSPECK. And they have refused you time?

Mr. GOUX. On the ground, I will state in this statement, of C.B.S. interference.

Mr. RAMSPECK. You made the statement that WOL. had declined to take your program because the C.B.S. objected: What proof have you of that—that that was the reason?

Mr. GOUX. If I may offer the correction, there was no reference made to C.B.S. interference with WOL.

Mr. GIFFORD. He referred to the Radio Commission.

Mr. RAMSPECK. That is right; he said the Federal Radio Commission. What evidence have you that the Federal Radio Commission is their reason for refusing you time?

Mr. GOUX. The personal testimony of our Washington representative, Mr. Koerber, who preceded me, who is personally in contact with the president of the organization that operates WOL.

Mr. RAMSPECK. I do not recall that Mr. Koerber gave any testimony about that.

Mr. GOUX. He may not have entered it in the record, but he has evidence to give on that point.

Mr. SIROVICH. Do you believe that big business, political rulers and big churchmen have joined hands together and that it is that combine that has gained control of the gold and other property of the world and, as instruments of Satan, have brought about oppression of the people?

Mr. GOUX. I do.

Mr. SIROVICH. You believe that?

Mr. GOUX. I do.

Mr. SIROVICH. Who are the political rulers; name them?

Mr. GOUX. Well the political rulers are the ones who are in charge of the affairs of politics.

Mr. SIROVICH. Well who are they; name them.

Mr. GIFFORD. Do you want me to help you? [Laughter.]

Mr. GOUX. It would be a pretty long list.

Mr. SIROVICH. Give them to me; give me the political rulers that are ruling our country today, that are doing just what you characterize.

Mr. GOUX. Well, I would say that everyone who is not on the side of Jehovah and carrying forward according to His purpose, as specially expressed in His Word, would come within that category.

Mr. SIROVICH. That is answering by evasion. Who are the big political rulers who have done that?

Mr. WERTZ. May I say——

Mr. SIROVICH. No; I am asking this gentleman; because he confirmed the statement I just read. Now, since you cannot name specifically any big political rulers, name the big churchmen who are doing that.

Mr. GOUX. I would say that in the same way, everyone who has taken his stand for a selfish purpose and, therefore, in opposition to the purpose that Jehovah plainly sets forth in His Word.

Mr. SIROVICH. That is simply a diarrhea of words. I am asking you to name the men.

Mr. GOUX. I am not bringing any case against any individual—any personality.

Mr. SIROVICH. That is what I am asking. You say big business, political rulers and big churchmen have joined hands together.

Mr. GOUX. Everyone who has——

Mr. SIROVICH. Now, I am asking you to name some of those men who would fall under this category.

Mr. GOUX. Everyone that is involved in the organization that is moving forward to accomplish the purpose that they have combined to carry through.

Mr. SIROVICH. Well, who are these people? Name a few of them. And the reason I ask you to state this is because I have written down this from page 36 of the pamphlet called "Escape to the Kingdom", which you have just handed me, which is taken word for word from this section. So it is a general characterization without any specific individuals in mind. That is all.

The CHAIRMAN. Go ahead with your statement.

Mr. BROWN. That little card there, that you read to us, I believe said that if you will read this booklet, some of these booklets that you hand us here, and follow them, that you can make no mistake. Is that what the card says? I think I remember it—it says "You can make no mistake."

Mr. GOUX. It reads:

This booklet explains the whole matter so clearly that with it as a guide you can make no mistake.

Mr. BROWN. Who wrote all these booklets?

Mr. GOUX. The authorship is indicated on the first page.

Mr. BROWN. But cannot you answer? Judge Rutherford wrote them, did he not?

Mr. GOUX. Judge Rutherford wrote that particular one you refer to.

Mr. BROWN. He wrote all these books. Now, is there anything more arbitrary about any of these creeds which you condemn than that statement there—that if you will follow the direction of Judge Rutherford, you can make no mistake? Is there any creed you can think of that is narrower or more arbitrary than that creed—if you follow what Judge Rutherford says, you can make no mistake?

Mr. GOUX. The statement here relates to the subject matter presented in that booklet for consideration of the reader.

Mr. BROWN. That is interpreted by Judge Rutherford, is it not?

Mr. GOUX. No, sir; it is not. It is the instruction set forth in the Word of God, which is submitted for the consideration of those who desire to know the Bible.

Mr. SIROVICH. But "big business" and political rulers have joined hands together, as he states. Ipse dixit. He said that; the Bible doesn't say that.

Mr. GOUX. The proof is presented in the booklet, sir.

Mr. SIROVICH. You can pick out any statement of the Bible and prove anything.

Mr. GOUX. No; you cannot.

Mr. SIROVICH. Oh, yes; you can. If there is anything honorable, beautiful, wonderful, in the the Bible, that needs no explanation to make it true; and if there is anything unclean, obnoxious, or offensive in the Bible, all you can say cannot make it the truth; and, simply because Judge Rutherford say it is the truth does not make it so.

Mr. BROWN. In the booklet you call "Cause of Death" on the front page of which is the picture of a beautiful young lady picking an apple—I do not know whether she is a member of the nudist colony, so-called, or I do not know whether that is where the expression came from, "Oh death, where is thy sting"——

Mr. SIROVICH. But you notice down below is the snake; and that shows the sting.

Mr. BROWN. I did not see the snake; I was looking at the young lady. [Laughter.] But, anyway, in the back of it you ask quite a few questions and, among others, is: "Would you make all sick people well and healthy? Would you cause the lame to be made sound and straight?"—and a bunch of other things. Then it says "Of course, every sane person" wants to do these things, and then you ask the question, "Then why does not God, the great Creator, who the Bible declares is all-wise, all-love and all-powerful, do these things." Then you say:

> Ponder over the above for a time and ask yourself what it would be worth to you, in peace of mind and genuine satisfaction, to have a reasonable, believable, consistent explanation of the matter.

Then you say—

> That's just what you will find in Judge Rutherford's famous set of 10 books. * * *

And you send in your card that "if you read what Judge Rutherford says, you cannot go wrong."

Now, I want you to name me a church creed that is more dogmatic, that is narrower, that is more arbitrary, than this statement there of Judge Rutherford—that if you will accept what I say to you, you cannot go wrong?

Mr. GOUX. This statement is made not for the purpose of getting people to consider what Judge Rutherford says, but to turn——

Mr. BROWN. It says Judge Rutherford will explain it to you, here.

Mr. GOUX. But to turn their attention to the subject matter, that facts are presented in these publications which everyone may consider and check with his own Bible right in his own home, and demonstrate that it is not human opinion, that it is not the theory of any creature, but it is the expression of the purpose of the Almighty Creator as that purpose is clearly set forth in the Word of God.

Mr. BROWN. Taking this pamphlet "Cause of Death", I want you to read that section there which says Judge Rutherford will give an explanation of the matter and join that with the statement that if you follow this booklet and explanation you cannot go wrong. Then I want you to name a church creed—and I do not limit it to the Christian religion—that is more dogmatic than that creed set out on that little card that you give to the people at the door. Name me just any creed that is more dogmatic than that.

Mr. GOUX. As I have already stated, the work of Jehovah's witnesses is not founded on any creed; it is the service of Bible instruction.

Mr. BROWN. That is correct, and these instructions sent out by Judge Rutherford say if you follow according to that theory there, your card, you cannot go wrong. Now, I want you to name me some religious leader who was ever narrower, ever more arbitrary, ever more dogmatic, in his teachings than Judge Rutherford, according to that statement I read there?

Mr. SIROVICH. And how much do those 10 volumes cost, that you sell at the same time?

Mr. BROWN. Two dollars and a half, I believe it is.

Mr. GOUX. The cost includes the production of them, the distribution of them, and in most cases is much greater than any contribution that any one receives for them.

Mr. BROWN. Let me ask you another question: I want you to name me some patent medicine ad that is more certain of its cure of an existing disease than Judge Rutherford's statement is there of his cure of the doubt in the human mind about the failure of God to cure these human defects?

Mr. GOUX. I will answer that, sir, by merely pointing to the fact that this publication is not an expression of any human opinion.

Mr. BROWN. It is written by Judge Rutherford, is it not?

Mr. GOUX. So is the Bible written by man, but by arrangement of the Great Creator in the expression of his purpose.

Mr. BROWN. That is right. Now did the Great Creator arrange with Judge Rutherford to write those books and sell them for $2.50 for 10?

Mr. GOUX. The information set forth in those books will speak for itself and it may be discerned by anyone who desires to understand the facts that it is not human opinion.

Mr. BROWN. Who gave this information to Judge Rutherford, for instance, that "big business" has joined with the churches?

Mr. GOUX. That is clearly set forth in the prophecies in the Scriptures. For instance, you may have the three books "Vindication" 1, 2, and 3, which clearly portray the things that are foretold in the prophecy of Ezekiel on that very subject.

Mr. BROWN. Now, Judge Rutherford sets himself up as a judge or interpreter of the Scriptures and anybody who agrees with him cannot go wrong, cannot make a mistake, and any one who disagrees with him is already mistaken.

Mr. GOUX. He does not set himself up as a judge.

Mr. BROWN. That is what the statement says, does it not?

Mr. GOUX. No, sir.

Mr. BROWN. That if you follow him, you cannot be mistaken and, by innuendo, if you do not follow him, you are already mistaken?

Mr. GOUX. Not at all.

Mr. BROWN. What does it mean?

Mr. GOUX. That is entirely unfair and is an inaccurate inference.

Mr. BROWN. What does the statement mean when it says if you follow this information you cannot go wrong?

Mr. GOUX. For the reason that the information given in the Word of God is the truth.

Mr. BROWN. That is Dr. Rutherford's statement?

Mr. GOUX. And the information contained in those publications that you hold directs the reader to the consideration of the Scriptures, and anyone who will examine them in an unbiased frame of mind will very quickly satisfy himself that it does relate to the Scriptures, to the purpose of the great Author of the Scriptures—not Judge Rutherford, but the Creator, Jehovah.

Mr. BROWN But is not the booklet an explanation of Judge Rutherford's opinion?

Mr. GOUX. It is not.

Mr. BROWN. His opinion of the Bible?

Mr. GOUX. No, sir; emphatically not.

Mr. SIROVICH. Well, is it not a matter of biblical knowledge to all students of the Bible that there really have been two parts to the Bible; one the information that God gave to Moses upon Mount Sinai, which contains the decalog, which is the foundation upon which the superstructure of all government rests?

The knowledge that we find in the Holy Bible that is in the form of spoken language, which is known in the Semitic language as the *torah she balsav*, means the written knowledge in contradistinction to *torah she balpe'* that comes from mouth to mouth and lip to lip.

The form of biblical knowledge which was given by God to Moses upon Mount Sinai, which is known as the *torah she balpe'* was the inspired, interpolated knowledge of the text of the Holy Bible, and which only a few selected people were privileged to understand. Legend tells us that this inspired knowledge, the *torah she balpe'*, was supposed to be given by Moses to Joshua from lip to lip. Joshua transmitted it to the Judges. The last Judge (Samuel), bequeathed it to the annointed King Saul. From Saul it went to David; from David to his son Solomon, and from Solomon it is supposed to have been transmitted to all the Prophets as Elisha, Amos, Hosea, Isaiah, Josiah, Jeremiah, Ezekiel, Malachi, and from these to the scribes as Ezekiel, Zerubbabel, and from them it is supposed to have been transmitted to the great Rabbis, like Rabbi Hillel and Rabbi Schammi and from them down to Rabbi Jehude Hanasi, who, under the cowardly attack of the Roman Emperor Hadrian, was compelled to preserve this knowledge by inscribing it in six great books.

Dr. Rutherford has taken to himself the attitude of an inspired prophet to declare and decree to our country that he typifies and represents that kind of prophet. Is not that right?

Mr. GOUX. No, sir; it is not.

Mr. SIROVICH. Then how does he get any other kind of interpretation than what he breathes into it himself?

Mr. GOUX. Jesus pointed out that even in his day there were men who were purveying among the people the traditions that had been handed down from the fathers, and that they by their traditions made void and of noneffect the Word of God.

Mr. SIROVICH. I would like to advise the distinguished witness that even in the days of the Savior we had controversy, conflict, and agitation regarding religious and political ideals. The first and oldest political party was called the Sadducees, who symbolized the cabalistic class of their day. They were the rich aristocrats, the great reactionaries and conservative forces of their time who owned, controlled, and operated every material resource for their own benefit. In the language of the modern day, they were the exploiters of great masses of people who lived in their time.

The second political party were called the Pharisees. They were the democrats of their time. The word Pharisee comes from the Semitic word parish, which means to separate. They separated themselves from the Sadducees. They represented the common class of people. Even amongst the Pharisees there were five subdivisions; each one proclaiming their own ideal of social, economic, and political concepts. One of these subdivisions of the Pharisees was denounced by the Savior and referred to as the hypocritical Pharisees.

The second one of their group was responsible for carrying the torch and the ideals of the Jewish faith and has carried it down from century to century until modern Judaism symbolizes the ideals that those men fought for, bled for, and died for.

The third political group were known as the "Zealots." These were the great militant and aggressive fighting forces of the old Jewish people. They refused to genuflex to any foreign, outside power, no matter how strong and great they might be. They fought the great gorilla warfares against foreign exploitation. Indeed, Mr. Witness, the Zealots were the men who coined the great expression that was subsequently used many centuries later by Patrick Henry, when they said, "Give us liberty, or give us death." And so they persistently and consistently fought against the Jewish people paying tribute and exaction to any foreign, outside influence that would harrass them to raise taxes for outside countries.

The fourth political group were known as the "Scribes". They were the literati, the intelligentsia, the intellectual writers of their day. They recorded as secretaries the conditions that appertained in their time and bore the same relationship to the people of their day that the literary writers of modern time occupy in our twentieth century.

The fifth political group were known as the "Elders." They were men who had grown gray in the service of the Jewish people. They had given their all upon the alter of service and it was their hope and faith that ere the curtain of life folded upon them, they might have the privilege to serve God and their fellow men.

And so it remained for these five political groups (the Sadducees, the Pharisees, the Zealots, the Scribes, and the Elders) to contribute membership to the greatest Jewish tribunal that was known as the "Sanhedrin", that was comprised and composed of 72 members, that meted out justice to all the people who came before that distinguished body.

So, Mr. Witness, you can readily realize that even in those days there was no unanimity of expression. Conflict of opinion was present then as it is present today. Nothing was dogmatic and the same agitation, discord, and strife that prevails today was found amongst those older people. So neither you nor any other group has the right to claim ownership of all the dogmatic virtues that you contend the

Witnesses of Jehovah are heir to. There were those five creeds, and between those five creeds you have five contrary things that no one would subscribe to, and here you come to us and give us the opinion of one or two or three, who would hold everyone down in our country to the ideals and interpretation that Dr. Rutherford and his followers think everybody else should accept. Now since they were highly controversial matters in those days, why should you dogmatically, speaking as Mr. Brown so ably brought out, insist upon everything that Dr. Rutherford says as the Gospel truth, which it cannot be, because there was no time in the history of the religious despots that went on 20 centuries ago when they could agree, and now how could you get uniform expression and uniform interpretation of the Bible?

The CHAIRMAN. Do not let us get too deep into a scriptural discussion.

Mr. RAMSPECK. Mr. Chairman, it is all very interesting, but our Constitution provides for the separation of the Church and State, and we cannot pass on any religious dispute.

Mr. BROWN. Here is what I want to ask: the gentleman has stated there was nothing stated about religious prejudice in any of these books, or attacks on any church's belief, or the creed of any church? That is your statement?

Mr. GOUX. Yes.

Mr. BROWN. What do you glean from this picture here on page 49 in the "Eve in the Garden Plucking an Apple" pamphlet, in which a dead baby in its mother's arms is pictured here on the page, and on which is written "high mass" and "low mass," and there are persons gathered around there. What would you infer from that, if you were a member of the Catholic Church, as the purpose of this pamphlet? Would not you think it was an attack by innuendo on your religion? Now I am saying that as a Methodist, and you cannot make me mad if you talk about my church, because I am not a good enough member of it to know whether you are right or wrong; but then I concede to my Catholic brothers that they are good church members and they take an interest in their church. Now would not you think this pamphlet was directed at your church and was an insult to your church?

Mr. GOUX. I would try to find out what it was about.

Mr. BROWN. Certainly, if it was said about your Jehovah members there was something wrong with you, and they printed pictures like that, would not it hurt your feelings if they pictured you here in a ludicrous position? So that there is something in these pamphlets that attacks other religions by innuendo, if not directly?

Mr. GOUX. No, sir. The pamphlet explains itself.

Mr. BROWN. What do you mean by the pamphlet explains itself?

Mr. GOUX. The subject matter will clarify the very point you raise, on behalf of any one who is sincerely desirous of having information.

Mr. BROWN. Well was this picture of a priest there, with "high mass" and "low mass" put in there in commendation or condemnation of the Catholic faith?

Mr. GOUX. It explains that.

Mr. BROWN. I am not asking you that; I have not had a chance to read it, but is that in commendation or condemnation of the Catholic faith?

Mr. GOUX. I will submit that to the ruling of the Chairman, as to whether I shall answer that question.

The CHAIRMAN. The witness can decline to answer anything he wants to and, so far as the pamphlets are concerned, I am of the opinion this committee has sufficient intelligence to draw their own conclusions about it. I would be glad if you would go ahead with some kilocycles. (Laughter.)

Mr. GOUX. The National Broadcasting Co.'s service was used by us on one occasion, July 24, 1927. This was a 1-hour program, broadcast by 51 stations. Since then, we have never been permitted to use that service. The reason given for the N.B.C. refusal was that their broadcasting enterprise is conducted primarily for commercial purposes and that we would have to take the matter up with their advisory council. This advisory council includes a religious policy committee composed of three members—a representative of the Catholic faith; one of the Protestant faith; and one of the Jewish faith. This committee of the advisory council is designated as the committee on religious activities and to it the National Broadcasting Co. has entrusted the responsibility of governing the broadcasting of programs connected with religion or the Bible.

This committee has always refused to permit us to use the service of the National Broadcasting Co. to broadcast our programs of Bible instruction. The committee refuses our programs, saying that the N.B.C. networks are adequately provided with religious program material furnished and approved by their committee. We have requested N.B.C. to broadcast our program. Such requests have been made repeatedly since 1927. We have offered to pay for the time at commercial rates and have always been refused, except the first time, July 24, 1927.

Then respecting the Columbia Broadcasting System——

Mr. CULKIN. Right at that point, may I ask a question?

The CHAIRMAN. Yes; right on the bill.

Mr. CULKIN. Yes; I will try and keep within the bill; I won't get into the question of theology.

Under section 29 of the law, the right of free speech over the radio is guaranteed, as I understand it. Have you ever litigated that question; have you ever taken it into the courts?

Mr. GOUX. No.

Mr. CULKIN. There has never been any attempt to get a judicial determination of the scope of that section 29?

Mr. GOUX. Not by your organization.

The CHAIRMAN. Proceed.

Mr. GOUX. The Columbia Broadcasting System refuses to accept our programs, stating that it is contrary to their policy to accept programs of this nature. The Columbia Broadcasting System has never broadcast our programs on its networks.

Last November, we entered into a contract with WPG, Atlantic City, N.J., for a 1-hour program in electrical transcription, to be broadcast December 31, 1933, on the subject, "Religious Intolerance, Why?" Before the date of the broadcast, we were informed by the manager of WPG that the Columbia Broadcasting System had written to him and advised him to cancel the contract.

Besides owning a number of stations, directly or through its subsidiary corporations, the Columbia Broadcasting System has prior

claim on time of many independently owned stations, through contracts with such stations which are highly restrictive according to information given us from time to time by the stations. For example, independently owned stations located at Birmingham, Ala.; Montgomery, Ala.; Boston, Mass.; Tacoma, Wash.; Wheeling, W.Va., had reported to us their readiness to carry our program on March 25, 1934. The station at Akron, Ohio, had given us similar reports and had even signed a contract to take our program. Later, we were advised by each of these stations that they would be unable to accept our program on March 25, 1934, for the reason that the Columbia Broadcasting System claimed a prior right to the time which we desired to use. This applies also, since yesterday, to the Norfolk station, WTAR, with which we had a contract.

Stations at Wichita, Kans., and Indianapolis, Ind., independently owned and associated under contract with the Columbia Broadcasting System network, advised us that their contract with the Columbia Broadcasting System strictly forbids them the right to broadcast any chain program other than the Columbia chain.

The station at Memphis, Tenn. (WREC), which has carried our programs for many years, was anxious to clear the half hour period required by us for the March 25 private network broadcast. The station requested permission of the Columbia Broadcasting System to take off the regular commercial chain feature for that date only. This request to the C.B.S. was telephoned by the general manager of the station and, according to our local representative's report, the request was flatly refused and the station manager refuses further to consider removing the C.B.S. program for our program, for fear of what the Columbia Broadcasting System might do in retaliation.

The CHAIRMAN. Is that all?

Mr. GOUX. That is all of that part. I have some other matters here.

Mr. GIFFORD. You spoke about the N.B.C., that their programs were for commercial purposes only, to make money: Have they made any money?

Mr. GOUX. They have made much money.

Mr. GIFFORD. Are not their reports always in the red?

Mr. GOUX. In the N.B.C.?

Mr. GIFFORD. They were here at one time I remember, Mr. Chairman, and they showed they were in the red and, when we inquired of the ownership of N.B.C., it has usually been told to this committee that they spend a very great deal of money to get good programs so that the General Electric, perhaps, and other owners, may have more of a market for their radio apparatus, and parts of radio.

Mr. GOUX. That is right.

Mr. GIFFORD. And that really the N.B.C. was not formed to make money, but it was really formed to give the public a high-grade entertainment, so that radio would be popular and the selling companies could make money. That has been presented to this committee several times.

Mr. GOUX. Yes, Mr. Gifford. That is really shown in the original announcement of N.B.C. as given in an advertisement published in November 1926 of which I have a copy here.

Mr. GIFFORD. And you say there has been a year when N.B.C. did itself show a large profit?

Mr. GOUX. That is my understanding of the reports that have been published, that they have made money.

Mr. GIFFORD. I would like to know definitely if that statement is true; because they claimed to us many years ago that they were not monopolizing these things to make money; they were really trying to spend very vast sums for the benefit of the public to make radio popular, and it was not their intention to make money. And if you are attempting, of course, to prejudice this committee or to enlighten the committee on unfair practices by the N.B.C., that, of course, is in line with what we want to know.

Mr. GOUX. I have a report of the Interstate Commerce Commission examiner respecting certain testimony that was presented to that Commission by the N.B.C., in which statements similar to those that I have made are clearly set forth.

Mr. GIFFORD. And in reply to Mr. Ramspeck's question, you said WOL in Washington, or Alexandria, had told your representative that fear of the Radio Commission itself caused them to refuse to put over your program.

Mr. GOUX. Fear of the disfavor of the Radio Commission.

Mr. GIFFORD. That statement, Mr. Chairman, appeals to me as one being worthy of having the Radio Commission appear before this committee.

The CHAIRMAN. The Radio Commission, I think, has a representative here and they will be heard in due course.

Mr. GIFFORD. I think that is within the province of this committee, to be very careful in their examination of the policy of the Radio Commission, and that policy, as I brought out a little while ago, is never to refuse to renew a license unless something has been proven against that licensee, and the fact they were bought up by some other instrumentality did not change their policy of renewal. Is that right?

Mr. GOUX. Yes, sir.

Mr. GIFFORD. So that you can hardly criticize them yourself. If you saw an opportunity to sell your station to the N.B.C. at a price, you would expect they would be able to get a renewal of the license, and while the chairman or someone, I think Dr. Sirovich, suggested it still would be no good unless it was approved by the Radio Commission, it has been the policy that they must not begin and they do not begin to disapprove of any such sale unless there has been a direct infringement or violation of the law. So it is not strange, is it, that the N.B.C. has gotten control of so many of these stations, and you think that the public interest is very well served, do you not, by this large expenditure for radio programs for the benefit of the public?

Mr. GOUX. Well the public interest is served in a limited way, but it is not served by any means in the manner in which it might be served.

Mr. GIFFORD. You think that the Radio Commission should come in for a little criticism because it has allowed a committee or commission of churchmen to decide as to whether or not this is a proper program?

Mr. GOUX. You mean the N.B.C.; not the Radio Commission.

The CHAIRMAN. The Radio Commission has no power of censorship?

Mr. GOUX. No. The N.B.C. has delegated this responsibility of censorship to a religious advisory committee.

Mr. GIFFORD. Were they joined by the Columbia Broadcasting System?

Mr. GOUX. I will cover that separately.

Mr. GIFFORD. You will cover that separately?

Mr. GOUX. That is a separate organization that has its own policy with respect to censorship.

Mr. GIFFORD. And they do not censor for the same reason, then, that the N.B.C. does?

Mr. GOUX. Their letter sets forth the manner in which they exercise their censorship.

The CHAIRMAN. The witness may stand aside. Mr. Koerber, Mr. Ramspeck wants to ask you a few questions.

FURTHER STATEMENT OF MR. ANTON KOERBER

Mr. RAMSPECK. You raised the question of WOL and stated they refused your program because of fear of the Radio Commission. I would like to know what proof there is of that statement.

Mr. KOERBER. After the broadcast was given in the early part of the spring last year, 1933, as stated in Judge Rutherford's testimony which I gave yesterday, you noted the statement that the Radio Commission requested Judge Rutherford to file with them a list of all of the stations he broadcast that message over and, after he had done that, then they wrote a letter to each one of those stations and asked them if they had broadcast that message, even though they knew they had, and by such letters inferred it was wrong to do it. And while they could not tell them that they could not do it, the inference was that if they continued to do it there was a possibility of losing their license. Now when I say "inference", that is the testimony that was given to me by the manager of WOL, as I recall, for refusing to take our program.

The CHAIRMAN. What was his name?

Mr. KOERBER. Mr. Marks, who is manager and president of WOL.

Mr. RAMSPECK. He told you the reason he refused your program is because he received a letter from the Radio Commission asking him whether or not they had broadcast Judge Rutherford's program?

Mr. KOERBER. Yes; that is right, and also——

Mr. RAMSPECK. Did you see a copy of the letter from the Radio Commission?

Mr. KOERBER. We have a copy of the letter here; yes, sir.

Mr. RAMSPECK. Will you put it in the record?

Mr. KOERBER. Yes, I will file it with the committee; also a copy of a letter recently written by the Radio Commission chairman, Judge Sykes, which in a way covers the question asked and possibly a little more fairly than another Commissioner, Mr. Lafount, who answered the question rather evasively that was written him by Members of Congress. And in that you will notice he refers to the fact that they do not have the power of censorship and indicated if they did they would censor programs, and completely evades the question brought out by the Congressman, of what they have done about this matter when two and a half million people want to hear the program and it

does not seem to be heard and there seems to be an outside force that is preventing it and the Commission is not doing anything about it.

Mr. SIROVICH. Have you a copy of the letter written by Judge Sykes of the Federal Radio Commission with you?

Mr. KOERBER. Yes, sir.

Mr. SIROVICH. Will you read it?

Mr. KOERBER. Yes, sir.

Mr. GIFFORD. While they are looking for that, may I ask the witness if he has knowledge that many, or any others, have had cause to complain to the Radio Commission that they have been refused the facilities? Are you the only organization that has been refused?

Mr. KOERBER. I understand there have been other organizations refused; but, of course, we are only taking up our own case. As a matter of fact, there must have been many organizations refused, because there are many more organizations who desire to broadcast beside those involved on this special committee, who have the power to tell who can be broadcast and have confined their broadcasts within the scope which they sought to confine to their own ranks known as the Federal Council of Churches of Christ in America, that seem to have the authority to exercise censorship through one Doctor Cadman. And in the case of Columbia, as stated by the previous witness, they have a policy similar to N.B.C., but I do not think their policy is in the hands of the clergymen like it is in the other case.

Mr. BROWN. Is it your interpretation of Judge Rutherford's pamphlet that there is no attack made on any other church faith?

Mr. KOERBER. I did not get that; I am sorry.

Mr. BROWN. Is it your interpretation of these pamphlets that there is no attack made on any other church faith?

Mr. KOERBER. Yes.

Mr. BROWN. That is your interpretation.

Mr. KOERBER. No; can I explain just briefly, inasmuch as you asked me that question?

Mr. BROWN. Yes, sir.

Mr. KOERBER. These pamphlets are introductory to the subjects. Here is the subject matter that is discussed and they give the references scripture for scripture, for the purpose of comparing physical facts with the things God promised to do. That booklet that you have there and the other booklet, as I say, are introductory subjects. That plainly says the reason people do not understand what the Lord God is doing is because they are now in a throttled position by the clergymen who have made a business out of religion. And I make no exception to that; or, rather, know of no exceptions to that statement. If that would be called an attack, then it is an attack upon the clergymen—not upon the people.

Mr. SIROVICH. Is Dr. Rutherford making a business out of religion?

Mr. KOERBER. He is not. He never receives a penny of profit, nor I, nor any other man in this organization. And all of those who bring this information to the people do it without any compensation whatever.

Mr. SIROVICH. How do you disseminate those—through soliciting money?

Mr. KOERBER. No, sir; we disseminate those by voluntary contributions on the part of people who are working for the Lord and who desire to give this information to the people. For instance, I have

been in the building business for years here in Washington and have donated thousands of dollars to this radio work and to other messages to go out in printed form, and never expect any profit. No man can sell the Word of God for a profit; that is what we claim. Instead of having a church, where we take up a collection, we reverse our proposition and give the people something free.

Mr. BROWN. If you do not attack any particular faiths on which you concentrate your fire, how did it happen that in this book "Dividing the People" you do not include one of our Methodist preachers here with this Catholic priest, who has an armful of gold with him and is driving a bunch of goats over here on the right, in dividing the people, and leaving your people over on one side, and the priest and his goats with the money over on the other side? Why did not you include a Methodist preacher in there, if you are not centering your fire on any one religion?

Mr. KOERBER. I will answer that briefly, if I may.

Mr. BROWN. Yes.

Mr. KOERBER. Because, in recent years, people who have honestly sought to serve Jehovah have been hindered by the commercialized clergy which are headed by a number of Roman Catholic hierarchy. We recently had an experience which is now in the record and is being taken up by Senator Tydings over in the Senate, which shows that the Roman Catholic hierarchy are all back of the movement, as also Roman Catholics, and the purpose is to join the Church and State. That is the statement referred to in the booklet you refer to.

Mr. BROWN. Recently, do you not think our Methodist preachers have been too poor?

Mr. KOERBER. I will answer that question directly. You say a lot of them are poor; I think a lot of the Methodist peachers are starting to get out of business, because the people are no longer supporting it. That is the fact about it.

Mr. GIFFORD. I want to inquire along this line: Do you know whether there are others here who are going to testify, not connected with your organization, who have been refused the facilities?

Mr. KOERBER. We have not called them in, sir, and I do not know whether there are, or not. I am not in a position to answer that. We have only stuck to our own business and tried to state facts which we had to prove what concerned us, from actual experience.

Mr. GIFFORD. And this bill is put in here before the Congress at the particular request of your organization?

Mr. KOERBER. It is not the particular request of our organization, but it was brought to light, that is, some of the points respecting the unethical practices were brought to light, and we requested it be brought to the attention of Congress.

Mr. GIFFORD. Have you any knowledge if Father Coughlin, for instance, who speaks every Sunday afternoon, has ever been refused these facilities?

Mr. KOERBER. Yes, I have. He has been. Not only he, but many other speakers.

Mr. GIFFORD. I asked the question about Father Coughlin. You think he has been refused?

Mr. KOERBER. I know he has been refused.

Mr. GIFFORD. Do you approve of that?

Mr. KOERBER. No, sir; I do not approve of any one being refused, regardless of who he is. If that method be carried out, then any man can take an idea and control the radio facilities, and it would not be very long before you would have a dictator, which I do not approve of, I do not care who it would be.

Mr. GIFFORD. But under this bill before the committee, do you expect Coughlin and his supporters, who he claims to have by the millions, to come before the committee and support you in this?

Mr. KOERBER. I do not know if he will, because we have not asked him. In the matter of his interest, he will probably be glad to, because I know he made some complaints at the time he was cut off.

Mr. GIFFORD. In his absence, must we infer he regards this as your fight and he is not sympathetic with you? Are we going to infer that this is a general bill of complaint here, which it seems to be; and, if so, why are you people here all alone without his support and that of others who have been refused?

Mr. KOERBER. I will tell you one reason, to be frank about it; I will give you my opinion. You notice in this petition mention is made that the Catholic hierarchy is entering largely into politics; that is the subject of the matter which I stated to the gentleman from Kentucky (Mr. Brown). Now with that statement being made, it is highly improbable that a man who is a part of the Catholic hierarchy would come down here and testify in our favor. But that does not take away from the principle of it, that he has a right, as well as other men, to express their belief, and others have got the right, and let the people hear both sides of the question and decide for themselves.

The CHAIRMAN. I think that has been repeated several times.

Mr. BROWN. You do not mean to infer that Father Coughlin is linked up with big business or crooked politics?

Mr. KOERBER. I do not infer anything of the kind; I do not know anything about it, and it would be most unfair for me to make such a suggestion.

Mr. RAMSPECK. Mr. Koerber, you are not withdrawing the statement you made yesterday that the clergymen of all of the churches were guilty of making a business out of religion?

Mr. KOERBER. I did not say that, sir.

Mr. RAMSPECK. That is what I understood.

Mr. KOERBER. No; if you will notice in the record, it states this, I believe; I stated when the program was put on the air by the clergy of the Federal Council of Churches of Christ in America, the inference is that some little church and the people who attend that church down in Virginia, or in some hill and dale—that is practically the very words I used—the inference is they are for that program; they are sponsoring it and in favor of it. As a matter of fact, they have nothing to say about what those big fellows are doing up in New York, who are simply the mouthpiece for big business. That is what I said.

The CHAIRMAN. Does that complete your witnesses?

Mr. WERTZ. I wanted to clarify a few statements with some records I would like to offer.

The CHAIRMAN. All right.

Mr. WERTZ. This is a report of the advisory council of the National Broadcasting Co., March 1928:

This committee, consisting of Hon. Morgan J. O'Brien, Mr. Julius Rosenwald, and Rev. Charles S. MacFarland, chairman, has held several conferences and the chairman has, as its representative, been in constant conference with the officers of the National Broadcasting Co.

The Committee felt that its policies should be guided by a general statement of principles, and the following statement was approved by the committee and by the officers of the National Broadcasting Co.:

"1. The National Broadcasting Co. will serve only the central or national agencies of great religious faiths, as for example, the Roman Catholics, the Protestants, and the Jews, as distinguished from individual churches or small-group movements where the national membership is comparatively small.

"2. The religious message broadcast should be nonsectarian and nondenominational in appeal. * * *

"4. The religious message broadcast should interpret religion at its highest and best so that as an educational factor it will bring the individual listener to realize his responsibility to the organized church and to society.

"5. The national religious messages should only be broadcast by the recognized outstanding leaders of the several faiths as determined by the best counsel and advice available.

The Protestant churches have organized their own National Religious Radio Committee, constituted by the Federal Council of the Churches of Christ in America, and this committee has already entered upon an active existence.

Conference has been held with the Roman Catholic and Jewish agencies and they have been invited, so far as they may desire, to arrange for similar cooperating organizations. * * *

"This service is sponsored by the Federal Council of the Churches of Christ in America. The service is conducted by the Bedford Branch of the Brooklyn Y.M.C.A. or the Greater New York Federation of Churches" (as the case might be). * * *

"4. That these principles and policies may be applied to other local federations, whenever national broadcasting is extended to other cities as centers. * * *"

Other plans are under way for the extension of this great religious opportunity which will be reported to the advisory council as fast as they may be developed. There is no question but what the radio offers a remarkable opportunity for the dissemination of religious thought and influence, if wisely guided. * * *

CHARLES S. MACFARLAND, *Chairman.*

Mr. CULKIN. What denomination is he, Mr. Wertz?

Mr. WERTZ. I think Mr. MacFarland is a Presbyterian. He is a Protestant; I do not know of what sect. There are four other reports here, and there is only a paragraph out of each one.

Mr. SIROVICH. I move that the gentleman be permitted to file them with the committee without reading them.

(The extracts above referred to will be found at the conclusion of today's hearing.)

Mr. WERTZ. The substance of those statements from the reports is this, that the Federal Council of Churches of America and the Jewish and Catholic religions select the programs that are used on N.B.C.

The CHAIRMAN. That has already been brought out. Without objection, the excerpts will be incorporated.

Mr. WERTZ. There is one part of it which shows how many thousand dollars.

Now here is a letter of November 9, addressed to Mr. Owen D. Young, chairman of the Advisory Council, National Broadcasting Co., by the Watchtower Society.

Mr. SIROVICH. Mr. Chairman, I move that the witness be permitted to insert that into the record.

The CHAIRMAN. Yes; we would rather have it inserted.

Mr. WERTZ. Then here is a letter from Mr. Everett Case, acting secretary, National Broadcasting Co., in reply.

(The letter of the Watchtower Society and reply of the National Broadcasting Co. above referred to are as follows:)

NOVEMBER 9, 1931.

OWEN D. YOUNG,
Chairman Advisory Council, National Broadcasting Co., Inc.,
New York, N.Y.

Your expressed willingness, as mentioned in a letter of October 13, to present at the next meeting of the advisory council of the National Broadcasting Co. complaints regarding administration of its facilities in the public interest is appreciated.

The National Broadcasting Co. has refused for hire to permit use of its facilities by Judge Rutherford, president of this society, or by any of his associates, to instruct the people.

It has gone further and wrongfully prevented other radio companies from broadcasting for us.

It has announced its purpose to permit no one to speak concerning "religion" or the Bible unless his speech is approved by its president or its Protestant-Catholic-Jewish committee of advisers on religious broadcasting.

Its unwarranted discrimination and arrogant attempt to determine what the American people shall hear is in violation of the Constitution and the Radio Act.

For unbiased consideration by each member of the council, let us add, frankly and respectfully, that the radio is Jehovah's provision for the people to hear the truth, and it is His due time for them to hear. Job 38:35; Isaiah 62:10; Matthew 24:14.

To hinder freedom of speech concerning the Bible, as is now being attempted by the National Broadcasting Co. under the pretext of serving a commercial objective or "to prevent controversy", will work great injury to the people and justly merit the expressed indignation of Jehovah God. Please keep in mind the great truth: "Blessed is the nation whose God is Jehovah." Psalm 33:12.

This society, as one of the service agencies of Jehovah's Witnesses, is engaged in publishing among the people of all nations information of most vital importance. Within a short time from now, according to the prophecies of the Scriptures, Christendom will be completely destroyed by the army of the Lord. Jehovah has made it clear by His Word that the people must be notified of that approaching destruction and shown the reason why it will be done.

Responsibility for complete removal of existing restrictions as herein mentioned rests with you and your associates. That each of you will consider and heed the counsel of Jehovah's Word. Psalm 2:10–12, is our hope.

W. T. B. & T. SY.

ADVISORY COUNCIL OF THE NATIONAL BROADCASTING CO., INC.,
120 Broadway, New York City, February 29, 1932.

WATCHTOWER BIBLE AND TRACT SOCIETY,
Brooklyn, N.Y.

GENTLEMEN: In accordance with our understanding, your complaint against the policies of the National Broadcasting Co. as contained in your letter to Mr. Young of November 9 was presented to the advisory council at its meeting on February 16. Your appeal was carefully considered and the questions of policy involved carefully reviewed.

In the sensitive field of religious broadcasting the National Broadcasting Co., with the advice and approval of its advisory council, has felt that it could render its best service to the public by leaving the determination of religious programs to responsible organizations representative of the three great faiths—Protestant, Catholic, and Jewish. The National Broadcasting Co.'s contribution lies merely in granting the use of its facilities for such programs. After careful consideration the council saw no reason for changing this policy.

That the National Broadcasting Co. "has gone further and wrongfully prevented other radio companies from broadcasting for us" is a statement not warranted by the facts. Of the hundreds of existing broadcasting stations, the National Broadcasting Co. owns and/or operates a maximum of 11 or 12, and its decisions affect only those stations. It has not the power, even if it had the desire, to prevent other stations from accepting any programs which their schedule and policy permit.

Very truly yours,

EVERETT CASE, *Acting Secretary.*

The CHAIRMAN. Now, how many more witnesses have you?

Mr. WERTZ. We have one.

The CHAIRMAN. How long will that witness take?

Mr. WERTZ. As long as the committee will permit him to take; but he will take at least an hour to properly present the evidence. It is on the third phase. The way I was presenting this I wanted to show how the N.B.C. and the Columbia had refused to furnish those facilities, and then the fourth proposition is how outside influences had forced independent station owners not to permit their facilities to be used. And the last one was to show how the Radio Commission had used its influence, at least the effect of their use of it was that independent stations were afraid to give the use of their facilities to these people for fear of having their licenses ultimately canceled.

Now that is the testimony we have to offer.

The CHAIRMAN. You have only one more witness?

Mr. WERTZ. Only one more witness, whose testimony is documentary.

The CHAIRMAN. I mean in all.

Mr. WERTZ. Yes; I only have one, except this gentleman (Mr. Goux), who is going to explain some of these letters and correspondence to show why they are written.

Then I have a number of affidavits from independent station owners to show why they canceled these contracts and what influences there were.

Mr. MCFADDEN. Mr. Chairman, before you adjourn, relative to the matter of Father Coughlin's broadcast, may I say that during the years 1930 and 1931, and prior to that time, I had known Father Coughlin rather intimately; in fact, I had the interesting experience of collaborating with him on some of his broadcasts during that particular time. It will be interesting to the committee to ascertain why Father Coughlin was not permitted to use the facilities of the N.B.C. It will also be interesting for the committee to know why he was not permitted to use facilities of the Columbia system.

He now is having to use independent stations for his broadcasts. To my own personal knowledge, he was taken off of the air on the Columbia, and from the intimate relationships I had with him I know that the N.B.C. refused him the air, and I would suggest that the members of the Federal Radio Commission and the members of the N.B.C. be asked to explain why Father Coughlin was refused to speak over their particular lines.

The CHAIRMAN. The suggestion will be received and considered.

(After informal discussion, the further hearing in the above-entitled matter was adjourned until Monday, March 19, 1934, at 10 a.m.)

(The papers submitted for the record by Mr. Wertz are as follows:)

Statements by Owen D. Young and Merlin H. Aylesworth at the first meeting of the advisory council of the National Broadcasting Co.

"At the present time the subject of broadcasting religious services or topics is under consideration by the radio committee of the New York Federation of Churches. We have advised with Dr. MacFarland about the formation of a national committee to be organized by the National Federation of Churches. Recently a public committee was appointed to assist the church committee, which includes practically all denominations. We have no complaint to deal with from any religious organization in the United States."

Advisory council of the National Broadcasting Co. The president's report and résumé of programs. Committee reports. Sixth meeting, February 1932.

"The potential audience of radio religious services is by no means limited to those who are regular attendants of churches in America. Tens of thousands of letters received during the year indicate quite clearly that the radio audience is largely made up of people who are in no way affiliated with the churches in their own communities. This vast audience, unreachable by the church, is served by radio religious programs, which not only merit their interest, but also their confidence in the spiritual values of life.

"* * * In 1928 the religious services broadcast by the National Broadcasting Co. and associated stations had a weekly distribution of approximately 55 station-hours. In 1929 the weekly average increased to 125 station-hours. In 1930 it increased to 212 station-hours, and in the year just closed, there was a distribution of 332 station-hours weekly, with practically all associated stations cooperating. It is the feeling of your committee that the clergy who have appeared in the various religious hours have endeavored to the fullest extent to give to all of their listeners the fundamental message that would lead to a better religious life and that this message has been placed in a setting of the best music of the church."

"During the year services under Protestant leadership had an average weekly distribution of approximately 308 station programs. Records show that 83 different stations cooperated and rebroadcast a minimum of 16,000 services during the 12 months. This indicates beyond all doubt that a complete national coverage has again been afforded the Protestant church agencies engaged in this work for the exposition of religious messages."

"About 120,000 copies of the addresses given in the Catholic hour have been distributed among the members of the radio audience. Requests have been received from persons of every Christian creed, from Jews and from nonbelievers. Some scores of these enquiries have been received from the West Indies, Mexico, and South America."

Advisory council of the National Broadcasting Co. The president's report and résumé of programs. Committee reports. Fifth meeting, 1931.

"The year 1930 was no exception in expansion and also in the religious and cultural development of these programs. It is interesting, therefore, to look back a few years and note the ever constant growth and coverage. In 1928 the religious services broadcast by the National Broadcasting Co. had a weekly distribution of approximately 55 station-hours. The following year, 1929, this weekly average increased to 125 station-hours, and in the year just closed, 1930, a weekly distribution totaling 212 station-hours indicates beyond all doubt that we have now accomplished a complete national coverage, and have afforded the agencies engaged in this work the Nation-wide facilities for the exposition and dissemination of the religious message."

"The three religious groups using the company's facilities bring to us unquestioned evidence that the programs are stimulating a deeper interest in religion throughout the country. They find evidence that the programs supplement the religious service of their respective churches and actually are promoting a stronger adherence of their members. They are now convinced, besides, that the programs are instilling into the members of their own churches, into those outside these churches, and even in persons who belong to no church, a greater appreciation of moral values and a deeper realization of the importance of the spiritual things in life. * * *"

"Protestant programs. Each Sunday afternoon, from 3 to 6 o'clock, services, totaling 5,724 station hours for the 12 months, were distributed by both networks to stations from coast to coast."

"The Catholic program. During the year 1930, the religious radio programs of the company have been augmented by programs presented by the Catholic group."

"Twenty-four stations cooperated in presenting the inaugural program of the Catholic hour. At present the Catholic hour goes out over 45 stations to the uttermost parts of this country and is heard in many foreign countries.

In addition to Cardinal Hayes and Bishop Schrembs, speakers of the Catholic hour in the 10 months it has been on the air have been: * * *."

"The Jewish programs. The general committee on Jewish religious radio programs broadcast in 1930 over an average of 15 stations per week, the number of station hours totaling 217."

Advisory council of the National Broadcasting Co. The president's report and résumé of programs. Committee reports. Seventh meeting, February 1933.

"While our records show that from the beginning of radio broadcasting religious programs were received with appreciation by large numbers of the audience throughout America, the mail during the last year has increasingly indicated that men and women of every faith and creed in all walks of life are listening to the messages of religion, and that in these troublous times they are receiving a personal assistance to a higher faith and courage."

"We express to the National Broadcasting Co. our hearty appreciation of the great contribution that it is making to the spiritual life of America by donating its facilities for 3 religious programs every Sunday afternoon, for 2 midweek periods of worship through song, and for the daily periods of morning devotions—all sent out over nation-wide networks covering the entire country."

"From 55 cities in 10 States of the country Protestant clergymen have traveled to the studio and officiated at the 576 services conducted during the year. These clergymen represented 15 major denominations of the Protestant faith and outstanding churches of the great urban centers. * * *"

"The Catholic program has become established as a part of the religious life of millions of people in America, many of whom have no other means of knowing and understanding the ancient church and its holy and wholesome influence on the people of the country."

RADIO BROADCASTING

MONDAY, MARCH 19, 1934

HOUSE OF REPRESENTATIVES,
COMMITTEE ON MERCHANT MARINE,
RADIO, AND FISHERIES,
Washington, D.C.

The committee met at 10 a.m., Hon. Schuyler Otis Bland (chairman) presiding.

The CHAIRMAN. Gentlemen, let us get along as fast as possible and I hope you will condense as much as you can, because I think we will have to stop promptly at 12 o'clock today. We have Consent Calendar and Suspension Calendar on and there are some of the Members who have matters that will come up early on the calendar, and there are important matters coming up on the floor of the House, that all of the Members want to hear, and also to be present to press the matters in which they are interested on the Consent Calendar, as well as the Suspension Calendar.

You may proceed, Mr. Wertz.

Mr. WERTZ. The next statement has to do with the extent of the activities of this organization, through its publications, to show the responsibility of the organization.

FURTHER STATEMENT OF A. R. GOUX

Mr. GOUX. In the past 10 years, 156,000,000 copies of books and booklets have been circulated by this organization in more than 60 languages. I will read the list of the languages: African, Albania, Arabic, Armenian——

Mr. SIROVICH. Mr. Chairman, I move that it be put into the record.

The CHAIRMAN. I suggest that as much of that as possible be put in the record.

Mr. GOUX. This work has been carried on in 94 countries and the society has offices, branch offices, in 35 countries, with plants for the production of printed matter at Brooklyn, in Switzerland, in Germany, in England, in Canada, and Finland.

As to the money, I will read from page 32 of the year book for 1934, respecting the money used during the year 1933. During the year, the receipts from all publications of the society aggregated the sum of $455,080.62; while the costs of production and publication aggregate $662,187.64—leaving a deficit of $207,107.02.

Mr. SIROVICH. Who supplied that deficit?

Mr. GOUX. It is made up by voluntary contributions of persons interested in furthering the activities.

The CHAIRMAN. Who are the largest contributors?

Mr. GOUX. They are all small contributors; there are no large contributors.

Mr. SIROVICH. What is the largest contribution you have had?

Mr. GOUX. I would not be in a position to say at this time, but the largest contributions here would not exceed five hundred to a thousand dollars.

Mr. SIROVICH. Did you find it hard to make up the deficit in those small contributions?

Mr. GOUX. No; it has been made up. Of this amount, branch offices—

Mr. SIROVICH. And does this money come in also from foreign contributions?

Mr. GOUX. That is covered in the next section I will take up.

Mr. SIROVICH. This is an international organization; is not that right?

Mr. GOUX. It has world-wide activities.

Mr. SIROVICH. And the gentleman who introduced the bill (Mr. McFadden) was against internationalism?

Mr. GOUX. I am not prepared to say anything about his attitude. I am only speaking about it from the standpoint in this organization, which is carried on not for the sake of gathering people into any one nation, but in the interest of all human creatures, regardless of their national affiliations.

Mr. SIROVICH. Have you been denied any of the privileges you are seeking here in any foreign countries?

Mr. GOUX. In Canada, the clergy were instrumental in inducing the Radio Commission to interfere in the stopping of these broadcasts on the stations there.

Mr. SIROVICH. What clergy?

Mr. GOUX. The Anglican clergy—the clergy of the Church of England.

Mr. WALTER. What evidence have you to substantiate that statement?

Mr. GOUX. We have the statement of the chairman of the Canadian Radio Commission, in an announcement which he made in January, 1933, official announcement, specifically identifying these men; and, in addition, we have the names of the men who, on their own admission, made these representations to the Commission there.

Mr. SIROVICH. Why did they deny you those privileges in Canada; what was the basis?

Mr. GOUX. Because they were unable to answer the plain statements that were brought to the attention of the people; because they sought to interfere with this message.

The CHAIRMAN. That is your interpretation; they did not say that?

Mr. SIROVICH. In other words, it is your personal opinion that they could not answer Jehovah's Witnesses?

Mr. GOUX. That is right.

Mr. TERRY. Are you putting into the record the statements you say were received, that were made by this Anglican Church in Canada—the admission made by the Radio Commission that they had received a protest? Is that what you said?

Mr. GOUX. Yes.

Mr. TERRY. Have you that protest? Will that be put in the record?

Mr. GOUX. Yes; we have it in a publication quoting that, that can be entered in the record.

Mr. WALTER. I think it should be.

Mr. SIROVICH. Does your organization own any property in the United States?

Mr. GOUX. Yes.

Mr. SIROVICH. Free and clear of encumbrance?

Mr. GOUX. Yes, sir.

Mr. SIROVICH. About how much does that represent?

Mr. GOUX. The property in New York, I should say, represents a valuation of something over a million dollars.

Mr. SIROVICH. And how much income does that bring?

Mr. GOUX. The property is used entirely in the furtherance of the purposes of the Association. It is not leased or used for any other purposes.

Mr. SIROVICH. It is not like the Trinity Church that owns property and have an income from it?

Mr. GOUX. No, sir.

Mr. SIROVICH. It is utilized only for the dissemination of the propaganda of your faith?

Mr. GOUX. All of the money that is contributed to this work is used for the furtherance of the work; it is not invested to produce income.

Mr. SIROVICH. Yes, but you have a million dollars worth of property in New York.

Mr. GOUX. That we are using.

Mr. SIROVICH. What other property have you in the United States and in the world, that is used along this line?

Mr. GOUX. Just as an instance, the matter was referred to here at the opening of the hearing as to the building in Washington—the Washington headquarters.

Mr. SIROVICH. Do you own that property?

Mr. GOUX. That is owned privately at the local points wherever there is property; it is not owned in the name of the organization at Brooklyn.

Mr. SIROVICH. It is owned by an independent organization, but affiliated with the general body?

Mr. GOUX. Owned by the local organizations.

Mr. SIROVICH. How many of these local organizations that belong to the general body own property around the United States, and about how much does that investment comprise?

Mr. GOUX. I could not say that without examining the records, I am sure.

Mr. SIROVICH. About; is it as big as the New York figure?

Mr. GOUX. The outside places?

Mr. SIROVICH. Yes.

Mr. GOUX. No; at no point.

Mr. SIROVICH. Would you be able to furnish the committee with a record of the holdings of the general body and of the independent bodies throughout the United States, giving the value of their property?

Mr. GOUX. It could be obtained in time, but there is no record kept of that.

Mr. SIROVICH. Mr. Chairman, may I ask if you would be kind enough to instruct the witness to let us have this information for the sake of the record?

The CHAIRMAN. Without objection, it will be filed as a supplemental statement and entered in the record.

Mr. WERTZ. We will furnish the committee with anything they want that is in our power.

The CHAIRMAN. That can be sent down as a supplementary statement?

Mr. WERTZ. Yes.

Mr. SIROVICH. By the way, where did this million dollars come from—from contributions, too?

Mr. GOUX. Yes, sir.

The CHAIRMAN. Proceed, please.

Mr. GOUX. Of this amount of deficit, branch offices returned to the home office the sum of $102,000, leaving a deficit still in the amount of $105,107.02. This deficit is made up by voluntary contributions of men and women who love God and who desire to have some part in the bringing to them of some message of truth concerning God's kingdom, which is the only hope of the world.

The CHAIRMAN. If this is just a financial statement, why cannot it be submitted in written form.

Mr. WERTZ. It is not altogether a financial statement, Mr. Chairman.

Mr. GOUX. In 1933, at the Brooklyn factory alone, there were produced books and booklets to the number of 21,314,000 copies; also 4,691,000 copies of magazines were produced there; also 31,373,000 pieces of advertising for the radio—announcing special radio programs; and additional odd jobs of printing amounting to 35,639,000 pieces.

Of the 31,000,000 radio folders, 17,000,000 copies were used to advertise the regular transcription programs in the United States, and 14,300,000 pieces were used to advertise radio chain broadcasts, similar to the one that is to be projected on March 25.

The total number of individual pieces of matter printed during the year 1933 at the Brooklyn plant alone was more than 61 million.

The CHAIRMAN. Cannot all of that be put in a statement and submitted for the record?

Mr. WERTZ. Yes.

Mr. SIROVICH. Is there anything in all these pamphlets, discussions and propaganda, so far as the here and hereafter is concerned, that is not found in every religious denomination?

Mr. GOUX. These are just submitted for the purpose of showing——

Mr. SIROVICH. I am just bringing that point out, in these printed booklets, 60 million of them, is there anything in there, that has to do with the here or hereafter, that is not found in every faith? It is only the matter of approach; in other words, you think your approach will bring benefits of the here or hereafter quicker to the individual, and give the individual spiritual comfort that others cannot?

Mr. GOUX. That is brought to the attention of the people to turn their consideration to the purpose of the great Creator—not what man will do.

Mr. SIROVICH. But they could get that by reading the Bible?

Mr. GOUX. That is the whole object of the work, to turn their attention to considering the Word of God, and the prophecies in that Word that are now beginning to be understood.

Mr. SIROVICH. I am beginning to believe that these things that are propagandized over and over again could be given to the individual himself and let him use his intelligence, instead of breathing any pronouncements you want to instill by interpolating them.

Mr. GOUX. The literature itself demonstrates there are no interpolations of ours, nor any interpretation of the prophecies by men.

Mr. SIROVICH. Any time I pick up any one of the pamphlets you have here, I could use two clauses to prove the reverse. You have the spiritual text and then you breathe your own interpretation into it, and then quote another spiritual text to confirm what you say. You build up a straw man and then take the text and tear it down. Go right ahead.

Mr. GOUX. One hundred and forty-nine different publications in the form of books and booklets were produced out of this total quantity. The number of persons interviewed at their homes and personally served with information relating to the Bible prophecies, during the last year in the United States alone, was 10,554,440.

Mr. WALTER. How many of those people were members of other churches?

Mr. GOUX. We have no means of telling that; maybe 20 percent of them.

Mr. SIROVICH. Outside of preaching the spiritual Word of God, have you done anything for the poor devils who find themselves economically deprived of a living and in starvation and hunger, or penury and want; have you taken any of that money to help them, outside of preaching to them?

Mr. GOUX. The commission that is entrusted to Jehovah's Witnesses is to bear testimony among the people as to what he will do to permanently relieve not only a few, but the people of all the earth.

The CHAIRMAN. You can answer the question or not, can't you? Let us get on with this, because we have given 2 or 3 days to it now.

Mr. GOUX. I am answering, Judge, merely to show that those who are doing this work are seeking to carry out the mission given to them.

The CHAIRMAN. Well you do or do not do relief work?

Mr. SIROVICH. Do you do relief work in the sense that the Salvation Army does? They are preaching the Gospel of God, but bringing some tangible results to those who are suffering from a lack of the necessities of life. Are you doing that, or not?

Mr. GOUX. That is not the purpose of this activity; that is not the purpose of this association.

The CHAIRMAN. You do not do that, then?

Mr. SIROVICH. You do not do it; that is all.

Mr. GOUX. Letters sent out during 1933 numbered 295,000.

Mr. WERTZ. I would like to read the correspondence with the National Broadcasting Co. by Mr. Goux. I think I can shorten this considerably.

The CHAIRMAN. That will go in the record, Judge.

Mr. SIROVICH. I would like to hear a paragraph or two that might be essential to this.

The CHAIRMAN. All right.

Mr. SIROVICH. Is this from the Federal Radio Commission?

Mr. WERTZ. No, sir; the National Broadcasting Co. The Federal Radio Commission letter will come just a trifle later. This is a letter dated January 30, 1934, addressed to Mr. Aylesworth, president, National Broadcasting Co.:

* * * To provide for adequate distribution of this program, we ask you to clear and set aside for our use on that occasion all network facilities of your company in the United States, including those broadcasting stations that are owned and/or operated by your company and also the so-called "short-wave" stations. * * *

Unless you can let us use your facilities, we shall have to build up an independent chain for this broadcast. In that event, will you give us a letter saying that your company will not interfere in any manner directly or indirectly with other stations (owned independently and associated with your company) taking our program on this occasion?

In reply to that, Mr. Aylesworth's secretary advised he was out of town.

Mr. TERRY. May I ask the date of that letter and by whom it was written?

Mr. WERTZ. It is dated January 30, 1934, and signed by Mr. A. R. Goux, secretary, People's Pulpit Association.

On February 10, 1934, Mr. Goux writes the National Broadcasting Co. again and calls their attention to the fact thay have not received a response. On February 17, 1934, he writes again and requests an answer to his letter.

On February 20, 1934, this letter comes from the National Broadcasting Co.:

DEAR MR. GOUX: Your letters of January 30 and February 10 have come to my attention upon my return from the west coast.

I have given the matter consideration and call your attention to the letter written by Mr. Everett Case, acting secretary of the public advisory council of the National Broadcasting Co. on February 26, 1932. There has never been a change in the policy of the National Broadcasting Co. in relation to religious broadcasting.

It has been my understanding that you have developed an independent chain for your broadcasts in the same manner that Father Coughlin has developed his own chain for his broadcasts. It would seem to me that this is the best course for you to follow.

Faithfully yours,

M. H. AYLESWORTH.

On February 23, 1934, the People's Pulpit Association writes the National Broadcasting Co.:

Thanks for your letter of February 20. Will you personally assure each of the following stations: KDYL, Salt Lake City; WDAY, Fargo; WKBF, Indianapolis; WAVE, Louisville, WSUN, St. Petersburg; WSYR, Syracuse; WHAM, Rochester, that their relations with your company will not be jeopardized by their broadcasting the Watch Tower network program 6:30 to 7 p.m., eastern standard time, Sunday, March 25?

On February 23, there is a letter from Mr. Goux to Mr. Aylesworth:

Thanks for your letter of February 20, 1934.

Another letter on February 28, from Mr. Goux to Mr. Aylesworth:

Thanks for your letter of February 27, 1934.

On February 27, 1934, Mr. Aylesworth writes Mr. Goux:

It would be impossible for the stations you mentioned in your letter of February 23 to broadcast your program on Sunday, March 25, as they are all scheduled for regular programs from N.B.C. at that time.

In other words, these associated stations are committed to broadcast our regular programs at 6:30 to 7 p.m., and, of course, it would not be practical for them to change the schedule.

I trust that you will understand that the acceptance by these stations of our regular programs to these and other stations on the network at 6:30 to 7 p.m., on Sunday, March 25, in no way touches on the merit of your program or our policy in relation to it.

On March 2, 1934, the People's Pulpit Association writes:

DEAR MR. AYLESWORTH: What arrangement can you make to let us use one or more of the following—

Independent stations—

W8XK, Saxonburg; W1XAZ, Millis; W9XF, Downers Grove; W2XAD, Schenectady; W2XAF, Schenectady; W3XAL, Boundbrook W3XL, Boundbrook—to broadcast the Watch Tower network program, including Judge Rutherford's speech at Los Angeles, Sunday, March 25, 1934, 6:30 to 7 p.m., eastern standard time.

On March 12, 1934, Mr. Aylesworth writes:

DEAR MR. GOUX: Your letter of March 2, to which you again refer in your letter of March 9, covers short-wave radiostations which you desire for the Watch Tower program on March 25.

The only short-wave stations you list which are under the control of the National Broadcasting Co., and then for experimental purposes only, are the short-wave stations at Bound Brook, associated with WJZ, and Donner's Grove, associated with WENR. These short-wave stations form a part of our experimental facilities for short-wave relay broadcasting.

The Watch Tower program is a sponsored program and commercial in the sense that you pay for your telephone lines as we do and also make payments to the stations that take your programs just as we do with our sponsored commercial programs.

We have been quite frank with you in making clear our policy by refusing to accept over the system of the National Broadcasting Co. so-called "Watch Tower" programs and have given you our reasons.

You presented the matter for policy determination to the public advisory council of the National Broadcasting Co. and were informed by the secretary of the public advisory council that our policy was sustained by the council. At a hearing before the Committee on the Merchant Marine, Radio, and Fisheries, held Thursday, January 24, 1929, the policies of the National Broadcasting Co. were definitely stated to that honorable committee.

Faithfully yours,

M. H. AYLESWORTH.

Now, I would like to read an affidavit of Mr. Fred C. Bullis.

The CHAIRMAN. Cannot that be put in without reading? We have to try to conclude the proponents' side today, and we have to adjourn at 12 o'clock.

Mr. SIROVICH. Will you read the letter to us that the Federal Radio Commission sent out, against which so many complaints were made?

The CHAIRMAN. Could not you put on your next witness, Judge, while you are looking for that?

Mr. WERTZ. Mr. Chairman, I want to do anything you ask me and I feel sure I can expedite the committee's action and shorten the time. I am just about through with this particular subject.

Mr. SIROVICH. It may be the Radio Commission has that letter in its possession.

Mr. SYKES. I think we can find it.

Mr. SIROVICH. Then it won't be necessary, if you cannot find it.

Mr. WERTZ. Now may I state the substance of the Bullis' affidavit:

The undersigned, Fred C. Bullis, of the city of Amsterdam, county of Montgomery, State of New York, being duly sworn, upon his oath states that—

On or about March 24, 1933, I called at station WGY at 11:39 a.m., the time being previously set by Mr. Winslow Leighton, of the WGY staff. Mr. Leighton was very pleasant and seemed to know considerable regarding Judge Rutherford's lectures, and, without unfavorable criticism, he made it plain it would not be possible to put Judge Rutherford's broadcast over WGY. Mr. Leighton said that WGY was under control of the National Broadcasting Co. and that no Bible matter of any kind could be broadcast by WGY or any N.B.C. stations without first being approved by the Federation of Churches censor committee.

I understood that by the Federation of Churches Mr. Leighton meant the "Federal Council of the Churches of Christ in America" which is represented on the Advisory Council of the National Broadcasting Co.

That is signed by Fred C. Bullis and sworn to before S. S. Schwartz, notary public, on March 10, 1934.

Now here is an affidavit of Charles H. Carr. Mr. Carr is here and can testify, or I can use the affidavit—either one.

The CHAIRMAN. Whichever will shorten it.

Mr. WERTZ. I think the affidavit would shorten it.

The CHAIRMAN. It can be incorporated in the record.

Mr. SIROVICH. Is that a confirmation of the other affidavit you just read?

Mr. WERTZ. Yes.

Mr. SIROVICH. And contains the same substance?

Mr. WERTZ. It is substantially the same thing.

Mr. SIROVICH. There is no use reading it.

(The affidavit above referred to is as follows:)

STATEMENT BY CHARLES H. CARR, SR., A RESIDENT OF ALBANY, N.Y., AND A REPRESENTATIVE OF THE WATCH TOWER IN HANDLING RADIO MATTERS IN CONNECTION WITH STATION WOKO

Acting in this capacity, I executed contract with station WOKO, Inc., to broadcast Watch Tower programs, beginning with Polish programs on July 13, 1931, and English programs October 4, 1931.

These broadcasts were continued until July 14, 1933, when these contracts were canceled by Harold E. Smith, general manager of WOKO. These contracts were canceled obviously at the request of a certain publication and editor known as "The Evangelist", edited by Rev. John J. O'Connor, Albany, N.Y.

Mr. Smith's letter to me canceling Polish contracts dated same date as a letter written to Rev. Dr. O'Connor, in which Mr. Smith states that he was canceling our contract in response to a protest received from him in a letter dated July 11, 1933; and all efforts since have failed to again arrange for broadcasting on WOKO.

Therefore this proves that our broadcasting over WOKO was discontinued by the request of the above-mentioned gentleman and the organization he represents.

Respectfully submitted.

CHARLES H. CARR, SR.

Now I will call Mr. Carr.

STATEMENT OF CHARLES H. CARR, SR., ALBANY, N.Y., RADIO REPRESENTATIVE, WATCH TOWER ASSOCIATION

Mr. CARR. My name is Charles H. Carr, Sr.; I am a resident of Albany, N.Y., and am the representative of the Watch Tower in handling radio matters in connection with station WGY.

Acting in this capacity, I successfully negotiated with station WGY, located in Schenectady, to broadcast Watch Tower programs in the

year 1928. This I continued to do with every confidence of friendliness on the part of the management of station WGY up until the time of April 1, 1931, this being the date that the National Broadcasting Co. assumed full responsibility for the broadcasting programs and policies of station WGY. Shortly thereafter, we were notified that our contract would not be renewed when it expired in June 1931. They also canceled a contract for broadcasting Polish Watch Tower programs.

The reason given was that the National Broadcasting Co. had assumed responsibility for the programs thereafter and I was referred to one named Frank C. Goodman, executive secretary, Religious Radio for the National Broadcasting Co. Some time after this, we were able to make an appointment with Mr. Goodman, making application for broadcasting Watch Tower programs over station WGY. In conversation with Mr. Goodman, he made the following statement:

I will use the last ounce of strength in this frail body of mine to keep Judge Rutherford off of the air.

However, the conference ended with his agreeing to accept an application to broadcast over WGY, if I would make the same to him in writing. This request was complied with under date of October 5, 1931, and from that date until now this request has been either denied or ignored.

This proves that the National Broadcasting Co.——

Mr. WERTZ. Never mind about that; what is your contact with Mr. Swope?

Mr. CARR. Again, in 1932, I made application as local manager to broadcast a special program over WGY and was again referred to the National Broadcasting Co. in New York City and a gentleman named Mr. Allen, who represented the National Broadcasting Co., after hearing my request, stated the matter was in the hands of John W. Elwood, vice president of the National Broadcasting Co., and that application should be made to him. In response to such application, Mr. Elwood replied in a letter dated August 30, 1932, in the form of a copy of a letter which was sent by Mr. Everett Case, acting secretary of the advisory council, stating that the religious programs were left to three great faiths, namely, Protestant, Catholic, and Jewish, and that this letter indicated their policy.

Thinking perhaps we might adjust this matter satisfactorily, we wrote to Mr. Gerard Swope, president of General Electric Co., making application to broadcast over WGY. A letter from his secretary under date of September 21, 1932, stated that station WGY was operated by the National Broadcasting Co., and he was referring my letter to them for consideration.

Failing in all these efforts, we made an appeal to the Federal Radio Commission in Washington to consider an application, made in 1928 to build a radio station in Albany, N.Y. In answer, the Radio Commission stated that our application of 1928 could not be reinstated, but that a new application must be made out and our attention was called to the Davis amendment of the Radio Act of 1927, to the effect that the State of New York has more radio facilities than it is entitled to now. This virtually eliminated any possible way of broadcasting in our territory, which is known as the "Capitol District" of Albany.

Mr. SIROVICH. Did you find out how many other stations and groups tried to get licenses to put on programs in the State of New York and were denied it because of the Davis amendment?

Mr. CARR. I had no means of finding out, sir.

Mr. SIROVICH. But you would not be suprised to know there were very many others that were not even religious denominations that were denied that privilege, because the New York quota had been filled?

Mr. CARR. Undoubtedly. Now I have about a minute and a half of further statement to make in regard to our experience with station WOKO, which is affiliated with the Columbia Broadcasting System in Albany.

Acting in the capacity of the radio representative of the Watch Tower, as previously mentioned, I executed a contract with Station WOKO, Inc., to broadcast Watch Tower programs, beginning with Polish programs on July 13, 1931, and English programs October 4, 1931.

These broadcasts were continued until July 14, 1933, when these contracts were canceled by Harold E. Smith, general manager of WOKO. These contracts were canceled obviously at the request of a certain publication and editor known as "The Evangelist", edited by Rev. John J. O'Connor, Albany, N.Y. In Mr. Smith's letter to me canceling Polish contracts, dated same date as a letter written to Rev. Dr. O'Connor, he states that he was canceling our contract in response to a protest received from him in a letter dated July 11, 1933. And all efforts since have failed to again arrange for broadcasting on WOKO.

Mr. SIROVICH. The Polish program you wanted to give was in the Polish language?

Mr. CARR. We had two programs; one carrying the English and one the Polish language.

Mr. SIROVICH. That would be just for the benefit of Polish people?

Mr. CARR. Of those who spoke Polish.

Mr. SIROVICH. Is it not a generally well known fact that the Polish people are pretty nearly all Catholics?

Mr. CARR. Not to my understanding, in general.

Mr. SIROVICH. What is your understanding, then?

Mr. CARR. My understanding in general is that they are made up of several different faiths and independent thought.

Mr. SIROVICH. What are those several different faiths that the Polish people are inclined to?

Mr. CARR. Well whatever their religious convictions permit them to.

Mr. SIROVICH. Is it not a generally known fact that 95 percent of all Polish people are Catholics in religion, and devout Catholics, and that the Polish program was just designed to influence them?

Mr. CARR. I would not say it was.

Mr. SIROVICH. Would you say it was not?

Mr. CARR. It was practically neutral in the matter, and would be up to them to accept or reject the program as they saw fit.

Mr. SIROVICH. Why did you just pick out Polish; why didn't you take——

Mr. CARR. I said English, too.

Mr. SIROVICH. Why did you just pick out the Polish language; why did not you pick out Italian, German, Spanish, and French, too—why Polish?

Mr. CARR. The Polish wanted it and made a request that we arrange for it.

Mr. SIROVICH. Have you letters there indicating that?

Mr. CARR. I represented the Polish bunch. I might say, in starting these programs of the Watch Tower on the air, I represented them in the negotiations with the station manager.

Mr. SIROVICH. Have you any letters from any Polish organization asking you to do that?

Mr. CARR. No; I did business with them——

Mr. SIROVICH. Can you supply anything to the committee to put in the record?

Mr. CARR. I did business with them up there verbally; I had a request verbally; I have no communications.

The CHAIRMAN. If there is nothing further, you may stand aside.

Mr. WERTZ. Now I would like to read a letter on the policy of the Columbia Broadcasting System. This is dated August 15, 1931:

In announcing the abolition of religious broadcasting on a commercial basis and the placing of it in the category of Columbia's services to the public, William S. Paley, president of the Columbia Broadcasting System, said:

"In adopting the new plan of religious broadcasts, we have uppermost in mind freeing ourselves from the responsibility which we are not qualified to assume of allotting time on a commercial basis to different religions and different preachers. So long as we view this question solely in the light of business practice, we are likely to fail to give to the radio audience the balanced religious broadcasting it is entitled to. We feel that religious broadcasting is a public service which should be administered as far as possible under the guidance of persons closely associated with religious endeavor and definitely capable of handling such broadcasting in the public interest."

Now similarly may I make a statement here, rather than read the papers? The Watch Tower interests, on the March 25 program, 1934, asked the Columbia to release Birmingham, Ala.; Montgomery, Ala.; Tacoma, Wash.; Boston; Wheeling; and Akron, Ohio, from their preferential contracts, so that they may accept Watch Tower programs. As I understand, this was refused.

Mr. GOUX. Yes.

Mr. WERTZ. This was refused by the Columbia people. Have you the correspondence in relation to the cancelation of Atlantic City?

Mr. GOUX. Yes.

Mr. WERTZ. The Atlantic City contract had already been made for the March 25 program and it was canceled.

Mr. WALTER. Did they give any reason for the cancelation of that contract?

Mr. WERTZ. The cancelation, as I understand, was for the reason that the Atlantic City station had a contract with—had been advised by the Columbia Broadcasting System not to broadcast this program.

The CHAIRMAN. Have you that in the form of a written communication?

Mr. WERTZ. Here is the report from the Jehovah's Witnesses' man, dated March 9, 1934:

DEAR BROTHER GOUX: Your letter of March 6, with letter enclosed from Mr. Paley, and your postal of March 8, received. Mr. Spence has been in New York ever since March 6, but I saw him this afternoon and before I mentioned the matter to him he showed me a copy of Mr. Paley's letter to you, so that made a

nice opening for the conversation; but Mr. Spence does not remember ever telling me anything about the refusal to broadcast the five lectures, January 7, 14, 21, 28, and February 4, coming from New York. I asked him if he remembered telling me in Mr. Reed's office after we had left his office that New York's only reason was that since they had not broadcast the December 31 lecture that they would not take these five, and I said if they turned down the copy of "The True God" that there was no use sending any more copies to New York. Mr. Spence said, "No, I do not remember that", so he called in Mr. Reed and Mr. Reed did remember me mentioning that—that if they turned down "The True God" there was no use sending any more copies over. Mr. Reed also told Mr. Spence that he, Mr. Spence, had taken the copy of the lecture of "The True God" over to New York with him. Mr. Spence couldn't even find a contract for these five lectures and didn't think I gave him a copy of any lecture except "Religious Intolerance", but said he would get busy and look for some correspondence in reference to it. I am to see him again on Monday.

Mr. Spence said he would not write a letter to me or to you stating anything about New York refusing to broadcast any lecture, as the matter was entirely up to him to refuse or to accept any contracts, but, of course, if the legal department of the WPG Broadcasting Corporation thought it was not advisable to broadcast it, he would turn it down. Mr. Spence told me over a week ago that he wanted me to get this clear in my mind for future reference of any matter about WPG Broadcasting Corporation, that I had always dealt with WPG and not with the Columbia. He said it is true that Mr. Paley is president of the Columbia, also of WPG, and the chief counsel, Mr. Colan, of the Columbia is also chief counsel for WPG.

I am enclosing the Paley letter and a statement that came to me from New York this morning. * * *

Here is a letter from Columbia Broadcasting System to Mr. Goux, dated March 2, 1934:

Replying to your letter of February 18, this is to advise you that I have learned that some of our executives discussed the question of whether or not to carry certain proposed talks by Judge Rutherford over station WPG, and that the final decision was then left to Mr. Edwin M. Spence, manager of that station, who in the proper exercise of his discretion, decided not to broadcast them.

Very truly yours,

WILLIAM S. PALEY.

Mr. WALTER. The point I am trying to make is this: Is there any discrimination against your program, or are you complaining because they won't permit you to interfere with existing contracts?

Mr. WERTZ. Mr. Goux says he can clear up and answer your question with an actual case.

Mr. GOUX. This is a letter sent on yesterday to Edward Klauber, executive vice president, Columbia Broadcasting System, 485 Madison Avenue, New York:

In arranging a nation-wide Watch Tower network broadcast for Sunday, March 25, 1934, 6:30 to 7 p.m. eastern standard time, our representatives have been in communication with officials of WCAU of Philadelphia.

During the half-hour period required by us WCAU had previously scheduled two 15-minute C.B.S. features, namely, Ward Baking Co. and Acme Paint.

Officials of the Ward Baking Co., including its president, have assured us of their willingness and readiness to cooperate in the presentation of our program over WCAU and that they will withdraw the Ward program for the date the station at Philadelphia is required by us.

A similar assurance has been given us on behalf of the Acme Paint organization by letter to Watch Tower from the Chicago advertising agency that handles the Acme account.

On behalf of Watch Tower assurance has been conveyed by Leon Levy of WCAU * * *

He is president of the organization that operates that station.

* * * that Columbia will be compensated by Watch Tower, if required. Word comes now that you, Klauber, are standing in the way. * * *

This was told to me personally by Mr. Levy in Philadelphia on last Friday evening, that he personally communicated to C.B.S. at New York the offer of Watch Tower to compensate Columbia for its part in this program which the sponsors voluntarily offered to withdraw in order that our program may go on, and Mr. Levy himself indicated he was desirous of having our program go on his station and even went so far as to set at our disposal, for this broadcast, the short-wave facilities of his organization without charge and that were to be used in connection with WCAU if that is cleared up. The answer came back from New York to him that they refused to allow the program of the Watch Tower to go on. Now the question is asked in this letter of Mr. Klauber:

* * * In the absence of the chief officer of C.B.S.—

That is Mr. Paley, who is at this time sailing on a cruise near Bermuda.

* * * I ask you to let us know frankly as to whether your company is refusing to consent to our using the stated half-hour period on WCAU, in accordance with the foregoing; and, if so, why are you taking this attitude with respect to the reasonable request that has been brought to your attention.

This letter is in the hands of Mr. Klauber this morning, and the request at the conclusion of this letter is that he telegraph reply to me here at Washington.

The CHAIRMAN. Is that all?

Mr. WERTZ. Here is a letter from the Columbia Broadcasting System signed by Mr. Paley, addressed to the Peoples' Pulpit Association, under date of February 1, 1934:

DEAR MR. GOUX: Many requests for net work time are constantly addressed to us by religious organizations and for this reason I wish to explain fully to you the policy which we have established governing our religious broadcasts. We do not under any circumstances sell time for programs of a religious nature, or make any charge of any sort for the programs of this type which we present on the air, nor do we countenance any programs which are devoted wholly or in part to attacks on the religious faith and convictions of any group of American citizens. We believe it is not in conformity with public interest, convenience or necessity to permit on any pretext whatsoever the use of radio facilities for attacks on the clergy or lay members as representing any denomination.

Inasmuch as it would be impossible for us to grant all requests received from individual churches and religious groups, for time on the air, we allot a half-hour period for religious broadcasting each Sunday morning and afternoon. These periods are assigned to the major established faiths, namely, Protestant, Jewish, and Catholic, Christian Science, Mormon, and Dutch Reform. The outstanding denominations of the Protestant Church are included in this group.

The arrangements covering our religious services are made by us after careful consideration and consultation with representatives of the faiths and denominations presented on the air. It is our desire and policy to have these programs conform as nearly as possible to the regular morning and afternoon services held within churches. We do not schedule any one individual for a series of religious programs.

It is recognized, of course, that there are numerous other groups of our citizenry who are followers of religious teachings or concepts which are not included in the faiths enumerated above. Our policy is not formulated upon a discrimination against any one or all of them; but is based primarily upon a consideration of the public interest and necessary limitation upon available time. We have found this policy an entirely satisfactory one over the past 2 years and it has received widespread commendation.

The plan has been adopted at a manifest financial loss to ourselves, as many of the denominations and not a few individual churches seeking broadcasting time are willing to pay our regular commercial rates, and find it profitable to themselves to do so because of the response of their listeners to appeals for contributions.

As a result of this fixed policy, we must therefore say with regret, in answer to your letter of January 30th, that our facilities are not available.

Cordially,

WILLIAM S. PALEY.

There was a question asked by Chairman Bland in regard to section 29 of the Radio Act. Section 29 is as follows——

The CHAIRMAN. We have the law here, unless you want to comment on it.

Mr. WERTZ. Yes. Now I have the correspondence here with the Radio Commission, of Mr. Sykes, in which Mr. Goux says to him that they have delivered three speeches on three Sundays in April.

Mr. SIROVICH. What is the date of that letter?

Mr. WERTZ. May 23, 1933:

DEAR JUDGE SYKES: Probably you heard one or more of the three speeches delivered on three successive Sundays in April last by Judge Rutherford, and which were broadcast by WOL in Washington and scores of other stations linked in an independently established network serving listeners throughout the greater part of the United States and Canada.

For your convenient consideration and file, copies of The Golden Age containing complete text of each of these speeches are enclosed.

In the issue of May 24, pages 530 to 536, appears some additional material which you will, I believe, find of exceptional interest in its relation to the second of the three speeches mentioned.

Then I have a letter of June 21, 1933, giving them a list of the stations over which these broadcasts were sent:

DEAR JUDGE SYKES: It has been suggested that you may have missed hearing Judge Rutherford speak April 16, 1933, on "Effect of Holy Year on Peace and Prosperity", in the chain broadcast carried by WOL in Washington. For this reason, I am sending with this a list of the stations that will rebroadcast this speech (in electrical transcription) next Sunday. WOL is among the number carrying the program at 3:30 p.m. I hope you will have opportunity to hear.

This is a letter from Mr. Sykes dated June 23, 1933, addressed to Mr. Goux:

Permit me to acknowledge receipt of your favor of the 21st instant, enclosing list of the stations that will rebroadcast Judge Rutherford's speech on "Effect of Holy Year on Peace and Prosperity."

Sincerely yours,

E. O. SYKES, *Chairman.*

On July 31, 1933, this is a letter to Judge Sykes, signed by Judge Rutherford, in which he says:

From newspapers that have just now come to my attention, I opine that there have been some strenuous objections made to my radio speeches. I would have answered these sooner but I was away in Europe. I have now addressed a letter to these papers and for your information I am sending you a copy.

I think it is hardly necessary for me to tell you that I have no desire to do injury to any man and that I do not believe that any one has a right to slander another individual. The very fundamental principles of the American Government, however, provide that any man is entirely at liberty to call in question doctrines and teachings that are publicly expressed by any person or organization for the purpose of inducing people to believe the same.

Not only the American people but all the world is in great distress and perplexity. The kingdom of Jehovah, God under Christ, will pull the world completely out of the present depression, and nothing else can do it. Knowing this fact then it would be unfaithfulness to God and his King to stand by and remain silent while any religious or other organization lulls the people to sleep and turns them away from the beneficient truths concerning God's Kingdom.

Should these protests be presented before the Radio Commission I respectfully ask to have a fair and open hearing that I may present my side and then whatever be the result I shall rest content knowing that the God of Heaven, whom I serve,

will overrule all things to His own glory and to the good of those whom love and serve Him.

I appreciate the difficult position in which you are often placed. Knowing you to be a fair-minded and broad-minded lawyer, who views matters from a reasonable standpoint, and that you will not permit any one-sided presentation of a matter to influence you in your decision, I am calling your attention to the things set forth in this letter at this time.

Be assured, my dear sir, of my very great respect for you as well as for other members of the Commission. I beg to remain,

Very sincerely yours,

J. F. RUTHERFORD.

Then a letter addressed to Mr. Pettey, secretary, Federal Radio Commission——

Mr. SIROVICH. Have you any letter there from the Federal Radio Commission to Dr. Rutherford? Statements were made that letters had been written that were prejudicial to your interests. Have you those letters?

Mr. WERTZ. Oh, yes.

Mr. SIROVICH. Would you read them? I think we are interested in them, instead of these letters that just acknowledge receipt of a letter.

Mr. WERTZ. I have just a few more of these.

Mr. SIROVICH. Suppose you put them into the record without taking up all of the time reading them, and let us get the meat in the coconut.

Mr. WERTZ. All right. I will submit this letter of Mr. Pettey for the record.

(The letters above referred to are as follows:)

AUGUST 21, 1933.

Judge JOSEPH F. RUTHERFORD,
Counselor, Brooklyn, N.Y.

DEAR SIR: Reference is made to your broadcasts over a group of radio stations licensed by this Commission by means of electrical transcriptions entitled "Holy Year" and "Way of Escape."

This matter has been brought to the attention of the Commission by numerous persons and it is desired that you advise us of the names of the stations over which these programs have been broadcast and the dates thereof in order that we may have this information available.

Will you please also advise the names of any station or stations in which you hold a legal or equitable interest. If you list any stations in which you hold stock, will you please state the percentage of stock held by you.

Very truly yours,

HERBERT L. PETTEY, *Secretary.*

AUGUST 8, 1933.

Mr. H. L. PETTEY, *Secretary,*
Federal Radio Commission, Washington, D.C.

DEAR SIR: Yours of August 21 just now received. Answering your question specifically:

Concerning the stations that broadcast the transcription entitled "Holy Year" and "Way of Escape", I am unable to give you this information at this particular time for the reason that the one in charge is away on vacation but will return on the 5th of September and the information shall be furnished immediately thereafter.

Concerning the interest in radio stations, I beg to say that I hold no legal or equitable interest in any radio station in any place, with the exception I believe that I have one share of stock in station WCAH at Columbus, Ohio, that was given to me at the time of organization of the Commercial Radio Service Corporation. I held an interest in one or two other stations 3 years ago, but disposed of all except the above.

Very truly yours,

J. F. RUTHERFORD.

AUGUST 2, 1933.

Hon. JOSEPH F. RUTHERFORD,
Brooklyn, N.Y.

DEAR SIR: In the absence of Judge Sykes who is attending the North American Radio Conference in Mexico City, permit me to acknowledge receipt of your letter of July 31 with enclosure, and to assure you that the matter will be brought to the attention of Judge Sykes immediately upon his return to the United States.

Very truly yours,

JOHN B. REYNOLDS, *Acting Secretary.*

Mr. WERTZ (continuing). Here is a letter from Judge Rutherford, dated September 5, 1933, to Mr. Pettey, secretary of the Federal Radio Commission:

MY DEAR SIR: Agreeable to your request, a list of 169 radio stations is hereto attached.

"Way of Escape" was broadcast uniformly on all stations named on June 18, 1933; "Holy Year" on June 25, 1933, with the exception noted. WHK was the one hundred and seventieth station contracted to broadcast, but which failed to broadcast either of these two special programs.

I hope this complies with your request and beg to remain,

Very sincerely yours,

J. F. RUTHERFORD.

Attached to that is a list of all of the stations that broadcast these lectures.

The CHAIRMAN. It won't be necessary to put all those stations in the record.

Mr. WERTZ. Very well. On November 8, Mr. Pettey, Secretary of the Commission, acknowledged receipt of letters of October 31 and November 7, but this letter of September 5 was never acknowledged by the Radio Commission.

On November 7, 1933, Mr. Pettey wrote the Peoples' Pulpit Association as follows:

Under the authority vested in the Commission by section 10 of the Radio Act of 1927, a copy of the address delivered by Judge Rutherford over your station on October 22, 1933, at 6:30 p.m., is requested. This copy should be submitted under the certification of a proper officer of your station and should show that the speech is a true, full, and perfect copy of the one actually broadcast on the date mentioned.

Mr. Goux replied, under date of November 9, 1933, as follows:

The request expressed in a letter of November 7, 1933, sent on behalf of the Commission by its secretary to this station is acknowledged with grateful appreciation. A copy of the speech was not filed with the station, but a copy was given to the Golden Age Magazine. This undersigned heard the broadcast and according to his best knowledge and belief the attached is a true and exact copy.

On November 14, 1933, Mr. Pettey acknowledged receipt of letter of Mr. Goux of November 9, transmitting, in response to the request of the Commission, a copy of the Watch Tower program broadcast over station WBBR on October 22, 1933.

On November 21, 1933, Mr. Pettey acknowledges receipt of galley proof of a lecture that is proposed to be delivered.

On September 29, 1933, Mr. Pettey writes Judge Rutherford:

Reference is made to our letter of August 21, 1933, with reference to the broadcast of several electrical transcriptions entitled "Holy Year" and "Way of Escape."

In that letter you were requested also to list any stations in which you hold stock or have a legal or equitable interest. Your recent replies thereto are acknowledged and it is further desired that you advise the Commission whether the Bible Institute in whose behalf you have been broadcasting has a legal or equitable interest or holds any stock in any radio station. If stock is held in any station or stations, please also state the percentage of the stock so held.

The Commission will appreciate your reply at your earliest convenience.

Mr. SIROVICH. What was your reply thereto?

The CHAIRMAN. Just give the substance of it.

Mr. WERTZ. The substance of it is:

* * * I have just consulted the secretary and treasurer of the society and by him am informed that the said society holds no stock either legally or equitably in any radio station. As you already know, radio station WBBR is owned by the Peoples' Pulpit Association, a membership corporation of New York, which corporation operates in conjunction with the Watch Tower Bible & Tract Society which corporation have no capital stock. All the radio stations, except WBBR, over which I broadcast do so under contract and are paid therefor.

Since this inquiry is in connection with the "Holy Year" and "Way of Escape" lectures, I presume it is prompted by the efforts of disgruntled Catholics who wish to put a gag in my mouth and to, if possible, influence the Radio Commission. Their conduct is un-American, un-Christian, and ungodly. Surely an American citizen has a right to speak the truth, particularly when no reference is made to any individuals. I have no fight with any individual, whether he is a preacher, or otherwise, but I do have the right to expose the false doctrines that are misleading the people. I have millions of friends in America who hold the same opinion, many of whom are willing without solicitation to contribute money to pay for broadcasts in order that the people might hear the truth.

I am always glad to furnish the Radio Commission any information I have and I shall be very pleased, if requested, to appear before the Radio Commission and tell you frankly about my relationship with radio stations.

In 1924 we started out to acquire radio stations, but found that this would be inadvisable and have long since quit. The interest of our corporations above mentioned is in WBBR only.

For three Sundays in October I have a coast-to-coast network of stations and many more stations have made application to join this chain, but could not do so. However, the American people are hearing the truth regardless of the disgruntled clergy, who do not want to be exposed. All our radio work is done at a financial sacrifice to our people in order that the people in general may have an opportunity to hear the plain truth and to then decide for themselves what they want to believe. We are not engaged in any propaganda work and do not solicit any money, but we have many volunteers who put up money to get the truth to the people.

In my opinion the insolence of the Catholic organization has gone to the limit in trying to interfere with the exercise of constitutional rights of American citizens, and I shall welcome an opportunity to appear before the Commission and expose their nefarious methods of trying to prevent the American people hearing a plain statement of the truth as contained in God's Word.

I appreciate the fact that the Commission must be greatly annoyed by this unwarranted interference and I assure you I shall be pleased to cooperate with you in anyway I can that the truth may be known.

Very sincerely yours,

J. F. RUTHERFORD.

That reply was written under date of October 4, 1933.

Mr. SIROVICH. Is Dr. Rutherford a doctor of divinity, a doctor of philosophy, or a doctor of medicine?

Mr. WERTZ. I think he is a judge; I do not understand he is a doctor at all. He is an attorney, a lawyer.

Mr. BROWN. What was he ever a judge of?

Mr. WERTZ. I think of some court in Brooklyn, N.Y.

Mr. BROWN. Was he a police judge?

Mr. WERTZ. I withdraw that statement, because I do not know. I am just giving my impression and it may be far from the truth, and it may be true.

Mr. SIROVICH. What is your personal opinion of those lectures? Have you heard any of them?

Mr. WERTZ. Yes; I have heard many.

Mr. SIROVICH. Have you ever characterized any of those lectures during the last week; have you made any characterization regarding the speeches of Judge Rutherford?

Mr. WERTZ. I like to hear them; also, as a lawyer's privilege, I like to hear what the other fellow has to say, and then form my own conclusion. I am not foreclosed by anything Judge Rutherford says or anything any minister says, or my own minister. I happen to belong to the Presbyterian church; I do not belong to this organization. I like to hear their lectures and my interest in it is to see that everybody is given an opportunity to say what he wants to say, and then form their own opinion.

Mr. SIROVICH. Did you meet Mr. Keenan last week?

Mr. WERTZ. Yes; he is a personal friend of mine.

Mr. SIROVICH. Did you not say to him about this——

Mr. BROWN. I object; I do not think that is a proper question to ask a lawyer.

Mr. WERTZ. Mr. Joe Keenan and I have been friends for many years and I made a personal call on him the other day. The call had nothing to do with this hearing.

The CHAIRMAN. Have you anything more?

Mr. WERTZ. I may have one witness, but I am sure I can shorten this.

The CHAIRMAN. We must adjourn at 12 o'clock today.

Mr. WERTZ. Here is a letter from Mr. Pettey, secretary, Federal Radio Commission, dated October 5, 1933. This is in answer to the question that has been asked two or thre times here:

PEOPLE'S PULPIT ASSOCIATION,
Radio Station WBBR, Brooklyn, N.Y.

GENTLEMEN: Copies of certain speeches made by Judge Rutherford by means of electrical transcription entitled "Way of Escape" and "Holy Year" have been received by the Commission, together with information to the effect that said speeches were broadcast over your station respectively, June 18 and June 25, 1933.

These have been examined and it is requested that you advise the Commission immediately whether in fact the said speeches were broadcast over your station and on the dates alleged.

Then here is a letter dated October 20, 1933, from the National Association of Broadcasters:

Mr. IRVING VERMILYA,
General Manager Radio Station WNBH,
New Bedford Broadcasting Co., New Bedford, Mass.

DEAR MR. VERMILYA: Following my return from White Sulphur Springs I inquired at the Federal Radio Commission as to its purposes in requesting information on the Rutherford broadcast. The best information I could receive is that identical requests went to more than 300 stations and that the information received was to be placed in the Commission's files. I could not learn what use the Commission proposes to make of this information. If there are any further developments of importance I will gladly advise you.

Cordially yours,

NATIONAL ASSOCIATION OF BROADCASTERS,
PHILIP G. LOUCKS, *Managing Director.*"

Now, that is the correspondence of the Peoples' Pulpit Association with the Radio Commission in an endeavor to explain the purposes of these particular lectures that caused the trouble.

Mr. SIROVICH. Have you read the letter from the Radio Commission to Dr. Rutherford yet?

Mr. WERTZ. I beg pardon?

Mr. SIROVICH. Have you read the letter that the Federal Radio Commission wrote to Dr. Rutherford, against which so much complaint has been made?

Mr. WERTZ. I read the letter from Judge Rutherford to the Commission just a few minutes ago.

The CHAIRMAN. He asked from the Commission to Judge Rutherford.

Mr. WERTZ. Mr. Goux advises me that the letter was not replied to.

Mr. SIROVICH. Well, complaints have been made about a letter of the Federal Radio Commission written to Judge Rutherford.

Mr. RAMSPECK. I think that was the letter they wrote to the different stations asking if they had broadcast the program.

Mr. SIROVICH. That is the letter I am seeking.

Mr. WERTZ. This letter of October 5, 1933, this particular letter, was addressed to the Peoples' Pulpit Association and went to them at their radio station. The last statement I read said that this letter had gone out to about 300 radio stations in the United States.

Mr. SIROVICH. Will you read it?

Mr. WERTZ (reading):

GENTLEMEN: Copies of certain speeches made by Judge Rutherford by means of electrical transcription entitled "Way of Escape" and "Holy Year" have been received in the Commission, together with information to the effect that said speeches were broadcast over your station respectively, June 18 and June 25, 1933.

These have been examined, and it is requested that you advise the Commission immediately whether in fact the said speeches were broadcast over your station and on the dates alleged.

Very truly yours,

HERBERT L. PETTEY, *Secretary.*

Then the letter I read before said that similar letters had gone to 300 stations.

Mr. RAMSPECK. You have no evidence, have you, that any use was ever made of those replies?

Mr. WERTZ. No. We have letters from many stations, which we will offer in evidence, that the owners of the stations canceled future programs, refused to take them, because the Federal Radio Commission had asked for this information and they were afraid of losing their license.

Mr. RAMSPECK. That was just a conclusion on their part, was it not?

Mr. WERTZ. Yes.

Mr. RAMSPECK. There was no action taken by the Commission in response to those letters?

Mr. WERTZ. None at all. They just wrote the letter and then laid it away, apparently. No action was ever taken.

Mr. SIROVICH. Do you know of any station that ever had a complaint made against it, or a fine, or its license refused because of this?

Mr. WERTZ. No. I understand that only comes up once a year.

Now I offer the correspondence here for the record between the Peoples' Pulpit Association and the Radio Commission.

(The correspondence above referred to was filed with the committee.)

Mr. WERTZ. Here is another letter sent out by the Radio Commission. This has a particular bearing on your question, Doctor (Mr. Sirovich). This is dated May 23, 1933:

RADIO AIR SERVICE CORPORATION,
Radio Station WHK, 1311 Terminal Tower, Cleveland, Ohio.

GENTLEMEN: Under the authority contained in section 10 of the Radio Act of 1927, it is requested that you submit to the Commission the speech broadcast by Judge Rutherford over your station on April 23, 1933, which should be submitted under the certification of a responsible officer of the licensee as to its correctness and that it is in fact this speech which was broadcast at the time alleged.

Very truly yours,

HERBERT I. PETTEY, *Secretary.*

Mr. BROWN. What is there in that letter that would indicate that the Federal Radio Commission frowned on the speech of Judge Rutherford?

Mr. WERTZ. The committee will remember the testimony that Judge Sykes, of the Commission, wrote Judge Rutherford and asked him to give him a list of the stations that had broadcast those speeches; also, copies of the speeches. Judge Rutherford furnished him with copies of those speeches and a list of those stations—some 2 or 3 hundred of them, which I have just placed in the record. After the receipt of those speeches and that list, the Federal Radio Commission sent out this letter——

The CHAIRMAN. It just seeks copies of the speeches duly certified?

Mr. WERTZ. Just asking for copies of the speeches duly certified.

The CHAIRMAN. And nothing else.

Mr. WERTZ. Now the owners of those stations that had broadcast those speeches, as the correspondence shows, immediately began to cancel their contracts—said they were afraid they would get in trouble with the Federal Radio Commission for the lectures and did not want to lose their license; therefore, they would not broadcast them. We regard those letters as not sent for the purpose of getting any information, because Judge Rutherford had furnished the information himself before then. We think they were sent for the plain purpose of showing these different stations there was trouble in the air.

The CHAIRMAN. Did not they have a right to get from the station a copy of the exact thing that was said, and not to rely upon what Judge Rutherford furnished?

Mr. WERTZ. I presume they have, but they do not do that with other speeches.

Mr. BROWN. As an attorney, if you wanted to get the best evidence of what Judge Rutherford said, which would you take—what Judge Rutherford said he said, or what the radio station heard him say?

Mr. WERTZ. If I was answering the question strictly as to which is the best evidence, of course the question answers itself; but this section 29 of the Federal Radio Act says there shall be no censorship and no interference.

Mr. WALTER. What censorship was there?

Mr. WERTZ. The effect of it on the owners of the radio stations was that they canceled these contracts because the Federal Radio Commission asked them for copies of these particular speeches, and they had not asked for that before.

Mr. MORAN. Have you any letter from a radio station specifically stating that?

Mr. WERTZ. Yes.

Mr. MORAN. Have you put that in the record?

Mr. WERTZ. It will be in, in a few minutes. In other words, there was no occasion for the Commission asking for these speeches, unless they intended them to feel they had to watch their step in regard to this program. That is our contention. This is the letter, on October 5, 1933, that the Radio Commission sent out:

Copies of certain speeches made by Judge Rutherford by means of electrical transcription, entitled "Way of Escape" and "Holy Year", have been received in the Commission, together with information to the effect that said speeches were broadcast over your station respectively June 18 and June 25, 1933.

These have been examined and it is requested that you advise the Commission immediately whether in fact the said speeches were broadcast over your station and on the dates.

There could have been no purpose and no occasion for the Federal Radio Commission to have written such a letter as that if they did not intend to influence these stations in believing that that was their purpose.

Mr. SIROVICH. Does Judge Rutherford always follow the text of the speech, or does he talk extemporaneously?

Mr. WERTZ. These were electrical transcriptions.

Mr. SIROVICH. Does he speak without using an electrical transcription, too?

Mr. WERTZ. In some speeches.

Mr. SIROVICH. When he makes a public speech without an electrical transcription, does he always follow the text, or does he give vent to talk, too?

Mr. WERTZ. I am under the impression, while I do not want to be definitely held to the statement, that there is a recording machine there that takes down his speeches. Whether that is true or not, I do not know.

Mr. GOUX. That is right.

Mr. WERTZ. Mr. Goux tells me he makes no speech unless there is an electrical recording machine there to take the speech.

Now here is a letter from Station KGRS, in answer to a letter from the Watch Tower Bible and Tract Society:

* * * We did refuse the broadcast of the transcription "Religious Intolerance: Why", on December 31, simply because we had to inform the Federal Radio Commission in answer to their request, that we did broadcast "Way of Escape" and "Holy Year."

We noticed a lot of the larger stations refused to carry the broadcast on December 31, so we were not desirous of a hearing in Washington or a risk involving our license.

If you can assure us that this personal address will not involve us before the Federal Radio Commission, we shall be glad to carry this broadcast, at a station charge of only $10 for service from 5:30 to 6 p.m.

Would like to have list of a number of larger stations carrying this broadcast, at earliest date possible, and before we definitely contract to carry same. Sincerely, E. B. Gish.

That is the Amarillo (Tex.) station. Here is another letter from the same station, under date of November 11, 1933:

We have received your request for information regarding the broadcast of the "Way of Escape" and "Holy Year" from the Federal Radio Commission, and I am very much of the opinion that there is more behind it than just a matter of record.

You know the Commission does not act as a censor of broadcasting stations or programs, but rather as a court to determine if a license shall be renewed, suspended, or canceled.

In your publications I wonder if you are printing any of the letters from Catholics who commended and approved these speeches?

In this acknowledgement of your communication of October 12, I would like to request a copy of the booklet "Escape to the Kingdom." Respectfully, E. B. Gish.

Here is a letter from Missoula (Mont.) Station KGVO, dated October 17, 1933:

* * * We have already written you about the Radio Commission's letter to us, which we were very much surprised to receive, for evidently a complaint had been filed, and all the comment we have ever received on the Watch Tower program has been of a very favorable nature.

What talks the writer has heard have been constructive. Some, it is true, have rapped the clergy pretty strong but they certainly need something to wake them up if our present conception of religion is to continue to exist. Very truly yours, Radio Station KGVO, A. J. Mosby, Manager.

Here is another one from the same station dated October 10, 1933:

Your letter October 6. We wish to advise that the Judge Rutherford talks, "The Way of Escape" and "The Effect of Holy Year on Peace and Prosperity", were broadcast over this station on June 18 and July 25, respectively, by means of electrical transcription.

If anything of an objectionable nature has occurred in these talks, our announcers have not reported it, nor have we ever had an unfavorable reaction from our audience. A copy of this letter is being mailed to Judge Rutherford with the request that he contact the Commission. Hoping this will be cleared up to your satisfaction, we are

Very truly yours, Radio Station KGVO, A. J. Mosby, Manager.

That letter was addressed to Mr. Herbert L. Pettey, Secretary, Federal Radio Commission, by the owner of that station.

Here is a letter to the Federal Radio Commission from the Western Slope Broadcasting Co., dated October 10, 1933, addressed to the attention of Mr. Herbert L. Pettey, Secretary:

Replying to yours of the 6th inst., we beg to advise that the electrical transcriptions "Way of Escape" and "Holy Year" were broadcast at 1:15 p.m. mountain standard time, June 18 and 25, 1933, respectively, over this station.

In conjunction with this broadcast, the following introductory and closing announcement was made: "This is (was) an electrical transcription made exclusively for broadcast purposes and is a paid commercial broadcast sponsored by the Watch Tower Society of Brooklyn, N.Y., and should not be construed to represent an expression of any editorial opinion. Any one desiring to express other views on this subject may purchase the facilities of this station at an identical rate."

For your information the Watch Tower is the only organization that broadcasts commercial religious programs over this station, as our policy is one of not assessing any charge for our facilities to any religious organization on condition that controversial subjects are not discussed and this station broadcasts regularly under this arrangement for Protestant, Catholic, Mormon, and nondenominational churches of practically every type that are represented with organizations in this section.

Trusting that this will supply the desired information, we are very truly yours, Western Slope Broadcasting Co., Rex Howell, manager.

Here is a letter from the American Broadcast Co., Washington, D.C., Station WOL, dated October 7, 1933:

We have received an official communication from the Federal Radio Commission concerning the broadcast of the Judge Rutherford programs which places us in a rather embarrassing position.

We will therefore be unable to continue either the transcriptions or direct talks because they are of a controversial nature which will eventually place us in a bad light with the listeners.

We regret that this is necessary. We have enjoyed your friendship and our business relations, but we are simply confirming in letter form the action of which we verbally notified you a week ago.

That is signed "Le Roy Mark, president."

Here is a letter from the Southwest Broadcasting Co., Trinidad, Colo., dated November 7, 1933, addressed to the Watch Tower:

* * * A few weeks ago though we received a letter from the Federal Radio Commission regarding the programs of June 18 and 25. While their letter did not state that they considered any infractions of regulations had been committed, the tone of their letter was unfavorable.

For this reason, we think it not advisable to inaugurate this program over KICA at Clovis until further word regarding the matter has been received. * * *

Here is another one from the Minnesota Broadcasting Corporation, Minnespolis, Minn., addressed to Mr. Pettey, secretary of the Federal Radio Commission, in reply to their letter about the speeches, dated October 12, 1933:

* * * We have had a contract for sometime with the Watch Tower local organization for broadcasting, and this transcription was one of the articles they wished to have broadcast. Before broadcasting, we went over the contents to see if there was anything objectionable therein, but could not see that any nationality, creed, or persons were attacked, or that there was anything libelous, slanderous, or controversial in said speech. We did, however, really in violation of our contract, refuse to broadcast some other speeches of Judge Rutherford's, which in our opinion, were of a controversial nature, after we had heard a lot of adverse criticism regarding one of his speeches over another radio station, in which reflections were made upon the Catholics.

That is signed by Troy S. Miller, president.

Mr. WALTER. Was that the speech entitled "Intolerance"?

Mr. WERTZ. I could not answer that question; I am not in close enough touch with the organization to know if that was the one. Mr. Goux informs me it was the speech on the Holy Year.

Here is one from Marshalltown, Iowa, dated January 15, 1934. They say:

* * * We have had numbers of letters of approval and many calls regarding your programs, but none that could be taken as opposed in any manner.

This is a letter from Dubuque, Iowa, dated November 17, 1933:

We see nothing wrong with the copy of the speech sent, "Why Religious Intolerance is Practiced in This Country", by Judge Rutherford, in fact we are more than glad to have such a speech to go forth from our station, we have had plenty of trouble with the Catholics in the past trying to get this station off the air, because we have the guts to tell them where to get off at, and expect to do so as long as we are on the air, and I think that will be for sometime to come.

That is signed by Elmer Beehler.

Mr. WALTER. Do the Catholics complain about this in that speech?

For many centuries the Catholic hierarchy has operated the most cruel, wicked, and defamatory organization that has ever been on the earth. They employ coercion and the gag, and any other unlawful means necessary to accomplish their cruel purposes. When they want some one killed they make the killer believe that the priests can fully absolve him from all wrong and clear him from all punishment, either here or hereafter.

Do you imagine that would cause them to complain?

Mr. WERTZ. I imagine it might; I do not know.

Mr. SIROVICH. As a lawyer, do you approve of that statement?

Mr. WERTZ. I would not send it out myself, personally.

Mr. SIROVICH. You would not—I mean you are personally opposed to that statement?

Mr. WERTZ. I do not want to answer the question that way. I say I would not send it out.

Mr. WALTER. You know, as a matter of fact, it is not true, on the face of it?

Mr. WERTZ. That is probably perhaps unfortunate. There are many statements that are good and right, and they ought not to be spoiled by unfortunate statements like that.

Mr. SIROVICH. Are there many other statements like this through all these documents?

Mr. WERTZ. I could not tell you.

Mr. SIROVICH. You have never read them?

Mr. WERTZ. Not all of them.

Now here is a letter from the Oakland, Calif., station LKS, dated January 18, 1934:

* * * concerning criticism of the Watch Tower programs: We are pleased to say that the only criticism we have had of this program was favorable. We have had no complaints of any kind.

Here is a letter from The Arkansas Farmer, Little Rock, Ark., dated January 15, 1934:

* * * we have not received any of the letters you mentioned from any religious group protesting the handling of our Judge Rutherford programs, but if we do get any such letters we will send them to you.

We have had very little objection to them here.

Then a letter from the Troy Broadcasting Co., station WHET Dothan, Ala., dated January 21, 1934:

* * * We have had no unfavorable comment on your programs; in fact the comment has been that our public enjoys these programs as long as you will send them to us.

From Station WBSO, Babson Park, Mass., dated January 16, 1934:

I have your letter of January 11, and although we have received letters such as you mention in your letter I have not kept them.

Every man is entitled to his own opinion, in my estimation, and just as long as I am running this station, I will try to let every men have a fair trial in explaining his views to the public.

Of course, pressure can be brought to bear that will prevent my taking the Watch Tower transcriptions, but until it is, I will continue to run them.

Then here is a letter from New Bedford, Mass., Station WNBH, dated November 20, 1933:

Regarding the Watch Tower programs, I am sorry to say that we can do nothing for you regarding these. I don't know whether you know it or not, but we have carried the Watch Tower programs for years, and only recently discontinued them because of certain broadcasts, namely, "The Holy Year" and "Way of Escape", which programs were found not in the public interest.

We also received a complaint from the Federal Radio Commission and we thought it best to discontinue these programs. For the small amount of money that we receive for broadcasting these programs, we do not feel as though we want to take a chance in broadcasting them. I would just as soon broadcast these programs as far as my personal feelings are concerned, but we must consider our audience.

Here is a copy of a letter the Federal Radio Commission wrote to one of the Members of Congress, dated January 24, 1934, signed by Judge Sykes.

The CHAIRMAN. To whom is it written?

Mr. WERTZ. Mr. Sinclair, of the House of Representatives.

(The letter referred to is as follows:)

* * * The Commission, during this year, has received a number of letters protesting against these broadcasts because of their critical nature of all religious and all teachings of the Bible save that of Judge Rutherford and his institute. These broadcasts consist of both original speeches and electrical transcriptions of speeches of Judge Rutherford.

I have no doubt that a number of stations who are carrying these programs received letters of protest from listeners and I have been told that certain stations, because of these protests, declined to continue to broadcast the Rutherford programs.

Under section 29 of the Radio Act, the Commission is forbidden to censor programs. It is only when stations have applications for renewal of their licenses pending or when other applicants apply for facilities used by existing stations that the Commission, in the public interest, convenience, or necessity is permitted to judge the nature and character of the programs broadcast by stations in order to pass upon the question of public interest.

You will note, from the next to the last paragraph of this petition, that petitioners complain that "The National Broadcasting Co., the Columbia Broadcasting System, the Roman Catholic hierarchy, and others, have wrongfully by threats, coercion, and other improper influence prevented many stations from broadcasting this message."

Under the theory of the radio law, station owners are not compelled to broadcast any and all programs offered to them. It remains with them to see what programs they will or will not broadcast. I rather imagine, however, that because of the criticism of other religious faiths and the protests received by station owners was the cause of some of them discontinuing these programs.

I return the protest and petition.

Sincerely yours,

E. O. SYKES, *Chairman.*

Now we have a mass of other evidence along this same line, but we do not want to fill up the record with it.

Here is a letter from Judge Rutherford to Judge Sykes under date of February 8, 1934:

Your letter of January 24, 1934, addressed to Hon. J. H. Sinclair, Member of the House of Representatives, is to say the least of it hardly fair to me. The high office which you hold requires you to be fair and pass on such questions only that come within the jurisdiction of the Federal Radio Commission. Probably you have inadvertently overstepped the proper bounds.

You quote the next to the last paragraph of petition recently presented to Congress, which quotation is as follows: "The petitioners complain that the National Broadcasting Co., the Columbia Broadcasting System, the Roman Catholic hierarchy, and others, have wrongfully by threats, coercion, and other improper influence prevented many stations from broadcasting this message."

In your response thereto you completely ignore the question raised. No one for one moment would undertake to say that radio stations under the law as it now exists are compelled to broadcast any and all programs. Congress is asked to prevent by law undue discrimination. Surely no man holding a high official position could in fairness say that any corporation, person, or persons can be acting righteously when using threats and coercion to prevent a radio station broadcasting whatsoever programs they wish to broadcast. The point raised by the petition is that those named are using wrongful methods, such as threats of boycott and coercion to prevent radio stations from exercising their legal rights. This Congress is asked to make it a punishable offense to use such wrongful methods, and to thus deprive radio stations from exercising their legal rights and preventing the people from hearing what they wish to hear.

The two big broadcasting corporations, and the Roman Catholic clergy in particular, are attempting to prevent the things you say that the stations have a right to do, to wit, broadcast programs as they see fit. Are you in favor of permitting powerful corporations and influential religious organizations using boycott and other threatening methods to prevent American citizens hearing what the law says they have a right to hear? If not, then you should have told the Congressman that you do not favor such methods. Your letter is silent upon that point. If the Commission, of which you have the privilege of being chairman, favors such wrongful methods of coercion and threats then Congress, acting as the agent and servant of the people, should abolish the Commission.

In the concluding paragraph of your letter you volunteer to furnish to the Congressman further information which you may be able to give. You could have told the Congressman in your letter that clergymen, and particularly Catholic priests, had a conference with members of the Federal Radio Commission, their purpose being to induce the Commission to take Rutherford off the air and to refuse to renew the license of stations that continue to broadcast his speeches. Such facts would support the petition and are quite valuable to the American people.

You could also have told the Congressman that your Commission addressed letters to me asking me to file with you copies of my speech delivered on a certain occasion, to which speech objection had been made, and also asking me to file with you a list of stations that had broadcast such speech and that your request was fully complied with. You had no right as a commission to censor the speech, and manifestly the purpose of asking for such information was to determine whether or not you had sufficient grounds to refuse a further license to stations broadcasting the same. If such was not your purpose, then what was your purpose?

Furthermore, you could have told the Congressman that after you had received protests from the Roman Catholic clergymen you had made demands upon me to furnish the Commission with a list of radio stations in which I am a stockholder, and to state how much stock I hold in such stations. What could have been the purpose of the Commission in obtaining this information if it were not to aid the clergymen in accomplishing their purpose to exclusde my speeches from the air? If the facts had developed that I had a large amount of financial interests in certain radio stations, would you have used those facts to require such stations to cease broadcasting my speeches or to forfeit their license or fail to have thier license renewed? If that was not the purpose in getting the information, what was the purpose? Certainly an American citizen has the right to own stock in a corporation, even in a radio station, without personally being required to make a report to the Federal Radio Commission. You might explain to Congress what you wanted with that information. Fortunately I had no stock in any of them, except a single share in one station, whihc was gien to me and whicn since has been disposed of. It would be a great wrong for the Commission to refuse a license to a radio station merely because a man not pleasing to clergymen holds some stock in that station. You have in your files the letters of the Commission to me and my replies, and these facts you might furnish to the congressional committee.

Then your Commission further requested that I furnish you a list of radio stations in which our socitey holds stock. That letter and my reply may also be of interest to the congressional committee.

Shortly after the conference of clerygmen with the Federal Radio Commission, and after the Commission had received at least two copies of my speech "Effect of Holy Year on Peace and Prosperity," and after I had filed with your Commission a list of radio stations that had broadcast that speech, your Commission wrote letters to a number of radio stations requiring such stations to report to your Commission as to whether they had broadcast such speech or not. Was it merely a coincident that your Commission sent out such letters to various radio stations after the clergy had called on you, or were you aiding them to get Rutherford off the air by doing indirectly what you could not do directly? You may explain that to the congressional committee and also tell the committee what was the purpose of the Commission in demanding of radio stations the information as to whether or not my above-mentioned speech was broadcast when you already had copies thereof on file. Practically at the same time the Roman Catholic press began a tirade against radio stations that had broadcast that speech and they began to employ boycott methods to compel stations to cease broadcasting any and all speeches of mine. This they began with the leading station at St. Paul and station WHK, Cleveland. Was the Commission acting strictly within its legal duty in demanding such information from various radio stations, which information it already had, or was it to indirectly give a warning to those radio stations to yield to the protest of objecting clergymen and to aid them to accomplish what the Commission could not legally accomplish. Copies of the Commission's letters to the various radio stations regarding that matter might be interesting information to Congress just at this time.

In your letter to Congressman Sinclair you say: "I have been told that certain stations, because of these protests, declined to continue to broadcast Rutherford's programs." Were you told that information after your Commission had

demanded of these stations the information as to whether or not they had broadcast my speech on "Holy Year", and if so, do you know just what was the moving cause of those stations discontinuing to broadcast my speeches?

Since my speeches that have been broadcast have never mentioned a human creature in a derogatory manner, but have merely called attention to the gross errors taught by men and organizations to the detriment of the people's vital welfare, is it your opinion that the Radio Commission has the legal right to refuse to license a station because that station broadcasts my speeches? If so, would the Commission have the legal right to refuse to license a station that broadcasts a speech severely criticizing the administration of the National Government? While this Congress is in session it might be of interest to the Members thereof to know just how far the Commission believes it can go in refusing a license to a station that broadcasts a speech criticizing the errors taught and practiced upon the people by various organizations.

Is the Radio Act relative to what is of public "interest, convenience, and necessity" for the benefit of shielding institutions or organizations that have for years been deceiving the people, and still are deceiving them, or was that provision put in the law to permit people to hear what is the truth and what is therefore of vital public interest, convenience, and necessity for them to hear?

This Government was established on the theory that it belongs to the people in general and not to certain selfish interests. My associates and I are not trying to get members or to build up any kind of an organization. We are merely trying to help the people while these selfish interests stand in the way thereof. We have no desire or inclination to attack any man personally, but we only wish to inform the people of truths upon which their very life depends. If in America it is no longer possible to expose gross errors in order that the people may learn the truth then entrenched selfish interests teaching such errors may feel safe. It is certain that they do not want to have the public to examine the things that they are teaching, and that of itself is very persuasive evidence that they know they are wrong and that they are doing injury to the people.

In your letter you state to Mr. Sinclair that protests have come to the Commission against my speeches "Because of their critical nature of all religions and all teachings of the Bible save that of Judge Rutherford and his institute." That statement is hardly in accord with the facts.

On at least two occasions when I have been before your Commission I have stated the facts as they exist and you should know them for that reason. Besides that I personally know that you have some books which I have written also setting out the facts. Permit me to say that Rutherford has no institute, nor have I any teachings of my own. I am a follower of the plain lead of Jesus Christ, calling attention to Jehovah God's Word of Truth according to His commandments. My effort is to enable the people to ascertain what is in the Bible. If the clergymen are wrongfully misleading the people as to what is in the Bible and hiding from them the truths therein, as their prototypes did when Jesus was on earth, how could I call attention to the truth of the Bible without such truths exposing the errors of others? I have no fight with any man. Never at any time in a public speech have I attacked any man. My sole purpose is to aid the people to understand the Bible, and you well know that the Roman Catholic system has never tried to help the people understand the Scriptures. Now when their parishioners begin to get some knowledge of the Bible, which is of vital necessity to them and which truths enables them to see that the clergy have duped them and kept them in error, these facts cause the clergymen to become violently angry at any one who speaks the truth. They should not blame me, they should blame the Lord for having put those truths in His Word. If the position of the clergymen is right then why not come out and defend their position and show the people wherein I am wrong? If what I am saying is wrong it will fall of its own weight, and if what I am saying is God's Word of Truth there is no power under heaven that can destroy it. The clergy well know that personally I amount to little or nothing, but it is the truth that angers them.

Having no adequate defense the clergymen are compelled to either keep silent or else put a gag in the mouth of the one who speaks the truth. For some years they have practiced silence but now when they see the people learning the truth they seek to put a gag in the mouth of the one who tells them the truth. The American people have a right to hear what they desire to hear without anyone acting as their censor or guardian. Even if you desire to aid these men in keeping the people in the dark concerning the vital truths of the Bible you should not use your high official position to accomplish that purpose, but on the other hand you should unhesitatingly furnish to Congress the evidence that

would help the Members thereof to see what is their plain duty in protecting the interest of freedom of speech and freedom of worship of Jehovah God among the people.

Just before the destruction of Jerusalem Jehovah sent certain men to give notice and warning to the people of the approaching disaster coming upon that city. The clergymen of that time violently opposed those men and had them beaten and thrown into prison. The clergymen used their influence to keep the people in ignorance of the truth and they succeeded largely in doing so. Shortly thereafter Jehovah God caused the city of Jerusalem to be completely destroyed and multitudes of people to die. What happened there, as the Scriptures show, merely foreshadowed what is now about to fall upon the nations called Christendom, of which Jerusalem was a type.

What my associates and I are doing is merely to give notice of warning to the rulers and to the people of the approaching time of tribulation, which will be far greater than that which came upon Jerusalem. It is not man's warning nor is it man's word. These truths of notice and warning are not man's word. These truths of notice and warning are set forth in the Word of God and those who know them and love Jehovah God are commanded to tell the people about them. Anyone therefore who attempts to keep these truths from the people is fighting against God and not against man and everyone who thus opposes God will experience the trouble of Armageddon and "will find no way of escape." Appropriate thereto are the words of Jehovah's prophet at Jeremiah 25:33–36 and of Matthew 24:21, 22. The Scriptures point out plainly that there is just one way of escape. God has commanded that the people shall be told of that way just now. Do you wish to lend your support to those who are trying to keep the people in ignorance of those vital truths? If so the responsibility will be upon your own head. Better let the people hear and let each man take his own responsibility as to what he shall do. My responsibility before God is to tell the people the truth and in no other way can I be faithful to Jehovah God.—Ezekiel 3:18, 19.

God sent Moses to demand of Pharaoh of Egypt, the then great world power, that the people might be permitted to hear the truth and worship God in their own way. Pharaoh refused to permit the people to enjoy that privilege and God killed all of their first-born and then destroyed the nation. Now the people are again asking that they be permitted to exercise their God-given rights to proclaim the truth and to worship Jehovah God in the way that they choose. Certain selfish organizations are desperately attempting to prevent the people from exercising this privilege and the rulers are warned not to support those selfish organizations in their wrongful course, nor to join with them in hindering the free proclamation of the Word of God, and Jehovah makes it plainly to appear in His Word that those who do interfere shall suffer a like fate that came upon Egypt.

You will recall that when I personally stood before your commission on one occasion that I used these words: "This is not a threat but a warning", and you are familiar with what came upon some members of the commission thereafter. I now repeat those words as applying not only to the Federal Radio Commission but to all the ruling powers of Christendom that interfere with the proclamation of Jehovah's Word of truth. It is a friendly warning. Opposition to me cannot affect me personally in any way whatsoever but willful opposition to a free hearing of the Word of God in this critical hour will result disastrously to all those who oppose the free proclamation of God's Word of truth. Jehovah God through Christ Jesus will inflict the punishment. I have nothing to do with that. No man will inflict the punishment upon the nations. Receive now if you will this kindly warning and cease to give aid to those who are fighting against God's Word of truth. No man can successfully fight against Jehovah.

Let the Federal Radio Commission administer the law fully and fearlessly and refrain from aiding a class of selfish corporations who wish to keep the people in ignorance of the great truths of Jehovah's purpose. The Congressmen must have these facts in order that they may intelligently meet the responsibility that is upon them. The National Broadcasting Co. and others have set themselves up as the religious guardians of the American people. They have determined that Catholic, Protestants, and Jews may speak to the people, provided they raise no controversial questions. They deny the facilities of their radio stations to those who want to tell the truth for the benefit of the people, and thus they assume the position of guardians for the people as to what they shall hear concerning the Bible. The Roman Catholic clergymen in particular desire the people to hear nothing except what they and their fellow religionists may agree upon.

Does the Federal Radio Commission wish to assume the responsibility before God of agreeing that these two big radio corporations, and the clergymen may determine what is of public interest, convenience, and necessity, and thus prevent the people from hearing what they wish to hear?

If the Commission answers the foregoing question in the affirmative then I insist that Congress in fairness to the American people should define what constitutes public interest, public convenience, and public necessity, and that this be done as a guide for the Federal Radio Commission. I will here suggest a definition, which I know is in harmony with the truth. Necessity is that which the people really need. Convenience is that which builds up the people in righteousness, and public interest is that which is for the general welfare of the people. The great truths contained in the Bible are therefore of supreme public interest, public necessity, and public convenience. "Where there is no vision, the people perish; but he that keepeth the law, happy is he" (Proverbs 29:18). "Remove far from me vanity and lies; give me neither poverty nor riches; feed me with food convenient for me" (Proverbs 30:8).

Very sincerely,

J. F. RUTHERFORD.

Mr. SIROVICH. Does the gentleman think that the statement read by Congressman Walters comes in the category of public necessity, interest, and convenience to the American people?

Mr. WERTZ. The statement that the Congressman read?

The CHAIRMAN. The statement read here this morning.

Mr. BROWN. Read out of "Intolerance".

Mr. WALTER. That I read out of this pamphlet here [exhibiting].

Mr. WERTZ. I do not pretend to answer that question.

Mr. RAMSPECK. I just want to ask, if that definition were in the law, would you still have the same differences of opinion about the value of these programs?

Mr. WERTZ. I imagine so.

The CHAIRMAN. Have you anything further, because we have to conclude by 12 o'clock?

Mr. WERTZ. I have a letter to Congressman Murdock from Harold A. LaFount, Commissioner, dated February 1, 1934:

Receipt is acknowledged of your communication dated January 30, together with enclosures, with reference to certain petitions being filed with Members of Congress referring to broadcasts of Judge Rutherford over certain radio stations.

On this subject permit me to say that section 29 of the Radio Act of 1927 prohibits the Commission from exercising any power of censorship with respect to programs broadcast by radio stations. It is the theory of the law that every radio station shall operate in the public interest and, despite the provision above referred to, the Commission is empowered to examine into the past conduct of radio stations in acting upon applications for renewal of license. If any radio station fails in its duty to serve public interest or viloates any law, evidence thereof may be taken into consideration by the Commission in acting upon said applications.

Certain programs broadcast by Judge Rutherford have been under consideration by the Commission but no application for renewal of license has yet been designated for formal hearing in connection with this matter.

Your attention is invited to the decision of the Court of Appeals of the District of Columbia in the case, *KFKB Broadcasting Association, Inc.*, v. *Federal Radio Commission* (47 F. (2d) 670), in which programs of this character were involved.

This information is cited inasmuch as the law prohibits the Commission from taking any action to preclude programs of this party from being broadcast, unless and until a formal hearing has been held with respect to a particular application and the programs involved have been found to be contrary to the public interest.

Very truly yours,

HAROLD A. LAFOUNT, *Commissioner.*

The CHAIRMAN. That is accumulative of what has been submitted heretofore.

Mr. WERTZ. Yes. Now I have one more feature of this, that is, the interference of the officials——

The CHAIRMAN. Well, Judge, we must conclude this hearing. How long will that take?

Mr. WERTZ. I imagine it would take half an hour.

The CHAIRMAN. I do not see how we can go on.

Mr. BROWN. Mr. Chairman, could not the Judge put those statements in the record?

Mr. WERTZ. I have here a statement of the articles of incorporation, of Cardinal Gibbons of Baltimore and others, organizing the National Catholic Welfare Council, and then we have about 150 Catholic newspapers which accept the service from this council, with their protests.

The CHAIRMAN. Cannot you put that in with a statement? I have no desire to cut off anybody, but there are some opponents that want to be heard tomorrow and, assuming this hearing would not take so much time, I have already set hearings for Wednesday that will take up a considerable portion of our time and we have other business before the committee that is of the utmost importance, and that will have to take the place of this hearing. We understood there would be four witnesses and we have already given 3 full days—that is, all of the time that we could give.

Mr. WERTZ. Well, Mr. Chairman, we want to do anything you want. We appreciate your courtesy and we have tried to answer your questions on doctrine and everything else that were asked us, and that probably took most of the time.

Now this is a statement in regard to the Catholics that is embodied in three typewritten pages. Those newspapers are here, which we probably can file, unless the committee wants to hear statements of threats in some of these newspapers.

The CHAIRMAN. You can file them. If you read the statements and then the committee questions you, it will carry us on for a week or 2 weeks. As I say, we have already set other bills for hearing, and that is a statement, I should say, that you can file in the record and it can be incorporated in the hearings. And Mr. Koerber, I believe, wanted to file a statement. That could be incorporated in the record.

Mr. WERTZ. I am merely trying to present the evidence of these allegations that we made in the opening statement and substantiate them. We have the evidence here.

Mr. WALTER. I think evidence of discrimination is highly important.

The CHAIRMAN. Well, we have to go on the floor in a little while.

Mr. WALTER. I mean in view of line 10 of the bill, in respect to discrimination. I think that is the most important thing in the bill.

The CHAIRMAN. I have already brought to the attention of the committee the fact that these other bills come up on Wednesday and involve bringing witnesses from out of town, and we will not be able to finish those hearings for probably two weeks.

Mr. RAMSPECK. Mr. Chairman, I suggest that they be permitted to file for the record those statements and newspapers, and the committee can go over them at a later date.

The CHAIRMAN. I should much prefer, if they are going to file allegations in newspapers, that they come in the way of a statement with the excerpts that they want to bring to our attention, so that

it can be incorporated into the record; because I would not want to assume responsibility of going through those newspapers and picking out what should or should not be incorporated in the hearings.

Mr. WERTZ. We have picked out clauses and made extracts and have them on a small sheet of paper.

The CHAIRMAN. They can be incorporated in the record?

Mr. WERTZ. Yes. Then we have perhaps 175 newspapers of similar character that we want to file with the committee.

The CHAIRMAN. But not to be incorporated in the record?

Mr. WERTZ. No. The committee can examine them, if they want to.

The CHAIRMAN. I have no disposition to shut off anybody, but am just simply bringing attention to the situation that exists and which confronts the committee.

Mr. WERTZ. Would the committee give us an hour?

The CHAIRMAN. We have roll calls coming on in the House very shortly on important matters. Tomorrow there will be the opponents and on Wednesday we go on with the hearings on another bill.

Mr. SIROVICH. Why could not you pick out the most important excerpts from all of the papers and file them in the form of a brief? It takes an awful lot of time for Members of Congress to be reading through a great mass of material.

The CHAIRMAN. They can not possibly do it. If you file a brief, then we can have it printed.

Mr. SIROVICH. Why not file a brief giving the most important extracts from the newspapers that you want to call to our attention?

The CHAIRMAN. Frequently, many of the committees allot so much time to the various witnesses. We have never undertaken to do that in this committee; we have been extremely liberal.

Mr. WERTZ. I understand the committee has been extremely liberal and courteous. Would you permit us to read these three pages and then prepare the other evidence and file it?

The CHAIRMAN. Proceed.

STATEMENT OF C. J. WOODWORTH, BROOKLYN, N.Y.

Mr. WOODWORTH. In support of verbal testimony given here, I would like to show the committee how the organization referred to in the petition as the Roman Catholic hierarchy operated in this country to exclude from the air, by unethical methods, programs of speech by Judge Rutherford because his expressed views differed from those of the Catholic hierarchy and were considered inimical to the latter's interests.

It is well known that the Pope is the visible head of the Roman Catholic organization. It may be interesting to know that there are 310 official Catholic publications in this country which the Pope freely admits are his voice in America. The editors of these papers are chiefly bishops and priests. However, their publications and activities are not confined to religion, but cover commercial, political, and social life. In addition, there are some 35 Catholic organizations of men, such as the Knights of Columbus, and approximately 75 Catholic organizations of women in this country, which cooperate with and support the Catholic press and Catholic programs. Their expressed purpose is for the advancement of Catholic interests and

the suppression and abolition of other parties considered inimical to Catholic interests. In other words, if any religious, educational, or political organization publish or broadcast what is considered by the Catho ic hierarchy as inimical to Catholic interests in this country, the command is given through their press that the undesirable person or persons shall be taken off the air or put out of business. As experienced recently, the said organization then functions as follows:

Through their publications, the Catholic population are induced to believe that the Pope has been insulted by certain broadcasts of speech and, therefore, serious wrong has been done to all Catholics. Further, that it is their solemn duty to cooperate in having the offender put off the air.

Mr. TERRY. May I ask the witness: This statement that was read by Mr. Walter of Judge Rutherford's, was that made before or after the Catholic Church commenced defending itself here? In other words, did Judge Rutherford start talking about the Catholic Church first and then the Catholic Church took this means of presenting its side?

Mr. WOODWORTH. I think that expression occurred after this address on the effect of the "holy year" on peace and prosperity.

The Catholic publications write articles concerning the method to be used in ostracizing the undesirable person or corporation, which in some cases has resulted in boycotting by threats and coercion. The usual procedure to accomplish their purpose is, first, for a bishop or priest to demand in behalf of the Catholic people of his community that the radio-station owners break their contracts with the so-called "offenders" and exclude them in the future. When such request is refused, as is often the case, then the station owner is threatened that he may lose some business and immediately word is given to their different organizations, such as the Knights of Columbus, to bring pressure on that particular station. The pressure, in substance, is to approach the advertisers who use the facilities of the station involved, with a threat of loss of business by withdrawing of patronage unless they cooperate and join in demanding the station manager withdraw the undesirable programs. In certain cases, such as at Philadelphia, a Catholic cardinal induced the station owner to discontinue broadcasting upon threats to boycott his department-store business.

It should be most interesting to this committee to know that the common people, Catholics, Hebrews, and Protestants, are not protesting against the Watch Tower programs and have not engaged in these unethical practices referred to, but that these vigilant committees, these editors of Catholic publications and heads of other organizations inciting such lawless methods to accomplish their purposes, are, for the main part, priests, bishops, cardinals, and other clergy of the Catholic hierarchy.

When such station owners realize that their whole business is threatened to be destroyed, they acquiesce to these unfair demands. In addition, such a station owner dare not mention the matter for fear of further reprisals, but sufficient evidence unmistakably shows that this is their method of operation and that it continues even to the present time.

According to their publications, most of these activities are directed, as far as this country is concerned, through the central office in Washington, known as the National Catholic Welfare Council or Conference.

The Catholic-press article recently showed that Mr. James H. Hanley, one of the Radio Commissioners, a Roman Catholic, was interviewed regarding the manner in which to have Judge Rutherford banned from the air. So far as we are able to determine, the principal reason given by the Catholic hierarchy that Judge Rutherford shall be banned from the air is to the effect that Judge Rutherford mentioned doctrines of purgatory, hell-fire torment, and trinity and prayers for the dead as being entirely unscriptural. By this we assume that no one dares mention anything which controverts the views of the Catholic hierarchy.

Following are several of many specific instances to substantiate this statement. In addition, I have 173 other Catholic publications showing the same unethical practices, which are here for your information if you desire them for your record. I could read these cases of boycott in 8 minutes.

Mr. SIROVICH. Does the gentleman subscribe to the doctrine that Congressman Walter read?

Mr. WOODWORTH. I accept it.

Mr. SIROVICH. You accept it? You preach that as evidence of public interest, necessity, and convenience and consider it a just statement to go out to the people of the United States?

Mr. WOODWORTH. I might make a statement like that, yes; but that would not be the burden of my speech.

Mr. SIROVICH. And you consider yourself a tolerant man?

Mr. WOODWORTH. I think so.

Mr. SIROVICH. And a just man?

Mr. WOODWORTH. Yes.

Mr. SIROVICH. And you would preach a gospel to destroy others because they believe in a conviction that is contrary to yours?

Mr. WOODWORTH. If Jehovah God sees fit to destroy them, I would not interfere.

Mr. SIROVICH. Have you been one of these self-anointed, self-appointed, self-constituted creatures that Jehovah God appointed?

Mr. WOODWORTH. I understand Jehovah God appointed these witnesses; that they were appointed by the Holy Spirit, the spirit of truth.

Mr. SIROVICH. Have they the recommendations to file showing He appointed them, outside of a statement made in a dogmatic fashion?

Mr. WOODWORTH. My understanding is this, that they have this witness in their hearts, that they belong to the Lord.

Mr. SIROVICH. And you would condemn the other faiths for having that same witness in their hearts?

Mr. WOODWORTH. No, I would not.

Mr. SIROVICH. In other words, you reserve for yourselves the right to follow the feeling in your heart, but you deny it to others who have the same feeling in their heart, honestly received?

Mr. WOODWORTH. By no means. I believe in letting the Scriptures be taught in all their clearness. We can not expect we are going to avoid giving offense. Even Jesus himself offended. He said:

Will ye also go away?

and the Scripture says:

Cry loud, spare not, lift up thy voice like the trumpet, and show my people their transgression, and the house of Jacob their sins.

I think it is a very commendable, upright, honest thing for a man to tell just what he believes. There are courts open. If any one feels he has been offended, let him go into the courts and sue for justice—if they feel they have not had it.

Mr. TERRY. Do you not feel you can teach the teachings of the Bible without criticizing some other sect?

Mr. WOODWORTH. I do not believe that is possible, and especially I do not believe that is possible in this day in which we live. We have come to the time when people in general are no longer willing to accept the proposition that an infinitely loving God has deliberately planned to roast practically the entire human family in the strangling fumes of burning sulphur through all of eternity, for something that somebody else did 6,000 years ago.

I was born and brought up a Methodist, so I know quite a bit about this hell business, and I know, as a Methodist, I did not altogether think that my Episcopalian and Catholic friends had things just right. I thought the thing to do was to go back to the Scriptures. Wesley believed he was going back to the Scriptures, and did not have any idea he was forming another sect. Wesley, I believe, was an honest man.

Mr. SIROVICH. Do you believe in the immortality of the soul?

Mr. WOODWORTH. So far as Jehovah God is concerned; yes. The Scriptures say that God only hath immortality. So far as the people are concerned, the Scriptures say we "seek for glory and honor and immortality", and you, I believe, as a lawyer, realize we do not seek for something we already have.

The CHAIRMAN. He is a doctor, not a lawyer.

Mr. WOODWORTH. I think he is a pretty good lawyer.

Mr. SIROVICH. Do you think the grave is the end of all life, or do you think the grave is the gateway to some future existence?

Mr. WOODWORTH. The grave would be the end of all life if it was not for the fact that God provided for the resurrection. Jesus said: "All that are in their graves"—that shows where the dead are:

> All that are in their graves shall hear the voice of the Son of God and shall come forth.

Mr. SIROVICH. Then why do you object to anyone interpreting that as he will?

Mr. WOODWORTH. I do not have any objection to anyone making any interpretation of the Scriptures they see fit, but I would like to have the opportunity to express my thoughts. That is the way it is with Judge Rutherford; he wants a chance to say what he has to say to the American people. Why should these clergymen object to accepting Judge Rutherford's offer to debate with them? For 2 years or more he has been demanding again and again that he be given an opportunity to have a debate with the clergy over the radio as to whether they are really serving Jehovah God, or whether, as a matter of fact, while they do not intend to do it, many of them, they are actually serving and honoring the devil.

That is something the American people would like to hear discussed; I know they would like to hear it. The fact that they have a petition of two and a half million, nearly, right here in this place, proves that fact. People, like my Presbyterian friend, Mr. Wertz, want to have a little more argument on that thing before we have fully convinced them. I think, however, he is coming along pretty well.

Mr. SIROVICH. Is not that a controversial matter my friend is talking about, that has been responsible for causing more mischief and the killing and burning of more people during the last 20 centuries than all of the wars put together?

Mr. WOODWORTH. I do not think it is controversial in regard to the Scriptures. The controversy is outside of the Scriptures, a miscomprehension of the Scriptures. For instance, now, if Judge Rutherford wants to speak on the air what reason can anybody have for wanting to crowd him or some man that manufactures chemicals off of the air because he believes in the thing Judge Rutherford talks about; why should anybody want to crowd off of the air a man like Judge Rutherford by repeated evidences of the spirit of boycott and actual boycott, as you will see when you read these papers?

Mr. TERRY. Suppose you have not enough time on the radio, in 24 hours or 18 hours; that the time is all taken up, so that there is not enough for everything—do you not think the radio station would have a right to discriminate as to which programs they will put on, when they have not enough time for all?

Mr. WOODWORTH. Here is the way we feel about that. We have 8,760 hours in the year. Why cannot Judge Rutherford have 4 hours a year from these great broadcasting systems? Why close the thing right up tight and say, "Here are the subjects we will permit you to talk about." Why make it difficult for a man to tell them anything he has got from the Word of God? For no cause I can think of except——

Mr. WALTER. Suppose this act is passed (and I can say to you there is a defect and I am very much in favor of the bill) and the radio company was arbitrarily to say they won't take the program, won't you be confronted with the decision of the Supreme Court handed down in the newspaper case some years ago, that a newspaper may adopt any policy they see fit and publish whatever they see fit?

Mr. WERTZ. This bill, as I understand it, provides that if they give these facilities to any religious organization, they must give them to others, and I understand under this bill, if passed, they would still have the right to prevent Jehovah's witnesses from using them, provided they did not permit them to be used by the Jewish, Protestants, and Catholics; but if they use them for those programs, they would be required to give him the same. He don't want 8,000 hours——

The CHAIRMAN. Would not that apply to everyone?

Mr. WERTZ. Yes.

The CHAIRMAN. And that being the case, would it not practically drive all religious talks off of the air?

Mr. WERTZ. Not necessarily; because these people are only trying to get 1 or 2 hours a year. They are not asking for all of the time of the radio chains, but they cannot get on at any time. They are trying to get on a program for March 25 and every station in Washington is blocked against them on account of their connection with the Columbia and National, so that the Members of Congress themselves cannot hear that message on March 25, when they have said they want to hear it.

Mr. RAMSPECK. My attention has been called to a statement made before the Senate Committee on Commerce last Thursday by the Rev. John B. Harney, superior general, Paulist Fathers, owners and operators of Radio Station WLWL, New York, in which he advocated

an amendment to the proposed communications bill giving 25 percent of the radio facilities to educational, religious, agricultural, labor, cooperative, and similar nonprofit-making associations. Would you favor a system of that sort, which would provide 25 percent of the available frequencies should be assigned to such institutions?

Mr. WOODWORTH. Of course, I am not a legislator but that seems to me to have some good principles involved in it. I will say I believe Congress is going to arrive at a just opinion on this thing, and I might say I think the Scriptures are the reason for my faith.

(The committee thereupon adjourned until tomorrow, Tuesday, Mar. 20, 1934, at 10 a.m.)

(The papers submitted for the record by Mr. Wertz are as follows:)

MARCH 20, 1934.

To the COMMITTEE ON MERCHANT
MARINE, RADIO, AND FISHERIES,
Washington, D.C.

On Friday, March 16, 1934, in testimony given before the Merchant Marine, Radio, and Fisheries Committee, I stated that the Yankee Network was a subsidiary of the Columbia Broadcasting System and that WOL was used in connection with this system recently. I find that this is not the facts and for the records I desire to make a correction of the same as follows:

The Yankee Network is associated from time to time in connection with certain Columbia Broadcasting System programs which is the same as another station would be used as an outlet in broadcasting the programs of the Columbia Broadcasting System and that WOL used in what is commonly known as "spot" broadcasting wherein the facilities of WOL were included in the Yankee Network but the call letters of the station were not used, and therefore not identified as a part of the Yankee Network.

I trust the committee will accept my apology for the above misstatement and accept the correction with the intended purpose of stating the facts in good faith.

Sincerely,

ANTON KOERBER.

OCTOBER 5, 1933.

FEDERAL RADIO COMMISSION,
Washington, D.C.

DEAR SIRS: In order to keep you informed of developments in the Nation-wide attempt of the Roman Catholic hierarchy to "drive Rurtherford from the air," as they put it, we quote below a portion of a letter just received from one of our field representatives, whose name and address we shall gladly supply to the Commission if you require it. The report is dated September 30, 1933.

"* * * Within the last month there was a State-wide convention of Catholic leaders held here. During this period KTAR station [of Phoenix, Ariz.] was called upon by the priests to stop giving Judge Rutherford's lectures; also they wanted the right to present an opposing lecture over KTAR and received the reply: 'We won't have this station used as a battleground, and if you want the time you will have to pay for it as the Watch Tower does.' Since then a strenuous effort has been put forward to stop it in a different manner. In going from door to door, blunt confessions of the Catholic efforts have been made to Jehovah's Witnesses. Just this morning confessions of particularly three Catholics were made to the effect that the Catholics were going to accomplish their goal, and that they had signed petitions to bring this to a head in the near future. The station manager made the statement that the pressure was growing heavy, particularly among Jews and Catholics."

This is just a sample of numerous reports of this nature received by us from various parts of the country, and which, it seems to us, ought to be in the files of the Commission that the record might be complete.

Respectfully,

W. J. B. & T. Sy., *Radio Department.*

RADIO BROADCASTING

TUESDAY, MARCH 20, 1934

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE MERCHANT MARINE,
RADIO, AND FISHERIES,
Washington, D.C.

The committee met at 10 a.m., Hon. Schuyler Otis Bland (chairman) presiding.

The CHAIRMAN. The first witness this morning is Mr. Loucks.

STATEMENT OF PHILIP G. LOUCKS, MANAGING DIRECTOR, NATIONAL ASSOCIATION OF BROADCASTERS, WASHINGTON, D. C.

Mr. LOUCKS. Mr. Chairman and members of the committee: My name is Philip G. Loucks. I am managing director of the National Association of Broadcasters, a Nation-wide organization of broadcasting stations, numbering in its membership stations of all classes from the smallest to the largest. In passing, I might mention that the N.R.A. has found that the association is truly representative of the radio broadcasting industry, and that the bylaws of the organization provide no inequitable restrictions to membership.

Representatives of the National Broadcasting Co. and the Columbia Broadcasting System are present and are prepared to present their views on the bill. I desire to discuss the bill from the standpoint of the individual station and principally the smaller station owner who does not have at his disposal at all times expensive legal talent to advise him on intricate questions of law.

We are opposed to the bill because it is too vague and ambiguous; it would substitute the deterrent of a criminal statute for the intelligence of management; it would either promote controversies of all kinds at the expense of general program service, or eliminate discussions of public questions; and, it is unnecessary.

I shall do my best to limit my comments to the text of the bill before you and I promise to be brief. The bill, H.R. 7986, is an attempt to insert two new sections after section 28 of the Radio Act of 1927. The sections are not numbered but we may assume that that portion of the bill up to line 10, on page 3, is to be section 28 (a), and that portion from line 10 on is to be section 28 (b).

Section 18 of the present radio law provides that:

> If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station—

And provides further that the licensee—

shall have no power of censorship over the material broadcast.

The same section of the present law says that no obligation is imposed upon any licensee to allow the use of its station to such candidate.

Among other things, the first section of the bill under consideration covers this same matter, although it does not expressly provide for repeal of section 18. The bill is silent on the subject of censorship of political speeches, which, of course, is an important change from the present section 18.

Leaving out repetitious phrases for the purpose of clarity, the first section of the bill is intended to provide that no broadcaster shall discriminate in favor of any religious, charitable, or educational organization as against another such organization, by reason of the fact that such other organization "holds and promulgates and advocates" views contrary to those expressed in programs already broadcast. This, along with the reference to political talks, is to be covered by the language down to line 13, on page 2. Because of the use of the conjunctive "and" at line 5, page 2, it is not clear whether "discrimination in favor" and "discrimination against" are separate offenses. In other words is the discrimination in favor of a particular religious organization in and of itself an offense, or must there also be a discrimination against another religious organization before the offense is made out.

The language from line 13, page 2, to line 4, page 3, is an attempt to define an "unlawful discrimination". It will be noted that in lines 16 and 17, page 2, of the bill refers to "accepting and broadcasting programs" for "one class of religious, charitable or education" organization, while in line 18 of the same page it refers to "refusing to contract for or accept" programs "by any other religious, charitable or educational" organization. The use interchangeably of "class" and an individual organization in this sentence is very confusing.

Bearing in mind that what is proposed here is a criminal statute, I believe you will agree that it is entirely too vague and ambiguous. Must the licensee determine for himself whether a particular organization falls within the classifications of "religious, charitable or educational" organizations? If he must, and he is honestly mistaken in his judgment, is he liable for the heavy penalties provided? Must he apply at his peril his own judgment as to whether the second organization applying for time on his station in fact "holds and promulgates and advocates" views contrary to those of the first organization? Where there are a score of organizations holding views contrary to those expressed in the first broadcast, must he accept all?

After stating that a broadcaster who broadcasts programs for one religious organization and who refuses to broadcast programs of another organization because it holds views contrary to those expressed by persons already broadcasting, the bill says that such licensee shall be guilty of an unlawful discrimination. No where in the bill is unlawful discrimination made a misdeameanor yet lines 4 to 9, on page 3, provide that any person owning and operating a radio station "who shall be guilty of a misdemeanor, shall be punished by a fine of not less than $500 nor more than $5,000, and in addition thereto may be required to forfeit his station license". Undoubtedly it was

the intention of the author to have the penalties apply to unlawful discrimination. Certainly he does not mean that a licensee should be fined and have his license revoked for offenses not contemplated by the bill.

The section of the bill, beginning on line 10 of page 3, says nothing about discrimination because of adversity of viewpoint. It provides that "no person shall by threat, by coercion or by misrepresentation, or in any like manner" attempt to interfere with the broadcasting of any radio program. This is followed by a semicolon so that the words "by threat, by coercion, or by misrepresentation or like manner" do not modify the second clause which begins on line 15. The second clause, therefore, provides that no person shall attempt to prevent any broadcaster from entering into a contract with another person to broadcast programs. The next sentence, beginning on line 20, page 3, I am unable to understand. It reads:

> No person, persons, company association, society, or corporation shall induce any person, persons, company, association, society, or corporation to withdraw business or financial support or social intercourse from any radio broadcasting station in the use and operation of such radio station or in the broadcasting of any and all programs offered to be broadcast, or which may be broadcast at any such station.

It should be noted that these three prohibitory clauses commencing on line 10, page 3, have nothing to do with discrimination. The first provides that no person shall prevent broadcasts by threats, coercion, and so forth; the second provides that no one shall interfere with or prevent anyone from entering into a contract to broadcast; and the third, if it means anything at all, provides that nobody shall induce anyone to withdraw business from a broadcasting station.

Does the language in this section mean that a newspaper or magazine publisher would be sent to jail for 2 years if he attempted to induce an advertiser to withdraw his business from a broadcasting station? Would a broadcaster be criminally responsible if he solicited an advertiser who was doing business with a competitive station?

These are a few of the defects which are apparent on the face of the bill. But if these were corrected the bill would still be objectionable both from the standpoint of the broadcaster and the public. If the intent of the bill were expressed in proper words, insofar as it applies to religious, charitable, educational, and like organizations, the broadcaster would have the choice of lending his station to unending controversy and debate or refusing all religious, charitable, or educational programs. If he were to accept the first program, he would be compelled to accept programs offered by all others holding views differing from those expressed in the first broadcast, with the result that his service to the public would suffer. If he were to accept programs in which anyone said a good word in favor of charity, temperance, christianity, or business honesty, if an organization or group of people anywhere existed who were opposed to such virtues, the broadcaster would be required to lend his station to such use no matter how clearly opposed to public policy the expression of such views are. And if he permitted such broadcasts, would the Government consider such programs in determining whether or not his station is operating in accordance with the legislative standard of "public interest, convenience, and necessity"?

In other words, if a broadcaster embarks upon a series of religious, charitable, or educational broadcasts, he must either accept all whose views differ from those expressed in the first broadcast or face criminal prosecution. If he accepts all and the later broadcasts are clearly against the public interest, he may lose his license and with it his entire business.

American broadcasting is the best in the world. It has been developed to its present state on the basis of private ownership and competitive operation with limited Government regulation. No other system permits of a broader discussion of public questions. The Government can safely rely upon the intelligence of individual licensees to see to it that all questions in which the public has a proper interest are fairly and adequately discussed. A law such as is proposed here is unnecessary. There is no need to substitute the deterrent of a criminal statute for intelligent station management.

I have spoken of the danger of loss of license if a broadcaster permits the broadcasting of speech which might be interpreted to be in violation of the licensing standard of "public interest, convenience, and necessity" contained in the Radio Law. In this connection I should like to quote from a decision of the Court of Appeals of the District of Columbia construing the meaning of the licensing standard.

Mr. WALTER. What is the citation?

The CHAIRMAN. Give the citation for the record.

Mr. LOUCKS. I do not have the exact citation. It was in the Shuler case. I will supply the citation later. The court said:

> If it be considered that one in possession of a permit to braodcast in interstate commerce, may, without let or hindrance from any source, use these facilities, reaching out as they do, from one corner of the country to the other, to obstruct the administration of justice, offend the religious susceptibilities of thousands, inspire political distruct and civic discord, or offend youth and innocence by the free use of words of sexual immorality, and be answerable for slander only at the instance of the one offended, then this great science, instead of a boon, will become a scourage, and the Nation a theater for the display of individual passions and the collision of personal interests. This is neither previous restraint, nor is it a whittling away of the rights guaranteed by the first amendment, or an impairment of their free exercise.

We want the greatest possible freedom from Government interference with speech by radio. This freedom is an important part of the foundation upon which American broadcasting has been built. If this freedom stands in danger, let me suggest that a remedy might be found in granting longer licenses to broadcasting stations and amending the present law to permit court review of facts in cases where licenses are not renewed by the licensing body. The Congress is now considering a bill to create a new communications commission and contained in that bill is a provision for a study of the entire communication problem by the proposed commission. This study might well embrace the questions which have been brought out during this present hearing.

The CHAIRMAN. Would not this in effect make radio a public utility and make applicable all the public-utility laws?

Mr. LOUCKS. I do not believe the law would have exactly that effect, Judge Bland.

The CHAIRMAN. Would not the alternative be you would have to have a censorship of those programs, and we would have to create a censorship board?

Mr. LOUCKS. That is quite true. If the bill were to become law, the station would, at its peril, have to elect or choose which organizations in fact held views differing from those expressed in the first broadcast, or accept on religious, charitable and educational broadcasts at all. There is nothing in this bill that compels him to accept any and, to escape the criminal punishment, he might pursue the safe route of accepting none, which would be very unfortunate.

Mr. RAMSPECK. As a matter of fact, do not you think that is what they would do—they would take off all religious programs?

Mr. LOUCKS. I think that is the only alternative any station owner would have; because, on the one hand, the courts say if the station accepts a broadcast which is obnoxious, his license may be taken away from him; on the other hand, if he refuses, under this bill, he would face criminal punishment. So he faces a jail term if he refuses, on the one side, and loss of his business on the other.

The CHAIRMAN. And under the bill, he would have to broadcast every possible phase of either religious, educational, or charitable controversy presented by any particular group that might differ with another?

Mr. LOUCKS. If he were to refuse anyone, he would do so at his peril.

Mr. RAMSPECK. Mr. Loucks, is it not true that the radio stations, being private business, are compelled to exercise a voluntary censorship in order to avoid controversy and prevent criticism of their stations?

Mr. LOUCKS. In much the same sense as newspapers do.

Mr. RAMSPECK. Exactly. We all know that newspapers frequently do not print stories because they think it is not in the public interest to print them; although they might have considerable news value?

Mr. LOUCKS. That is correct.

Mr. RAMSPECK. I presume the same thing is true of radio stations—they are in business to make money; that is what they are established for; they are a private business and I cannot see how we can be called on to force them to take any particular program unless we make them public utilities. It seems to me that this bill gets down to the issue of whether or not we want to change that American policy and provide that all radio stations are public utilities. And, if we do that, of course that means more regulation, rather than less. Do you agree with those expressions?

Mr. LOUCKS. Well, of course, I disagree entirely that radio is a public utility, or should be made a public utility.

Mr. RAMSPECK. I do not say it is; I say it is not; but, if we are going to force them to take programs without permitting them to exercise their discretion, we must make them public utilities?

Mr. LOUCKS. If we are going to force the radio station to carry all who apply for service, you must make them a public utility.

Mr. RAMSPECK. In addition to that, do not you think it would be necessary to absolve them from liability for slander and libel?

Mr. LOUCKS. Insofar as it is possible for the Federal Government to absolve them from liability for slander and libel. I doubt if the Federal Government could, in view of the present state of the law, absolve a station from liability for slander or libel.

Mr. TERRY. You could not compel them to take everything and still hold them for libel?

Mr. LOUCKS. Well, Congressman, that is the situation we found ourselves in under the present section 18, in connection with a case arising in Nebraska. Section 18 provides that if a station broadcasts a political speech of one candidate, similar facilities must be extended to the opposing candidate. In that particular case, a speech was given by the candidate of one party and the one speaking on behalf of the candidate for the other party was given time and, during the second broadcast there was uttered defamatory remarks, and an action was brought in the State courts both against the station and against the speaker. The supreme court of the State of Nebraska held that both the station and the speaker were jointly liable, although the station had pleaded in defense the Federal statute, section 18, which prohibits censorship over political speeches. We carried that case to the Supreme Court of the United States and tried to get the Supreme Court to review it, but the Supreme Court refused to review it.

Mr. RAMSPECK. Are the stations owned by the two chains represented in your association?

Mr. LOUCKS. The individual stations are represented, but not the networks as such.

Mr. RAMSPECK. Do you think it would be wise for the radio stations to add a fourth class to their religious broadcasts? As I understand it, they now have representatives of the Protestant, Catholic, and Jewish faiths. Would it be wise for them to add a fourth, representing the independent religious thoughts of various groups and, from time to time, permit them to broadcast their views?

Mr. LOUCKS. I prefer that that question be directed to Mr. Aylesworth and Mr. Bellows, who are here and are familiar with their companies' policy.

Mr. RAMSPECK. That policy, then, I referred to, is not the policy of your association, but of the chains?

Mr. LOUCKS. It is not the policy of my association.

The CHAIRMAN. As I understand, Mr. Loucks, the communications study under the proposed establishment of a Communications Commission will embrace all of these subjects that we are now considering?

Mr. LOUCKS. That is correct. It is my understanding of the bill that it would propose a general study of all communications—radio, telephone, and telegraph.

The CHAIRMAN. And under that, a commission would be set up, if the bill were passed, to make a general study?

Mr. LOUCKS. To make a general study and recommend to Congress such new legislation as, in its judgment, may be considered necessary.

Mr. RAMSPECK. Has your association taken any action, as an association, with reference to Judge Rutherford's programs?

Mr. LOUCKS. We have not.

Mr. RAMSPECK. What is you opinion about the proposal made last week to the Senate Committee on Commerce with reference to allocating 25 percent of the radio frequencies to educational, charitable, and other similar nonprofit organizations?

Mr. LOUCKS. I am not familiar with details of the proposal, Mr. Ramspeck; but our association in the past has gone on record as opposing the allocation of channels to specific groups for specific purposes.

The CHAIRMAN. It is the allocation of time, as I understand it?
Mr. RAMSPECK. No, of facilities.
Mr. LOUCKS. Of channels, as I understand it.
Mr. RAMSPECK. Yes; 25 percent of the frequencies.
The CHAIRMAN. Are there any further questions? If not we will next hear Mr. Aylesworth.

STATEMENT OF M. H. AYLESWORTH, PRESIDENT NATIONAL BROADCASTING CO., INC., NEW YORK, N.Y.

Mr. AYLESWORTH. I am speaking, gentlemen, for the National Broadcasting Co. inasmuch as our name has been brought into this situation at this hearing, as well as the hearing 2 years ago before this same committee.

My name is Merlin Hall Aylesworth, and I have been president of the National Broadcasting Co., Inc., since its organization in 1926.

I have had the privilege of appearing before this committee previously in connection with the general subject of radio broadcasting and, in order to avoid any misunderstanding of my remarks here today, may I first repeat what I have said before—that we do not object to proper regulation of radio broadcasting; on the contrary, we realize that our ability to continue rendering service to the public depends upon such proper regulation, both governmental and by public expression.

I have requested the opportunity to appear here today because I am sure that you gentlemen are as anxious as I to avoid any legislation which would restrict or retard future developments in the broadcasting field, and the practical experience which my associates and I have had in the operating of broadcasting stations and networks, both before and since the passage of the Radio Act of 1927, has led us to certain general conclusions which may be helpful to you in dealing with the subject matter of the bill which you now have under consideration.

As a background for my remarks, may I say that when the National Broadcasting Co. was organized in 1926 its assets were Station WEAF in New York and an abiding faith in the future of radio broadcasting. I use the word "faith" advisedly; because we had so little in the nature of precedent to guide us. That was a little over 7 years ago. Today we are rendering a regular service to 84 stations associated with us in the United States and, through them, to substantially all the receiving sets in the country. We regularly serve 2 stations in Canada, by arrangements with the Canadian Radio Commission and 1 in Hawaii. We exchange programs with many foreign countries. We have radio studios and organizations in New York, Chicago, San Francisco, Washington, Cleveland, Boston, Pittsburgh, Denver, Schenectady, and Hollywood, and additional facilities are available to us through our association with the radio stations above referred to located throughout the United States.

We have recently completed entirely new studios at Radio City in New York, in order that our listeners and stations might have the benefit of the very latest technical developments. This year about 120 network advertisers—I mean sponsored programs by advertisers—are making use of our facilities and enabling us to bring to the listener the best in music, drama, comedy, public affairs, education, and religion.

Early in the fall of 1933, we signed the President's Reemployment Agreement and, since December 11, 1933, we have been operating under the broadcasting code approved by the President.

Almost immediately after the formation of the National Broadcasting Co., we recognized the very great importance of maintaining freedom of expression through radio in public affairs, politics, religion, and education. Due to the limitations of time under which we must operate, unlike the newspaper which can add extra pages, no broadcaster can add hours to his operating time. We knew that it would be necessary to limit the subjects for discussion and the speakers to the most important information, whether political, educational, or on public affairs, and to see that both sides of a controversial discussion were properly presented by representative speakers best qualified to present the subject matter to the American people.

We decided that we ought to have a council of advisers supplementing out judgment and policies in these matters and we appointed the Public Advisory Council of the National Broadcasting Co: While it is quite true that public opinion guides the destiny of radio broadcasting, it is equally true that there must be some body such as our Advisory Council through which the public can express itself to us. At the first annual meeting of this group, Mr. Owen D. Young, the chairman, stated its purpose in the following words:

> We hope the advisory council may be considered as a court of appeals for complaints. There will be less complaints because of its existence. I should expect few will ever come to your attention unless they were really serious and difficult cases. In that case, they should be decided in the public interest. But the fact that you exist means that the National Broadcasting Co.'s organization itself will be most careful to avoid unfair discrimination or misuse knowing that an appeal lies over. It is also true that members of the public will not make unreasonable and unfair charges of discrimination against the organization if they know the merits of their charges are to be determined by a body like this. The fact of your existence for the purposes indicated is undoubtedly of more importance than the work you will have to do in this particular field. To my mind, your most important service will be in the way of constructive suggestion as to how we can enlarge and improve broadcasting service from time to time.

That is Mr. Young's statement to the committee when it first met.

Four of the original members of this council have passed on. These members who served the American people as committee members of the advisory council were the late Dr. Edwin A. Alderman, president of the University of Virginia; the late Julius Rosenwald, of Chicago; the late Dwight W. Morrow, of New York; and Melvin Traylor of Chicago. Mr. Chief Justice Charles Evans Hughes was a member of the council until he became a member of the Supreme Court. Otherwise, the committee has remained intact with the exception of appointments made to fill these vacancies. The members of this council are Newton D. Baker, Cleveland, Ohio; Paul D. Cravath, New York, N.Y.; Henry Sloan Coffin, New York City; Robert M. Hutchins, president of the University of Chicago, Chicago, Ill.; Morgan J. O'Brien, New York, N.Y.; Henry S. Pritchett, New York City; Walter Damrosch, New York City; John W. Davis, New York City; Francis D. Farrell, Manhattan, Kans.; William Green, president of the American Federation of Labor, Washington, D.C.; Felix M. Warburg, New York City; Henry M. Robinson, Los Angeles, Calif.; Elihu Root, New York City; Mrs. John D. Sherman, formerly president of the Women's Clubs of America and president at the time she was selected; James G. Harbord, New York City; and Owen D. Young, New York City.

The council meets formally once a year for a discussion of all policy questions which may be brought to the attention of the various subcommittees during the year, and the members of the council constituting the subcommittee make written reports to the council meeting covering the general subjects, of religion, education, labor, music, agriculture, and women's activities.

Mr. SIROVICH. Does anybody represent the consuming public, outside of these distinguished names you have mentioned?

Mr. AYLESWORTH. These men——

Mr. SIROVICH. I mean who represent the plain, common masses.

Mr. AYLESWORTH. The plain, common masses at this date, Mr. Sirovich, are represented by complaints which come before us during the year, and which are presented at the annual meeting.

Mr. SIROVICH. Do not you think, in addition to those distinguished personages you have mentioned, at least some persons ought to represent the common masses of the people who listen in to radio broadcasts?

Mr. AYLESWORTH. I would assume they are.

Mr. SIROVICH. I mean they are all eminent men of the finest caliber, and I have the greatest admiration and respect for them; but I think, in justice to the 120,000,000 consumers, that we ought to have somebody to represent the people, too.

Mr. AYLESWORTH. We get 15 million letters a year from the public——

Mr. SIROVICH. But who is there on the board to represent their interests, outside of these very eminent men and women? You understand what I am trying to get at.

Mr. AYLESWORTH. I understand what you mean, but who would you pick as better qualified to represent the common masses?

Mr. SIROVICH. I would pick women like Jane Addams of New York; William Waldon, of New York—personages of that type—and Mary Sinkowych; women and men who have dedicated their lives upon the altar of their fellow men, who have nothing to gain by what they do.

Mr. TERRY. Those gentlemen have also done that, and the people you mention are equally distinguished?

Mr. AYLESWORTH. Yes.

Mr. SIROVICH. I mean they serve the other side of the economic fence. I would like to put some of those on there who represent the common masses of the people. I have not found any of them on that list.

Mr. AYLESWORTH. Do not you think Mr. Green does?

Mr. SIROVICH. Yes; he represents the American Federation of Labor, but that is only one out of—how many did you read?

Mr. AYLESWORTH. I think I named 17. But you have the President of Chicago University; you have William Green; you have Dr. Farrell, president of the Kansas Agricultural College; you have Mrs. John D. Sherman, representing the women, and the subcommittee reports through her to the council.

Mr. SIROVICH. Mark you, I do not object to any of the names you mentioned——

Mr. AYLESWORTH. You have Walter Damrosch; he is very much interested in mass music.

Mr. SIROVICH. I mean, since you have specified a very distinguished group there, my purpose in asking it was because of a speech I made

on the floor of the House on foods, drugs, cosmetics, nonmedicinal, and nonalcoholic beverages. I want to know who represents the consuming public.

Mr. BROWN. This fellow Robert M. Hutchins, of Chicago, would make a mighty good representative. He comes from a section that would be in close touch with the poorer class of people than probably any other class of people of the United States. He comes from Berea College, Kentucky.

Mr. AYLESWORTH. Yes; that is true. I see what you are after, Doctor, and I think it is a very constructive suggestion. I would be glad to present that to the council.

Mr. SIROVICH. Not that I have any objection to anything you said, but I thought we ought to have some representative of the great consuming masses.

Mr. AYLESWORTH. We have tried to hold the council to a limited number; because when you get into large committees, you have a mass meeting which accomplishes nothing. And if you start putting on representatives of the various groups, you do not know where to stop. I might think just as you, yourself, that one might be Jane Adams, yes; some one else might say another and very soon you would have 100 people on the council——

Mr. SIROVICH. Is there any finer men and women in the world than Jane Adams, and William Waldon, and the work they represent?

Mr. AYLESWORTH. Oh, no.

Mr. SIROVICH. That is what I mean.

The CHAIRMAN. Are these people paid?

Mr. AYLESWORTH. No; they are only paid their expenses to come to the meeting. I think there is an honorarium of some sort given to the council; I think it is a thousand dollars a year, which covers their expenses. Some accept it and some give it to charity.

Mr. BROWN. I can get you a man for that figure. [Laughter.]

The CHAIRMAN. Is that to each man?

Mr. AYLESWORTH. Yes.

Mr. WILLFORD. I can get you a hundred of them. [Laughter.]

Mr. AYLESWORTH. I think most of these people would be very glad to serve without pay; I think there are two or three who might need it. My father was a college president, and I know——

Mr. SIROVICH. How often do they meet?

Mr. AYLESWORTH. These people come and spend 2 days at the annual meeting. The subcommittees meet throughout the year. Complaints which are offered are sent to the committees handling the various activities during the year.

Mr. SIROVICH. So all of those 17 men and women you mentioned, they come for 2 days to the annual meeting?

Mr. AYLESWORTH. They come for 2 days to the annual meeting, where reports are submitted and discussed; yes.

Mr. SIROVICH. How often do the subcommittees meet?

Mr. AYLESWORTH. The subcommittees meet throughout the year, whenever there is discussion upon complaints, or perhaps in the drawing of their reports.

Mr. SIROVICH. As a general proposition, how many times has that taken place during the year?

Mr. AYLESWORTH. Of the subcommittees?

Mr. SIROVICH. Yes.

Mr. AYLESWORTH. I do not know. I would not be able to give you the answer. The difficulty with the council has been that we have not had enough complaints to bring before it. Consequently, they have drawn their reports on what they felt broadcasting should be and accomplish, rather than to handle a number of complaints at each meeting. In fact, we have never had a complaint from any of the political parties, strange as that may seem to appear.

Mr. SIROVICH. On the subject before the House, you have a religious body?

Mr. AYLESWORTH. Yes, sir.

Mr. SIROVICH. An advisory board composed of Reverened Dr. S. Parkes Cadman——

Mr. AYLESWORTH. Not the council. Dr. Cadman is selected by the committee of the Protestant churches, to speak as their representative, but he is not on the council. The subcommittee representing religion today, I believe, consists of Judge Morgan O'Brien, as chairman, representing the Catholic laymen, Dr. Henry Sloan Coffin representing the Protestant faith, and Felix M. Warburg representing the Jewish faith.

Mr. TERRY. Has Dr. Rutherford's complaint been brought before this committee?

Mr. AYLESWORTH. Oh, yes. There was a 2-day hearing before this same council 2 years ago, on the same subject, and I will discuss that later, if I may.

The CHAIRMAN. May I ask, before you leave that thousand dollars; that is per man, is it?

Mr. AYLESWORTH. Per man.

Mr. SIROVICH. Mr. Aylesworth, do you prefer to make your statement and then be interrogated later?

Mr. AYLESWORTH. I would, if you do not mind; but I do not mind being interrupted at any time you may have a question.

The CHAIRMAN. Sometimes interrogations just at the point centralize the thought of the witness on a particular matter for the benefit of the members of the committee who are not present.

Mr. AYLESWORTH. Before radio broadcasting, people were quite "eye-minded", but, during the last 10 years of development of radio broadcasting, these same people have become so "ear-minded" that it is now quite feasible to carry complete understanding from the speaker to the ear and the mind of the listener. You will remember once we had the Roman Stentor, who had strong lungs and a great voice, who carried the message to the people. His brain might not have been as strong, and the man with a strong brain might have had a weak voice and weak lungs. So the Roman Stentor carried the message of others to the people, and we had an ear-minded people. But when we had our first radio broadcasts, about all we could do was to present music; speech was difficult for the eye-minded public to understand. Today we have, through radio, I think, developed an ear-minded public, instead of an eye-minded public.

Mr. SIROVICH. That was the same with the oracles in the old days.

Mr. AYLESWORTH. That is true.

The CHAIRMAN. Has there been any complaint about the quantity of time you give to advertisements of different articles, and the presentation of their merits and all that sort of thing, a fellow getting

up there and talking over and over again about what the goods represent, and the merits of those particular articles?

Mr. AYLESWORTH. Oh, you will find complaints on the amount of advertising on the sponsored program, particularly if it is in excess and, when too many complaints come in, the advertiser is forced, through public opinion, to change the copy; because, if he does not, he could not sell his product.

The CHAIRMAN. Has not Canada a rule or regulation that only a certain percentage of time can be devoted to advertising purposes?

Mr. AYLESWORTH. That is true, and they accept all of the sponsored programs we offer.

The CHAIRMAN. How much is that, do you know?

Mr. AYLESWORTH. I have forgotten, but they are conducting an experiment and it was limited to a certain number of minutes throughout the program, for experimental purposes. The reason for that, frankly, is the fact that the people of Canada listen to American programs, which is well known, and we send our programs over the Canadian stations and do not change the copy for the Canadian stations.

The CHAIRMAN. Is there any regulation in effect in European countries?

Mr. AYLESWORTH. When you get into that I would like to show the difference between the freedom of the air under the policy adopted by this Government, and freedom of the air under the policy adopted in many foreign countries.

Mr. SIROVICH. Is there any censorship at all of the medica' advertising and the character of medical advertising that goes out over your system?

Mr. AYLESWORTH. Yes, sir. We work very closely with the American Medical Association relating to advertising that appears for medicinal purposes. We have our own committees act on the commercial announcement, as to its briefness, news value, attractiveness, and truthfulness, and also as to the type of statement which might be offensive to the public.

Mr. SIROVICH. Do you think it would be possible for the broadcasting organizations to have these national advertisers to submit their statements about medical preparations in advance, so that the medical societies can pass upon the truth or falsity of those statements?

Mr. AYLESWORTH. Whenever we run into a statement that comes to us regularly through our weekly programs, that might deal with that subject, Congressman Sirovich, we immediately, through our experience of 7 years and knowing the type of those statements and the delicacy of them, appeal to the American Medical Association representatives to consider any particular statement.

Mr. SIROVICH. Do not you think it would be a good thing to have a medical representative of either the American College of Surgeons or the American Medical Association, on your Advisory Board?

Mr. AYLESWORTH. Very good; I will enjoy submitting it. I think that is a fine suggestion. I will present that to the next meeting of the council.

Mr. SIROVICH. The American College of Surgeons and the American Medical Association are two of the greatest organizations in the United States that represent all of the doctors——

Mr. BROWN. I think they ought to have Dr. Brinkley on there, too.

Mr. SIROVICH. I think he ought to have a right to present his side before the Medical Association and, if they find it is worthy and well qualified, they should let it go on.

Mr. AYLESWORTH. We have tried, not perhaps in as good a way as you have suggested, to do that through immediate communication with the American Medical Association.

Mr. SIROVICH. I only offer that as a suggestion.

Mr. AYLESWORTH. I think it is a good suggestion. I will be glad to present it to the council.

The present Radio Act, under the jurisdiction of the Federal Radio Commission, already provides that candidates for public office shall be given equal opportunity without discrimination. This bill attempts to compel the radio station, or stations, or broadcasting companies to accept all programs offered by—

> Any religious, charitable, or educational company, corporation, association, or society or any other like association or society chartered or licensed under the laws of the United States * * *.

where there is controversy or difference of opinion.

We have always extended the National Broadcasting Co.'s facilities to the President, Members of the Cabinet, and Members of Congress, without cost. During the past year, the President has used them to talk directly to the people 27 times.

Mr. BROWN. Do you extend that privilege to Members of Congress without cost?

Mr. AYLESWORTH. Yes, sir.

Mr. BROWN. Not during a political campaign, do you?

Mr. AYLESWORTH. Not during campaigns; but we do throughout all of the 4-year period of the administration here, or the 2-year period of Congressmen, except during the campaign period.

Mr. SIROVICH. Who selects the Congressmen to speak?

Mr. AYLESWORTH. The Congressmen, generally. I do not mean to be facetious; I mean by that at times a Congressman desires to broadcast his message and we are very happy to have him speak. At times we have tried pretty hard, over the last year, to get a good many Republicans to speak, in the Senate and House, but it is rather difficult.

The CHAIRMAN. Do you have any trouble getting them? [Laughter.]

Mr. AYLESWORTH. Some trouble. I have not followed that in the last 2 weeks, Mr. Chairman; but, up to that time, we have had.

Fifty-four Senators and 45 Congressmen have spoken over our stations a total of 200 times during the same period—that is, 1 year. We have never interferred with the freedom of speech between representatives of political parties and have encouraged complete presentation of governmental affairs in the hope that the great radio audience would become more interested in their Government, whether local, State, or national. By agreement with the political parties, we have always been able to set dates when local, State, or national political campaigns could be inaugurated on the radio and we hold responsible the organized committees representing the candidates, through the political parties, for the speakers and for the subject matter and the cost of the facilities during the political campaigns.

Political campaigns are not a source of financial profit to the National Broadcasting Co., because it is often necessary for the National

Broadcasting Co. to reimburse the sponsor of a regular radio program for the talent under contract when that program is displaced for a political program during a campaign. We have sought to encourage candidates for public office to speak directly from the radio studios to the people, rather than to make radio a byproduct of a public meeting which does not fit the radio schedule and takes from the radio audience the important entertainment programs that are scheduled to be heard and which the public naturally resents, although they are quite willing to listen to the speaker at another time.

I mean by that that even the greatest statesman might choose the wrong time to speak at a public meeting and the audience would be expecting to hear Ed Wynn, and probably, if they postponed it and did not give it at a time when they wanted to hear Ed Wynn and were expecting to hear him, they would be very glad to hear the statesman an hour later. That is human nature and, if I were giving any advice on public speaking, I would give that advice. In that connection, I will leave that statement just with this, that radio has become so important that I really believe the time of picking out an ordinary banquet—whether it be of the lumbermen, drug men, or anything else, to try to fit into an air schecule for a particular type of people, a particular class of people—I think this mass communication is too important a thing in our economic life to attempt to pick out banquets and public meetings for talks on subjects that are of benefit to all the mass of the people. Therefcre, we have tried to discourage that even to the point of attempting to have the representatives of the Government speak from the studios to the radio audience, where we can give them more stations and give them a much greater audience.

I know of no important criticism by any of the political parties in our 7 years of broadcasting experience. What few misunderstandings there have been, have been cleared up to the satisfaction of all concerned. I think I have, gentlemen, in my office in New York City and could probably produce it, letters from all candidates of all of the parties and the managers of all of the political parties during the last 7 years, telling us we have been fair in handling political broadcasts uring the campaign.

Mr. SIROVICH. Do you give political minorities the right to use the broadcast machine?

Mr. AYLESWORTH. Yes, sir. I had a letter yesterday from Norman Thomas to me—I am sure he would not care if I mentioned it; it was not marked personal—he represents, as you know, the Socialist Party—stating he would like to rearrange his schedule. He has three speeches scheduled with us now over N.B.C. I think he wants to answer Dolfuss, the Chancellor of the Austrian Government, and there is obliged to be a conflict on two of those dates and two of the speeches, and he asked for a rearrangement of the schedule, so that he could do it.

Mr. SIROVICH. You never charged them for it?

Mr. AYLESWORTH. We charge them during the campaign, in fact, both of the parties owe us now. [Laughter.] I did not mean to bring that up.

Mr. SIROVICH. Has you organization ever denied the right of Father Coughlin to speak?

Mr. AYLESWORTH. Yes.

Mr. SIROVICH. Why?

Mr. AYLESWORTH. Father Coughlin is a very good friend of mine. I think he is a very intelligent man. He came to me at one time with friends of his from the Catholic Church and asked to buy time on the N.B.C. I told him we did not sell time for religious broadcasting. I explained our religious policy to him. He broadcasts independently, buys his own lines and pays for them, buys station time, and has a very large audience, as you know, even though he is not on the National Broadcasting Co.'s network.

Mr. SIROVICH. Did he ever protest to you, either personally or in writing, against this action?

Mr. AYLESWORTH. No. He sat in my office and talked with me. I think he understood the situation.

Mr. SIROVICH. In other words, you have made it a general practice that all religious bodies shall have the privilege to talk without any compensation, so far as they are approved by this religious advisory board?

Mr. AYLESWORTH. Yes. We only ask one thing. My father was a minister, and I am interested in the whole subject. I am not so religious personally, but I am interested in the subject, but I have never believed that a community church, which has been the ideal of many people that are religious, would ever be a go; that we would ever have a community church where the Jews, the Catholics, and Protestants will join in one building. But I do say to you, in my humble opinion, the way we have handled the religious broadcasts, we have come nearer to getting a community church than it will ever be possible to get in any other way.

Mr. SIROVICH. In other words, you believe it ought to be the duty of the broadcasting chains to give freedom of expression on the broadcast bands to any religious denomination, so long as they won't pillory and excoriate another faith?

Mr. AYLESWORTH. That is right.

Mr. SIROVICH. But you do not want them to make it controversial and destroy the good will of the broadcast chain?

Mr. AYLESWORTH. No. In fact, I believe the Protestants listen to the Catholic preachers, and we have Catholics listening to the Protestants, and the Jews listen to both the Protestants and the Catholics.

Mr. SIROVICH. There would not be any objection by your organization to permitting any religious body to preach any sentiment they might wish regarding their own denomination, so long as they do not excoriate and denounce somebody else's faith; is that right?

Mr. AYLESWORTH. You have well stated our policy.

Mr. WILLFORD. You spoke about a community church. Dr. Preston Braile, of Chicago, is the head of a community church where Catholics, Jews, and Protestants go, and he broadcasts every Sunday, I think, over WMAQ, and has for quite some time.

Mr. AYLESWORTH. Yes.

Mr. WILLFORD. And he is very successful.

Mr. AYLESWORTH. Yes. Well, if it is WMAQ, we own a half interest in that station with Colonel Knox, publisher of the Daily News. It happens to be a station we are interested in. But I expressed the opinion that it is impossible to have the Jews, Catholics, and Protestants in one building conducting a service as one faith. Therefore, radio has broken down intolerance by having all denominations carry

their message to the people, and I think there has been more breaking down of intolerance in religion since the advent of radio than ever before in the history of our country.

Mr. SIROVICH. In a book we had given to us by Judge Rutherford's organization, called "Intolerance", on page 7 it says:

> For many centuries the Catholics hierarchy has operated the most cruel, wicked, and defamatory organization that has ever been on the earth. They employ coercion and the gag, and any other unlawful means necessary to accomplish their cruel purposes. When they want some one killed they make the killer believe that the priests can fully absolve him from all wrong and clear him from all punishment, either here or hereafter.

Do you think it would be right for your organization to permit that kind of language to go over your broadcast chain?

Mr. AYLESWORTH. I do not.

Mr. RAMSPECK. I would like to call attention on the record, in that connection, to the fact that statement was made by A. K. Wagner, which appears on page 5, where it says, "This introduction is made by A. K. Wagner", and the end of the introduction is on page 8. I think, as a matter of fairness, that ought to go into the record. It was called to my attention this morning that that statement was not made by Judge Rutherford.

Mr. SIROVICH. As a matter of further fairness, it ought to go into the record the fact that the booklet is entitled "Intolerance, Explained in Two Bible Treatises by J. F. Rutherford", and is published in 1933 and copyrighted by the Watch Tower Bible and Tract Society that is asking for the privilege to broadcast over the two large chains.

Mr. BROWN. I would like to interpose here that one of the things in my country that is breaking down religious prejudice more than any other one thing is Father Coughlin's talks every Sunday afternoon; because his audiences in my section are very largely Protestant audiences.

Mr. AYLESWORTH. I think so very largely, Mr. Brown.

Mr. SIROVICH. If Father Coughlin would make request to your organization again to utilize the facilities of N.B.C., would you give them to him?

Mr. AYLESWORTH. No.

Mr. SIROVICH. You would not unless he was approved by the advisory board?

Mr. AYLESWORTH. By the advisory board, or unless my advisory council said to me I was wrong, in which case I would accept their judgment.

Mr. SIROVICH. That is what I mean.

Mr. AYLESWORTH. Surely. If Father Coughlin should happen to make a speech at a banquet, was one of a number of speakers, and we picked up the meeting, or the banquet, of course he would speak over N.B.C. as part of the meeting; because I have never cut any one off on a program, nor do I believe in cutting off any public speaker after he has been invited to speak, because he is making some remark you do not like. In fact, we never see the copy of those talks; we do not know what they are going to say; and if I should ask to see a copy of the talk of the speaker, he would immediately think I was doing it for the purpose of blue-penciling the copy.

Mr. SIROVICH. And you have to protect the goodwill of your broadcasting chain, too, do you not?

Mr. AYLESWORTH. Yes, sir.

Mr. SIROVICH. On the basis that, as a matter of business, your strength depends on the things that go over the broadcast chain?

Mr. AYLESWORTH. That is true. You see, you run into this situation: Bill Jones can come to me with a union card and say, "I want to speak over the radio." Now bear in mind the restricted time on the air; you do not have but a certain number of hours during the day and you cannot add a page as they can with the newspaper. Bill Jones might come to me with a union card and say, "I want to speak over the radio on Labor." I might refuse him. But, if another fellow named Bill Green came, I would say, "You can speak"; because he is the president of the American Federation of Labor. In other words, we must be assured in public affairs, in religion, education, or whatever it may be, in the public interest, that the speaker is entitled, on request, to be heard in the limited time we have for that subject; that he really represents the subject materially. Otherwise, we would have thousands and thousands of requests over my desk for an opportunity to speak. Everybody likes to speak.

Mr. TERRY. In other words, he has to be orthodox?

Mr. AYLESWORTH. That is true.

Mr. BROWN. Did you originally allow Father Coughlin to use your station?

Mr. AYLESWORTH. No.

Mr. BROWN. He has never broadcast over your station?

Mr. AYLESWORTH. No; he has never broadcast on N.B.C., but has over our associated stations.

Mr. MORAN. Was Carl Thompson, of the Public Ownership League, kept off of the air, too?

Mr. AYLESWORTH. Oh, no; he has spoken many times over N.B.C.

Mr. SIROVICH. If Congressman McFadden wanted to talk on the broadcast chain on his bill, would there be any objection to him?

Mr. AYLESWORTH. Tonight, if he wants to, and the Congressman knows that. I have never refused him an opportunity to be heard on the N.B.C., and he knows it. He knows he can talk on any subject he wants to discuss, as a Congressman.

Mr. MCFADDEN. Mr. Chairman, since this question has been brought up, may I say that about 2 years ago, I was to broadcast over the National Farm Home Hour and I was to deliver a certain speech, and I was requested not to deliver that pseech, but I could talk on any other subject. I do not know where the censorship came from, but it was indicated it came from the National Broadcasting Co.

Mr. AYLESWORTH. That is our hour; but it was probably a subject that had nothing to do with agriculture. That program was devoted to agriculture, and I suppose you were going to speak on another subject.

Mr. MCFADDEN. The subject I spoke on was taxation.

Mr. AYLESWORTH. Now, if it had no relation to agriculture, then we would probably ask you to speak at another time on the subject you wanted to; but, on this program, we would ask of you to devote yourself to an agricultural subject. If anybody told you anything different, that it is against the policy of the N.B.C., I do not know about it.

Mr. WILLFORD. Have the nudist colony or the people on birth control ever asked to talk over N.B.C.?

Mr. AYLESWORTH. Possibly the nudists would not, because they could not be seen yet. [Laughter.]

Mr. SIROVICH. Congressman Willford is anticipating television.

Mr. AYLESWORTH. That is another question; that is not here yet.

It has been the policy of the National Broadcasting Co. regarding religious broadcasting that our facilities should be given without cost to the Protestant, Catholic, and Jewish faiths. We have always provided these facilities in complete harmony with the three religious faiths above mentioned and entirely under the jurisdiction of committee, organized by these faiths from their own memberships, who have complete control of the religious programs. We have made only one request of these religious organizations; that is, that they do not attack each other. I am of the opinion, from my experience, that radio broadcasting has accomplished more in breaking down intolerance among those who hold different beliefs and religions than any other force in the history of our people. We have provided definite and regular times for these religious broadcasts and, while the time set aside could easily be sold to sponsors of radio programs, we have held the time available, and it has been used with complete harmony to all concerned.

We have only had occasion to definitely refuse our facilities to one organization dealing with the general subject of religion. I refer to the so-called "People's Pulpit Association" headed by Judge Rutherford. May I say at this point that I do not challenge the sincerity of these people, or the followers of Judge Rutherford; I do not challenge their sincerity. This committee may remember my testimony presented on January 24 and 25, 1929, which dealt specifically with this particular problem. This organization does not claim to be a religious body in the sense we understand religion—I am now speaking not of you gentlemen, but of the National Broadcasting Co.—and has offered to buy our facilities for their programs, which are scheduled at irregular periods. We have refused to accept the programs either as religious or commercial broadcasts, with one exception. At the request of Judge Rutherford, I agreed to extend our facilities for a speech which he delivered in Toronto, Canada, on July 24, 1927. I have that speech before me. In keeping with our policy, we did not censor Judge Rutherford's remarks and I did not know in advance the content of his speech; but I was amazed to find that he made a bitter attack on organized religion. I have a copy of that speech, which I will leave with this committee, and I respectfully refer you to your own record of the testimony offered your committee in January 1929.

This organization asked the opportunity of appealing from my decision to the public advisory council of the National Broadcasting Co. The subject matter was presented for decision and the public advisory council ruled that the policy of the National Broadcasting Co. was correct in refusing further programs from this organization. The public advisory council, through its secretary, notified the People's Pulpit Association in writing of the decision reached. From time to time, this organization has organized its own network of stations and has purchased wire line facilities from the telephone company for that purpose, as well as the time of the stations joining this independent network.

The subject of education on the radio has received our very careful thought and consideration and has been thoroughly discussed at each meeting of the public advisory council. The National Broadcasting Co. presents a musical program each Friday during the school season, known as the "Music Appreciation Hour," headed by Dr. Walter Damrosch. These programs have supplemented the music teaching in the grade and high schools of our country and the material is prepared in cooperation with a committee representing the schools of the country.

Education by radio is a very broad subject and, in my opinion, does not fit into the classroom or local schools except through local broadcasts, and then only occasionally. Adult education is quite another matter. Education on the radio must be so broad that it covers the activities of the housewife and general educational information for the whole family.

I respectfully call your attention to the National Farm and Home Hour which the National Broadcasting Co. has sponsored in cooperation with the United States Department of Agriculture, the American Farm Bureau Federation, the Farmers Union, and the National Grange. Each day a program covering a period of 1 hour is prepared with the cooperation of the Department of Agriculture, and is presented to the farm family and the city family alike. That is really the only means of communication where one program of information can reach both the city dweller and the farmer. The city newspaper has not time or space for agricultural news; farm magazines arrive too late at the farm to be of commercial interest, and the small country paper can give very little space to information of interest to both the farmer and city dweller. So that you have, with our stations reaching out into the country, a chance to have the city dweller for the first time understand the problems of agriculture, and agriculture has an opportunity to present its difficulties each day at what we call our dinner hour, 12 o'clock noon—which I think the most of us will admit is the dinner hour on the farm.

One day each month is devoted to each of the four leading agricultural organizations I have named. I believe the Farm and Home Hour is one of the most important programs from the standpoint of public information that has yet reached the public and certainly has brought about a better understanding between agricultural families and city families throughout the United States, as well as a more complete understanding of the problems of agriculture from the standpoint of the agriculturist as well as the city dweller.

Within the past few years, there has been organized a National Advisory Council on Radio in Education. The National Broadcasting Co. and the Columbia Broadcasting system make available to this group, without cost, facilities for several programs a week at regular intervals, with the programs under the control of this organization, which is composed of educators. The discussion has been quite free and has not been controlled by the National Broadcasting Co. As an illustration of my point, I would like to refer this committee to the recent broadcast on this series that I referred to by speakers who showed a great apprehension as to the freedom of radio in public questions. I believe the speakers represented what is referred to as "liberal thought" in public affairs. I think the best answer to these speakers, who are intelligent men and sincere in their purpose, is the

fact that they were given the freedom of our facilities to attack radio broadcasting, without cost and without censorship.

Mr. SIROVICH. Mr. Aylesworth, I have been preparing for the past 3 or 4 weeks a bill called the National Radio University, to be established by the Government of the United States over a clear channel that would give an opportunity to all of the great professors of the various universities and the most eminent men in science, art, literature, philosophy, and so on, to educate the public through a series of talks every day just on those cultural subjects, and only devoted to that, with the cooperation of the Government through the various agencies and departments of the Government. Would that interfere at all with the two large broadcasting chains?

Mr. AYLESWORTH. Only I would like the program. Why have the Government do it?

Mr. SIROVICH. How much time would you give for that?

Mr. AYLESWORTH. We would give the time necessary to carry on a sufficient amount of broadcastings to do it.

Mr. SIROVICH. I will tell you why I have asked: I have found the most available time for the working men is between 7 and 11 at night.

Mr. AYLESWORTH. Yes.

Mr. SIROVICH. And that time, in my humble opinion, is the most valuable for the larger broadcasting companies which they have to utilize for advertising purposes.

Mr. AYLESWORTH. That is true.

Mr. SIROVICH. And if you are going to give an educational hour during the daytime for the men who work, or the women, they cannot avail themselves of those facilities. Therefore, I have provided for a clear channel during the afternoon and evening for the benefit of the working class, when they could avail themselves of the opportunity of hearing cultural subjects discussed by many eminent men and women, who would be willing to give their time to a National University of the Air, which they would not want to give to the broadcasting stations.

Mr. AYLESWORTH. There is an educational broadcast which goes to the women, in which case I believe the hours are more valuable in the daytime than at night, in reaching the housewives. If you are speaking now about the family——

Mr. SIROVICH. I am talking about the working class.

Mr. AYLESWORTH. Yes; and the family at night. My own point of view is—I may be wrong, although I am the son of a college president and grew up in that atmosphere—that if it were possible to obtain a clear channel it would only reach a limited number of people, unless you organize a chain of stations for educational purposes alone, which should be paid for by the Government. And may I pause there to say I believe eventually we will have a foundation which will take care of radio education, which partially answers your question, and I do not think it will be very long, either.

Mr. SIROVICH. My reason for asking you was when I was a young boy in New York City, there was a gentleman whose name was Henry N. Lightsinger, who founded a lecture system in the board of education for delivering lectures at night for 1 hour on every conceivable subject in every school house in New York, and I remember how I and my friends loved to go there. And I love to hear the cul-

tural hour whenever I can, and perhaps others would, but have no opportunity over the facilities controlled through the two broadcasting systems; because every time we tune in we have to listen to music and a lot of other things that go along with the music, and we have not the opportunity to listen to a cultural subject like we would like to hear.

Mr. AYLESWORTH. Of course, Dr. Sirovich, I could present here a great list of programs that come between the hours you refer to, that deal with the subject of education.

Mr. SIROVICH. Between the hours of 7 and 11?

Mr. AYLESWORTH. Oh, yes.

Mr. SIROVICH. Would you name some of them, for the benefit of the record?

Mr. AYLESWORTH. Yes. We have the American School of the Air. I am now referring to N.B.C.; Mr. Bellows will tell about Columbia, which probably he will say is much better than N.B.C. We have the programs of the National Education Association, which, I think, is the largest educational association in the country. We have had recently a number of programs, or a series of programs, from the American Art Association, all cultural. We have had, one after another, a series of programs from 13 to 26, and sometimes throughout the year for 52 weeks, of educational broadcasts.

We do not try to call them educational programs, because we know as soon as the newspaper published an educational program we would lose half of our audience on the program. But I think I can leave with this committee a list of programs on education that would really surprise you. The only point I want to make, in answer to your question and statement is this: I would like to refer to an illustration, so that you will know what I have in mind; then I won't need to repeat myself.

When Dr. Alderman was alive and he was a member of our advisory council and greatly interested in education, of course, as president of the Presidents' Association of Universities—that is how we happened to select him as our representative of the universities and colleges—he came to me one day and, in great sincerity, and I could understand why, wanted to find out it if was possible to erect a radio station at Charlottesville, Va., the home of the university. I said, "Doctor, why do you want to do that; it will cost you money." He said, "I can get an appropriation, I think, for it." I said, "What would you put on the station?" He said, "Well, we would call it the University of Virginia Station." "Yes; what would you put on it?" "Lectures." "What else?" "Well, the college band." "I used to play on one of those——"

Mr. BROWN. You did not play a saxophone, did you?

Mr. AYLESWORTH. I played a French horn [laughter], very poorly—but as good as most members of college bands do. And I sang in the glee club and, as you know, the glee club in colleges is not supposed to sing; it is supposed to get students for the college—at least it did when I was there.

What we discussed was whether or not a university station at Charlottesville, the home of culture, was the place to really get the people of Virginia to listen to radio, and we both came to the conclusion, eventually, it would be much better to have a wire from Charlottesville to the big station at Richmond, which was on our

system, which was served by high-priced artists, and then inject in small doses these lectures to the public who would obtain education without knowing it was education, and they would not turn off the program because it was education.

Mr. SIROVICH. Last year, or 2 years ago, we had a hearing before our copyright committee, in which the American Society of Composers, Authors, and Publishers contended that 95 percent of all the material used on the broadcasting stations all over the country is music and 5 percent is lectures and other subjects. Is that about a true proportion?

Mr. AYLESWORTH. It is about as true as many things they have said. No; it is not true.

Mr. SIROVICH. What is about the ratio?

Mr. AYLESWORTH. I would say about 60 percent would be music and 40 percent would be a speaking-type program which has nothing to do with music.

To continue, may I also refer you to the regular program called "Our American Schools", presented by the National Education Association, the largest educational organization in the United States.

I am opposed to H.R. 7986, which is before this committee for discussion. The entire world recognizes the American system of radio broadcasting as the most liberal from the standpoint of freedom of the air and I believe that the provisions offered in this proposed legislation, regardless of how well intended, will serve to restrict rather than to liberalize and will severely limit rather than broaden the use of radio in religion, governmental and public affairs, education and public information.

In the light of what we know about radio, its extraordinary development and its future prospects, I am strongly of the opinion that it would be unwise for Congress to enact specific measures, such as the present bill, into permanent law at this time. Radio broadcasting, more than any other form of communication (I am speaking now of magazines, newspapers, and other forms of communication), needs the more flexible regulation which can only be given to it by a commission authorized to act under broad powers. The President has recently called for a consolidation of the communications activities of the Interstate Commerce Commission and the Federal Radio Commission to the end that departments of the unified regulatory body may deal with different forms of communication.

I believe that this new unified commission, through its radio broadcasting division, will be in a better position to give consideration to problems such as we are discussing today and will be able to make sound recommendations to Congress for such specific amendments to statutes governing radio broadcasting as may be required in the light of developments of the broadcasting industry since the formation of the Federal Radio Commission.

That completes my statement, gentlemen.

The CHAIRMAN. How many stations do you own, Mr. Aylesworth?

Mr. AYLESWORTH. The National Broadcasting Co. owns—may I name them because I do not know the number—WEAF, of New York; WJZ, New York; WTAM, Cleveland; half interest in WMAQ with the Chicago Daily News, Chicago; WENR, which was formerly owned by the Commonwealth Edison Co., and we finally convinced Mr. Insull, who at that time was running the company, that they ought

not be in the broadcasting business, and we bought that station from them; KPO, San Francisco; and WRC, Washington. I believe that is all.

Mr. SIROVICH. How many stations are there altogether on your chain?

Mr. AYLESWORTH. Eighty-four.

Mr. SIROVICH. And how many do you own outright, did you say?

Mr. AYLESWORTH. Six, and a half interest in WMAQ.

Mr. SIROVICH. And the others are all leased?

Mr. AYLESWORTH. The others are not leased. We have an agreement with the Westinghouse and General Electric which was made at the time of the separation of the General Electric and Westinghouse and the Radio Corporation, to put programs over their stations that were already on our chain for a limited number of years, but they operate the stations.

Mr. SIROVICH. Have you contracts with the other 70 stations, to utilize the stations?

Mr. AYLESWORTH. I am sorry to say that we have not, except in one or two instances.

Mr. SIROVICH. So that they are subject to take any time they want; is that right?

Mr. AYLESWORTH. Yes.

Mr. SIROVICH. How much money is there invested in N.B.C.'s capital structure?

Mr. AYLESWORTH. I would imagine we would show approximately 9 million dollars of value that could be justified and proved.

Mr. SIROVICH. Nine million dollars capital?

Mr. AYLESWORTH. Yes.

Mr. SIROVICH. Who owns that stock?

Mr. AYLESWORTH. The stock of the National Broadcasting Co. is owned by the Radio Corporation of America. Originally it was owned by the General Electric, the Westinghouse, and the Radio Corporation—three different companies. Then when the Government suit came along, it became necessary for the General Electric and the Westinghouse to sever themselves from our company and turn over their stock in the R.C.A.

Mr. SIROVICH. How much of it do they own?

Mr. AYLESWORTH. They own all of it. The three companies—the General Electric, the Westinghouse, and Radio Corporation—which formed the company originally, owned it 50, 30, and 20 percent as between the Radio Corporation, the General Electric, and Westinghouse; then, when the Government called for the separation, the General Electric and the Westinghouse withdrew and sold their stock in the National Broadcasting Co. to the Radio Corporation.

Mr. SIROVICH. Have the Electrical Research Products Corporation any holdings in the N.B.C.?

Mr. AYLESWORTH. No. The A.T.&T. has no interest as a stock owner, but is has a very big interest in us, because we are its largest customer. We pay about 3 million dollars a year for the use of wires at their request and on their rates.

Mr. SIROVICH. Has your organization been making any money during the last 4 years?

Mr. AYLESWORTH. Yes, the National Broadcasting Co. made about $400,000 last year.

Mr. SIROVICH. In 1933?

Mr. AYLESWORTH. Yes, sir.

Mr. SIROVICH. How much did they make in 1932?

Mr. AYLESWORTH. About a million; I think possibly about $1,300,000, if I am correct.

Mr. SIROVICH. How much did they make in 1931?

Mr. AYLESWORTH. I think approximately $1,800,000, if my memory serves me correctly.

Mr. SIROVICH. And has the business of the N.B.C. increased during these 3 years? What is the total amount of business you did in 1930 and 1931, in comparison with 1933?

Mr. AYLESWORTH. The business of N.B.C. in 1933 slipped considerably from 1930 and 1931. It is coming up again in 1934. Of course, the first 2 years of our organization, we lost large sums of money.

Mr. SIROVICH. The reason I am asking you is that in the testimony that was brought out yesterday the contention was that the National Broadcasting Co. was losing a great deal of money.

Mr. AYLESWORTH. I did not say so.

Mr. SIROVICH. I did not say you did.

Mr. AYLESWORTH. Did anybody from the N.B.C. say that?

Mr. SIROVICH. No; from the other side, in reply to an interrogation.

Mr. AYLESWORTH. The N.B.C. did not lose money for the year 1933.

The CHAIRMAN. I think the testimony of the other side was that they were making money, and it was injected in their statement that they had not made any money. I do not know from what source that came—that statement.

Mr. RAMSPECK. I think one of the members of the committee said they were not organized for profit.

The CHAIRMAN. I think somebody on the other side said they were making money.

Mr. SIROVICH. I think Mr. Gifford asked the question.

Mr. AYLESWORTH. We are organized for public service; if we give public service, we will make a profit. Just as the New York Times, one of our great newspapers, or the New York Tribune makes money because of its advertising, so do we make money because of our advertising. We could never make money if we did not serve the public.

The CHAIRMAN. You spoke of the stations owned by you: How many do you have and carry under lease?

Mr. AYLESWORTH. Under lease agreement, we have none—except one; I think we have WMAL, the other Washington station, under a lease agreement.

The CHAIRMAN. For full time?

Mr. AYLESWORTH. For full time.

Mr. SIROVICH. And you are spending hundreds of thousands of dollars to improve radio broadcasting every year?

Mr. AYLESWORTH. Oh, of course; of course we are.

The CHAIRMAN. Now, are these other stations with whom you have contracts under any obligations to take any number of programs?

Mr. AYLESWORTH. With whom we have contracts?

The CHAIRMAN. Yes.

Mr. AYLESWORTH. Yes. We have contracts with several, with a very few of our stations, to give us a right-of-way, after certain notice, for our programs. That is very important that we should have on all stations, Mr. Chairman.

Mr. SIROVICH. Have you ever written to anyone or made verbal statements to any of these broadcasting stations requesting them not to take on any advertisement unless you agreed to it?

Mr. AYLESWORTH. No.

Mr. SIROVICH. In other words, they have the liberty of choice?

Mr. AYLESWORTH. Oh, yes.

Mr. SIROVICH. They have the freedom of choice?

Mr. AYLESWORTH. Oh, yes.

Mr. SIROVICH. Have you any suits against your company for the utilization of broadcasting, in which addresses have been made and of which the letters, or communications or lectures were not submitted to you in advance and you have been sued?

Mr. AYLESWORTH. Not that I know of. I think our legal department in the last campaign did ask for one of the candidates to give us a waiver and to give some indemnity in case of profane or libelous utterances.

Mr. SIROVICH. Of course you are responsible for any statement that may go over your chain?

Mr. AYLESWORTH. The law itself is not settled on that. Radio is in a very peculiar position as compared with the newspapers of the country. The newspaper has a chance, of course, to first look at the story and determine whether it is in the public interest; second, whether the newspaper desires to print it; third, the newspaper has an editorial policy. We have no editorial policy except to see there is no discrimination; that is our only editorial policy—and a limitation of time. We in radio, of course, would be accused of failure to provide freedom of the air if we called on the speakers for a copy of their speeches in advance, and we would be subject to criticism and condemnation as attempting to exercise censorship as an organization, trying or probably getting hold of them and saying "I do not think you ought to say this."

Mr. SIROVICH. Yet you are held liable for what is said over your station?

Mr. AYLESWORTH. I do not know——

Mr. SIROVICH. That is the law, as I understand it from the hearing.

Mr. AYLESWORTH. We have that problem before us——

Mr. EDMONDS. In that connection, I would like to say that the Philadelphia station, WIP, broadcast some political speeches that were libelous, and the man brought a case in court against the individual who broadcast the speech and collected $5,000 in damages.

Mr. SIROVICH. And did that station have a right to see that speech in advance?

Mr. EDMONDS. No; they announced beforehand, and I think you do too in the National, that you are not responsible for remarks made, because it is a political speech.

Mr. SIROVICH. Who paid the $5,000?

Mr. WALTER. Ben Goulder.

Mr. SIROVICH. Congressman Goulder?

Mr. WALTER. Surely.

The CHAIRMAN. These stations that are under contract with you—what happens if they do not take your commercial program for the hours for which they are under contract?

Mr. AYLESWORTH. Well they always do. You see, Mr. Chairman—and I would like to make this very clear to you men, who perhaps

have not had the experience in broadcasting—we go out, and let us assume we are endeavoring to get the Cadillac Co. to put on a series of broadcasts. In this particular program, the Cadillac Co. has retained, say, a great symphony orchestra and has retained various orchestra leaders of the world to be guest conductors, or you take the case of the American Tobacco Co., which has sponsored the opera this year. Now it becomes necessary for us, in dealing with these national advertisers, to let them know whether or not these stations will accept that time. In selling national circulation, just the same as in any newspaper, there is no difference between radio and the other communication; we must know that we can clear our stations that join our network at the same time for the same period clear across the country. Otherwise, we cannot sell anything.

If I go out to a prospective client and say "I would like to sell you the Metropolitan Opera Co., or a symphony orchestra, or Amos and Andy," or whatever it might be, and they say, "We are interested; can you give us national circulation; we would like to have national circulation", I must be sure that all of the stations of the network will take that program; otherwise I am lost. We would have a city here, and a city there, and a city some place else where there were dealers in that particular product that do not have any advantages of advertising by radio, because there stations refuse to take it, and they object so to the other dealers having the advantage of their entertainment, by the other fellow having a radio system to advertise his product in his field, as against the dealer who does not have it in his field, that there is an eternal battle goes on for these quality broadcasts.

Mr. SIROVICH. What is the circulation of your chain?

Mr. AYLESWORTH. In the audience?

Mr. SIROVICH. Yes.

Mr. AYLESWORTH. It depends on the program. If we have a good program, if we have an excellent program, and Mr. Bellows, on his chain, will have a poor program, I will have his listeners; if he has a good program and I have a poor program, he will have mine.

Mr. SIROVICH. What do you call a good program, in the light of your great experience?

Mr. AYLESWORTH. My experience in programs is this, Doctor Sirovich: Please keep in mind that radio broadcasting is quite different from the New York Times. The New York Times, for instance, has a certain type reader that likes the Times; it is independently Democratic. The New York Tribune is a Republican paper, and they were for La Guardia in the last campaign.

Mr. SIROVICH. He was a Republican.

Mr. AYLESWORTH. Yes; he was a Republican. The Herald Tribune, in its paper, has a different type of reader, perhaps, than the Times, although I admit many people read both the Times and the Tribune. On the other hand, the largest circulation of any newspaper in New York is the Daily News, which has a complete mass circulation. Some people read the Times, because it is Democratic, some read the Tribune and others read the News and I read it.

Now you have there three types of newspapers. We are dealing with people that read all of these newspapers. We have all that mass of people. Then you might say, Why put on opera? I am trying to answer your question—why put on opera, then, because only a few people listen to it? I think most people did not listen to opera be-

cause they did not know what is was. I remember I had quite a number of letters when we were discussing symphony music, coming from Iowa—where I was born, by the way— and we had the greatest response in favor of Damrosch, from Iowa, a State of no large cities, but many letters came to us and said: "We do not like symphony music, but give us more of Walter Damrosch." They did not know just what it was.

When we first started to broadcast the Metropolitan Opera, the Metropolitan Opera Association would not permit us to broadcast it, because they said people would not come to the opera house; they could not make any money anyway, and, if it was broadcast, they would not get anybody to come. The strange part about it is the cheap seats, the seats for the masses, are now filled to capacity, and there is only one reason—radio broadcasts of the opera, because the people learned to like it. They found out what it was. They used to think they had to put on a dress suit to go down to the Metropolitan, so they did not want to hear it. When I started with the N.B.C., I had thousands of letters telling me not to put on foreign-voice singing, that it was not American; that is when we put on a few opeara singers in our own studio, "Don't let us have foreign voices at all." That is because they did not understand music; they had never heard anything like that. Today, our sponsors all realize they must have a diversity of programs for the great mass of the people, and now the thing is desired.

Mr. SIROVICH. Is not that psychology you just speak of in the Metropolitan, where the masses go in the galleries, due to the fact that, when silent motion pictures were in vogue, they appealed only to the eye, and, when the spoken motion picture came in, it appealed not only to the eye but to the ear?

Mr. AYLESWORTH. Perfectly right.

Mr. SIROVICH. And that is what made the great progress?

Mr. AYLESWORTH. Perfectly right.

Mr. SIROVICH. And now when you have given the public something that appeals to the ear in classical music, and a fine symphony, it has made such an impression upon them that they want to see at the same time they hear, and that is why they are going to the opera?

Mr. AYLESWORTH. That is true.

Mr. SIROVICH. That is why I feel when television comes, in my humble opinion, radio will achieve the most phenomenal success, because it is going to appeal to the eye and the ear at the same time.

Mr. AYLESWORTH. True.

Mr. RAMSPECK. With reference to these affiliated stations, I understand the only control that you have over that program is that they agree by contract to take your chain programs at certain hours?

Mr. AYLESWORTH. That is right.

Mr. SIROVICH. And you have no control or censorship over other programs, if they may take other programs at other hours?

Mr. AYLESWORTH. Are you from Georgia?

Mr. RAMSPECK. Yes.

Mr. AYLESWORTH. I thought so, from your voice. At Atlanta, Ga., we have WSB, Jack Cohen's station, owned by the Journal, which is associated with the National Broadcasting Co. A letter explains, in a formal letter between Mr. Cohen and myself, that they will take commercial programs as we sell them, subject to their right to discontinue the local program. They have no censorship editorially

over that station. To show you how they have cooperated with us, Mr. Hearst spoke the other night—in fact, he spoke three times over N.B.C., I think, this last year. One was the Smith speech, and one on Morgan.

This last one was on the N.R.A. and business. Mr. Cohen has always placed on that station Mr. Hearst's speech, because we sent it, because he spoke over our system; yet his paper, perhaps, is a most bitter competitor in Atlanta, Ga., of the Hearst paper.

Mr. RAMSPECK. That is true.

Mr. AYLESWORTH. It is that kind of cooperation we have today with the stations that I think is what makes for the liberalization of radio. That is why you have more radio sets in the United States—18 million of them—than in all of the other countries of the world combined. It is only one reason for the success of our system of radio.

Mr. SIROVICH. Do you think radio would have achieved the phenomenal success under National ownership, that it has under private operation?

Mr. AYLESWORTH. Do I think so?

Mr. SIROVICH. Yes.

Mr. AYLESWORTH. No; I do not. I may be wrong.

Mr. RAMSPECK. The point I want to get is this: If WSB wanted to broadcast Judge Rutherford's speech, your organization would make no attempt and has no contractual relation that would interfere with that policy, if they wanted to adopt it?

Mr. AYLESWORTH. No; unless we had a scheduled speech or program. For instance, Mr. Goux wrote me the other day. I have always been friendly with those people. On religion, we do not agree, but everybody has a right to a difference of opinion. I may be wrong, or I may be right. Mr. Goux wrote me the other day wanting to know if I would interfere with four stations taking a program of a speech Judge Rutherford was going to make from Los Angeles, I think, as I recall now, on March 21. We did not control those stations; we have no ownership in those stations, but it so happened that two of the stations had agreed to take the Cadillac symphony orchestra with Toscanini leading on that night, and the other two stations on the other chain were taking the American School of the Air, which is putting on a national educational program—a sustaining program, noncommercial. I could not ask those stations not to take those programs.

The CHAIRMAN. You had a contract, now, with the Cadillac Co. and the other people that you should take them?

Mr. AYLESWORTH. Yes. They had accepted a series of programs, and it is quite natural it would have been very unfair. But that would not mean anything toward this particular organization which we have asked not to speak on NBC. We do not care what the associated stations do; if they want to take it, that is their business, not mine.

Mr. RAMSPECK. That is the point I want to get clear, because the testimony of the proponents on this bill rather indicated that you all tended to exercise an influence on those affiliated stations not to take them at any time.

Mr. AYLESWORTH. I do not care what my affiliated stations do, as long as they are not our stations, controlled by us, or programs which

we originate from our studios. If they are not ours, the other stations can accept it. And I am very sorry—I have here Judge Rutherford's opening speech, the only one he ever made with us, in which he uttered a prayer at the end for the National Broadcasting Co. and classed it on his front page as the "greatest radio hook-up on earth"—I only regret that the Judge, in this speech, so challenged organized religion, so attacked the clergy—I won't attempt to read you excerpts from it; if I did, I think it would shock you with your own beliefs—my only regret was that this is the kind of a speech that we could not accept again. I am for liberality in radio; I am for tolerance; I do not favor censorship; I like to have everybody have an opportunity to speak on my stations.

The CHAIRMAN. Are you leaving a copy of that in the files?

Mr. AYLESWORTH. Yes; I am.

Mr. SIROVICH. I gather that speech corresponds to the ninth commandment—"thou shalt not bear false witness against thy neighbor"?

The CHAIRMAN. You need not answer that. [Laughter.]

Mr. AYLESWORTH. Well my position is this: I was very sorry about it; I wanted the Judge to have complete freedom of speech in support of his own views, but the National Broadcasting Co. was attacked by editorials in the newspapers all over the country, and all of the church publications for giving him this one opportunity. I think one or two were kind enough to say, "Well they should have given him one chance anyway"; but, after this speech, we could not go ahead under the rule we now have, which is that we are glad to give any religion or any group a right to express their views if they do not attack each other, and limit it only as to time.

Mr. SIROVICH. In spite of that speech, is there any secret arrangement between the N.B.C. and the Columbia regarding Judge Rutherford?

Mr. AYLESWORTH. I have never talked to the Columbia in my life, have nothing to do with their policy, sir. We compete—really compete.

Mr. SIROVICH. Do you compete so far as subjects are concerned for national hook-ups?

Mr. AYLESWORTH. We compete on everything, except we have our own published price schedule, just as the Saturday Evening Post does, or Colliers, or anybody else.

Mr. SIROVICH. Which is the older organization?

Mr. AYLESWORTH. The National was first.

Mr. SIROVICH. Is there room for a third chain?

Mr. AYLESWORTH. Well Ed Wynn thought so. [Laughter.] I do not know; I would think not.

Mr. SIROVICH. What happened to the Ed Wynn chain?

Mr. AYLESWORTH. The Ed Wynn chain collapsed.

Mr. SIROVICH. To what do you attribute its collapse—to bad management?

Mr. AYLESWORTH. Well Ed is a very bright fellow——

Mr. SIROVICH. He is a very particular friend of mine.

Mr. AYLESWORTH. He is a very particular friend of mine, too, but Ed is a comedian. [Laughter.]

Mr. SIROVICH. In other words, you still think there is room for the development of a third chain, then?

Mr. AYLESWORTH. I would not think so; I do not know. I would rather not say that; because it looks as though I was prejudiced from my own business. As the engineering art develops, or we go into the future of television, or come into different forms of scientific discovery in radio, I do not know what will happen. That is the fun of the business; we do not know where we are going.

Mr. SIROVICH. Is your organization hooked up with international bankers, brokers, capitalists, who are trying to exploit your stations for the benefit of the League of Nations?

Mr. AYLESWORTH. No, sir. I want to say this—I am glad you raised that question——

Mr. SIROVICH. It was brought out here in this committee by the proponents of the bill that the radio stations, the two large ones, are hooked up with international obligations and agreements to exploit the gullible public.

Mr. AYLESWORTH. There is one thing in bringing something up, and another thing in proving it. I deny it.

Mr. SIROVICH. Do you have any international hook-ups at all?

Mr. AYLESWORTH. Oh, yes; we exchange programs occasionally with other countries.

Mr. SIROVICH. What is the nature of those exchange programs—are they on finance and banking?

Mr. AYLESWORTH. No.

Mr. SIROVICH. Just good-will programs?

Mr. AYLESWORTH. Just good-will programs. Once in a while we get one that perhaps we are a little disappointed that we took; but we have our greatest trouble in getting other countries to put American broadcasts on their stations. The reason for that is that most countries look on the radio programs differently. There is that sense of Government control. You asked me a question awhile ago about the success of Government control. It makes for complete censorship; consequently, they are not like our system over here. We are accustomed here to listening to all sorts of arguments, whether we take them seriously or not.

Mr. SIROVICH. Right on that question, I would like to have for my own benefit, for the benefit of the record, for those who read these things, for you to tell us in your own way the difference between National Government-owned radios and their operation; the advantages and disadvantages, as compared to the privately owned—the Government-owned radios, as you say they have in Europe, in contradistinction to our own broadcasts.

The CHAIRMAN. Is the English system nationally owned?

Mr. AYLESWORTH. I am sorry that my friend Sir John Reith, who is the director general, is not here to explain it, because we sometimes do not agree on the conclusions. That system is under special charter of the Government of Great Britain. It is contended by Sir John Reith that it is not governmentally owned and directed; that there is a separate charter under which they operate with the Post Office Department in the collection of fees at the receiving set from each listener, that gives them freedom from action as against the Government, so-called, as they call it in Great Britain—not the administration, but the Government.

I am fairly familiar with the broadcasting systems of the various countries, governmentally owned and regulated. As far as freedom

[PUBLIC—NO. 231—73D CONGRESS]

[S. 2249]

AN ACT

Applying the powers of the Federal Government, under the commerce clause of the Constitution, to extortion by means of telephone, telegraph, radio, oral message, or otherwise.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whoever, with intent to extort from any person, firm, association, or corporation any money or other thing of value, shall transmit in interstate commerce, by any means whatsoever, any threat (1) to injure the person, property, or reputation of any person, or the reputation of a deceased person, or (2) to kidnap any person, or (3) to accuse any person of a crime, or (4) containing any demand or request for a ransom or reward for the release of any kidnaped person, shall upon conviction be fined not more than $5,000 or imprisoned not more than twenty years, or both: *Provided*, That the term "interstate commerce" shall include communication from one State, Territory, or the District of Columbia, to another State, Territory, or the District of Columbia: *Provided further*, That nothing herein shall amend or repeal section 338a, title 18, United States Code (47 Stat. 649).

Approved, May 18, 1934.

of the air is concerned, impartiality, the National Broadcasting Co. has been accused by lots of people as being pro-administration, so-called.

Mr. SIROVICH. You mean when the administration was in power?

Mr. AYLESWORTH. Right now.

Mr. SIROVICH. Whatever administration?

Mr. AYLESWORTH. Whatever administration, and of course more this year because of the great activity in the Government, the great use by the Government of this new means of quick communication, immediate communication, intimate communication, to explain the problems of the Government and the new things that are coming from the Government in the new situation. I think it has been very useful, very helpful.

Mr. SIROVICH. Just like the newspapers?

Mr. AYLESWORTH. More so; because the radio has no editorial position as perhaps one newspaper might have as against another. One might be Democratic; another Republican. We try to have no editorial conviction for the administration or against it; but always for the Government, and I defy anybody to prove, gentlemen, that the National Broadcasting Co. is proadministration or antiadministration. We are pro-Government, and are not ashamed of it.

Mr. SIROVICH. What is the difference, then, between the nationally owned radio stations under the European systems and the American system. I would like to have that for the record.

Mr. AYLESWORTH. I might give you this thought on that: You have a very great Democratic majority in the House and Senate, and a Democratic Administration. If the Government owned this system, it would be owned by the administration and operated by the administration. I think that would be the worst thing that could happen to the administration of the Democrats.

Mr. BROWN. You mean we would have a tendency to cut off the Republicans from the air?

Mr. AYLESWORTH. Well you would have a tendency——

Mr. BROWN. Do not you think that would be in the public interest? [Laughter.]

Mr. AYLESWORTH. Well I do not think it would be very noticeable Congressman, because there have been so few of them on the air.

Mr. EDMONDS. But I think the gentleman does not need to worry about it, because they will be with us in about 2 years from now. [Laughter.]

Mr. AYLESWORTH. I think it would be better for the Government not to have Government control.

Mr. SIROVICH. That would be in line with the purpose of radio, which is for the public interest, necessity and convenience. [Laughter.]

Mr. RAMSPECK. Mr. Aylesworth, is that true in Great Britain? That is the point I want to know. I do not want to know anything about the English system, but is it proadministration because it is owned or controlled by the Government?

Mr. SIROVICH. Did the Labor Party——

Mr. RAMSPECK. Just a minute; let him answer my question.

Mr. SIROVICH. This is right on the same question—did the Labor Party utilize the radio for the benefit of labor when they were in control in Great Britain?

Mr. AYLESWORTH. If you do not mind, I am embarrassed by those questions. I have a very friendly relationship with the British Broadcasting Corporation.

Mr. SIROVICH. I will withdraw the question.

Mr. AYLESWORTH. I will send you material to read on the subject, but I do not think I am sufficiently informed to answer that question. I do not want to put it in the words of Colonel Lindbergh, but it is one I cannot answer.

The CHAIRMAN. For the information of the committee, I will say it is my recollection there was an answer made possibly by the Federal Radio Commission to some inquiries of the Senate, appearing in Senate Document 137, Seventy-second Congress, that deals, as I recall, with the systems in the foreign countries.

Commissioner SYKES. Yes, sir.

The CHAIRMAN. Which was a very complete answer to inquiries propounded by the Senate and deals with all of the foreign countries. I merely mention that so that the committee may have the information.

Mr. RAMSPECK. I won't press the question, but my own opinion is if Congress should pass the legislation proposed in this bill it amounts to Government control of radio—not ownership, but control; because it means we would have to make a public utility of it and they would no longer have control over their own programs.

Mr. AYLESWORTH. That is true. As a first step, if you pass this bill, we would not put on any religious or educational programs, and would not get in any trouble; we would just quit.

Mr. SIROVICH. Is there any advertising material in Great Britain on the broadcasts?

Mr. AYLESWORTH. No; there is not now, except in their magazines; they conduct radio magazines, offer all of their own programs on magazines, and there is a clear-cut control over advertising. They did have a bitter battle on in Great British over broadcasting.

Mr. SIROVICH. I believe you made the answer that in the European system there is a tax on the receiving set?

Mr. AYLESWORTH. Oh, yes.

Mr. WILLFORD. In other words, in this country, it is just a matter of the radio operators trying to give the people what they want, as long as it is clean?

Mr. AYLESWORTH. That is true.

Mr. WILLFORD. They are dealing with the public and giving them what they want?

Mr. AYLESWORTH. That is my belief; that is our policy. I would like if possible at times to give them some things that they think they do not want, in small doses, such as education—principally education—finer music, and things like that, knowing that success will follow.

Mr. WILLFORD. To reach that conclusion, you have 17 members on a council that you have mentioned there, scattered all over the land, to arrive at what the people want and what they think they should have?

Mr. AYLESWORTH. That is true.

Mr. WILLFORD. It is a collective judgment of what they should have; it is not a one-man affair?

Mr. AYLESWORTH. It is not, sir. We have, of course, our own organization through which we attempt, with our experience, to keep broadcasting fair, without discrimination, and honest and clean; then we have this council that has the right to hear the complaints which can be filed from the outside, which I present at each meeting. We receive about 15 million letters a year, and I presume less than 1 percent of the 15 million have any criticism that is directed against us. I know of no criticism in dealing with public affairs, important questions, of religion, except the one I have referred to.

Mr. SIROVICH. Did you get letters of commendation or condemnation of the broadcast of Judge Rutherford, after you permitted him to broadcast that first time? What was the general public reaction?

Mr. AYLESWORTH. Of course, we naturally got a very bad reaction through editorial comment and otherwise.

Mr. SIROVICH. And that was instrumental in deciding you to take no future broadcasts from this organization?

Mr. AYLESWORTH. Oh, yes.

Mr. TERRY. What would you say, Mr. Aylesworth, if Judge Rutherford's adherents filed a petition here of two million four hundred and some thousand names? That is rather an indication, certainly, that a portion of the public would like to hear the Judge, is it not?

Mr. AYLESWORTH. It may be, or may not; I do not know. I have had a great deal of experience in filing petitions and getting them signed. I would like to know what the heading was. If the heading was "Do you want to hear the Watch Tower programs?", and the people who signed knew what they are, I think that is an intelligent expression of sentiment. If you have at the top of the petition "Do you believe in free religious discussion, free religious programs", I believe everybody would sign this for fear we might take off free religious programs today. You can probably get 10 million people, or 50 million people to sign petitions on almost anything.

Mr. SIROVICH. In other words, your organization would have absolutely no objection to the broadcasting of any religious program so long as they confined themselves to discussing their own religion and not attacking any other religion?

Mr. AYLESWORTH. Not at all.

Mr. SIROVICH. And on that basis you would even be willing to have Judge Rutherford avail himself of that privilege, if he confined his discussion and dissertation to that subject only, without attacking anyone else?

Mr. AYLESWORTH. That is a moot question, because he could not do it. He could not, consistently; because he believes in that. I think the man is honest and that his followers are honest, and I would not ask them to abolish their creed to come in and make a radio speech. I have enough speakers now that will say nothing.

(After informal discussion, the committee took a recess until 2 p.m.)

AFTER RECESS

The committee reconvened pursuant to the taking of the recess, Hon. Schuyler Otis Bland (chairman) presiding.

STATEMENT OF HENRY A. BELLOWS, VICE PRESIDENT, COLUMBIA BROADCASTING SYSTEM

Mr. BELLOWS. My name is Henry A. Bellows, vice president, Columbia Broadcasting System. I ought to explain that I have appeared before this committee on a number of other occasions, but with a different set of whiskers. I have appeared as chairman of the legislative committee of the National Association of Broadcasters. I would like to say I am appearing now simply as representing the Columbia Broadcasting System.

I want to say a few words in opposition to H.R. 7986, from the standpoint of our company, on the grounds, first of all, that it tries to do something that cannot be done, and, in the second place, that it tries to do something that is wholly unnecessary.

The reason I say it tries to do something that cannot be done was well expressed by Congressman Ramspeck in the question which he asked, which brought out the fact that this bill, apparently, would make every radio broadcast company a common carrier. I prefer to use that phrase in this connection in preference to "public utility". This bill would, to a certain extent, make a common carrier out of radio broadcasting companies.

That obviously is impossible under any system, whether private or governmental. It does not exist in any of the government-owned or operated systems of Europe; it does not exist in Canada. It is impossible for one reason—that there is a definite limitation on the amount of time available. The amount of broadcasting time is limited; no matter how many broadcasting stations you have, you cannot have more than so many hours in the day.

(After an informal recess for a roll call the hearing continued as follows:)

As I was saying, there is a definite limitation on the amount of time, in the sense there are only a certain number of hours available for broadcasting, and this applies equally to individual stations and the network.

It follows that some type of selection of broadcast material is absolutely necessary. A good deal has been said before this committee on the subject of censorship. I would like to make clear the difference, as we understand it, between selection and censorship. The Columbia Broadcasting System does not censor programs; nor, so far as I know, does anybody else in the broadcasting business. We do of necessity select programs.

I want to make clear the distinction between selection and censorship. Every radio station, every radio network, necessarily selects the programs that it will broadcast. It cannot, in the interest of the public, have its program service on the basis of first come first served—letting the first person to get in put on the program. The company must select, just as the newspaper does, those features which, in its judgment, are best qualified to serve the public.

Now the minute you get selection, you have to have certain rules on which the selection is made, and it is that process of selection, and the establishment of any rules for selection, which this bill, as I see it, tries to break down. It tries to provide that if within a class—and, as I shall show in just a minute, it is a very large class of programs—

you accept any program at all, you have no further right of selection. You cannot pick out what you want or do not want.

I say that this is impossible of application, because the only way in which it could work out would be to eliminate from radio all political, educational, charitable, and religious programs, and the definitions of those words are so braod that it would strike out probably four fifths of the program material which at the present time is most valuable.

How this bill can do it, I frankly do not know. I am sorry Mr. McFadden is not here, because I had hoped he might enlighten me as to what this bill means. I have submitted it to attorneys and they have come back and said they do not know what the bill means. I think I know what it purports to mean and I think what it purports to mean is what I have said—to make a common carrier out of radio broadcasting within certain fields. Those fields, as I have said, are political, educational, charitable, and religious programs. It covers a very wide area.

I have said that the second reason we objected to this bill is because it is unnecessary. I want to take up the four matters that are covered in the bill on page 2 and see what the situation is.

As regards political broadcasts, nobody has appeared before this committee in the hearings on this bill to protest against any political injustice in broadcasting. Mr. Aylesworth told you this morning that the National Broadcasting Co. has received from both political parties, from political minorities, from individual candidates, unfailing commendation for its fairness. That is emphatically true of the Columbia Broadcasting System. We have had no complaints of political unfairness, of political limitation. We give time, without charge, to representatives of both major parties, to representatives of minorities. The only charges we make for any political programs of any kind are during political campaigns, when candidates for office and those speaking in their behalf are charged the regular commercial rates.

Our facilities have been placed at the disposal of the administration, of the majority party in the Senate and the House, through its leaders, and of the minority party in the Senate and the House, through its leaders; also to representatives of the smaller groups—the farmer-labor group, for example, through Senator Shipstead. Parties which are not officially represented, other schools of thought, are given free opportunity. Mr. Norman Thomas was mentioned this morning in the testimony. He also had all of the facilities he wanted for speaking over Columbia. And, so far as I know, there has been at no time any complaint, and certainly no complaint which has been founded on any evidence, of a lack of freedom of speech in connection with political utterances. So I say the bill is totally unnecessary from that standpoint.

As regards educational broadcasts, the bill would provide for a complete and total impossibility. We have heard a good deal in the last 3 days about the differences of views on religious matters; but I can tell you, from some experience, having once been myself a college professor, that the differences of views on religious questions are as nothing compared to the different views on education. How on earth are you going to decide what the views of a particular organization are? Yet you have to decide if a bill like this goes through,

because then you have to put on anybody who differs with then. At least in the matter of religion you have certain well-defined groups; you have the Roman Catholic Church; you have the Episcopal Church; you have groups that you can define. But you cannot do that in education. There are just as many different views on education as there are different educational institutions, and, I am prepared to say, as many as there are individual teachers. Yet this bill, because it includes educational broadcasts, would say, "If you put on a speaker with a certain view on education, you have got to put on everybody else who happens to differ with him in his own particular field, or go to jail, or be fined." I simply say it cannot be done.

Now as to charitable organizations. Anybody who has had anything to do with radio broadcasting knows that there are enormous numbers of requests for time for charitable broadcasting. He also knows that the broadcasters have, of necessity in most cases, limited their response to these appeals to certain distinct organizations. For example, the American Red Cross has at all times enjoyed the facilities of radio broadcasting, both network and local, to the full extent of its requests. Now I take it that the American Red Cross is a charitable organization. This means that if we put on the American Red Cross, if this bill were enacted into law, we would have to put on a broadcast for any other charitable organization which differed in its methods in any way from the Red Cross. We do the same thing over our individual stations for local community funds; we do the same thing in many cases for the Salvation Army. But that does not begin to exhaust the number of requests.

Once again I want to insist on this fact—the necessity of selection. We have got to pick out. There is not time enough possibly to put on everything that comes to us and, consequently, we select those institutions which, because of their wide scope, because of the unquestioned efficiency of their operation, and their unquestioned honesty, we know we can support in the public interest. So I say, as far as charitable organizations are concerned, this legislation is impossible.

Now on the matter of religious organizations, of which we have heard a good deal. I said that selection involves certain rules, a certain policy. I want to explain to you very briefly what policy the Columbia Broadcasting System has with regard to religious broadcasts. There are substantially four points. First, we broadcast no commercial religious programs. In other words, we do not sell any time for religious broadcasting to anybody. Second, we do not broadcast any series of programs sponsored by any one sect, creed, or group—any series of programs.

(After an informal recess to answer a roll call, the hearing was resumed as follows:)

The CHAIRMAN. You may proceed, Mr. Bellows.

Mr. BELLOWS. I was just outlining the principles on which the policy of selection of Columbia's religious programs was made. I had pointed out, if I may just repeat a few words, Dr. Sirovich, that there is a lot of difference between selection and censorship. We do not exercise censorship over programs; we do exercise a very marked degree of selection, which is quite a different thing. We have to.

The principles of selection of Columbia on religious programs are these. First of all, we do not broadcast commercial religious programs; we do not, in other words, sell time to anybody for any reli-

gious program. We do not broadcast any series of programs sponsored by any one sect, creed, or group. Third, we do not make our facilities available for any attack on the faith, creed, or clergy of another denomination. Fourth, we do not permit the use of our facilities for any claim of exclusive infallibility, which includes the statement that everybody else is wrong.

I have personally had a good deal to do with the arrangement of some of our religious programs, and in doing it I have simply made one suggestion to the various members of the clergy who have taken part. To the Roman Catholics, I have said, "Remember that you are going to have Unitarians, Jews, Atheists, people of all kinds, listening to you. I want them to get out of your program something that they find good." I have said the same thing to the Unitarians, except I have pointed out that they would have Roman Catholics, lots of them, listening to the program.

The purpose underlying our religious broadcasts, in other words, is this: We believe that there is essentially a religious unity in all forms of faith; we believe that this can be brought out without offense, without ridicule, without attack, and we have had superb cooperation from clergy of all types.

I want simply to give you an idea of what we are actually doing to indicate the sort of programs we have had in our "Church of the Air." During the present season, we have had 6 Episcopalians, 6 Baptists, 5 Methodists, 6 Presbyterians, 7 Congregationalists, 5 Lutherans, 3 Unitarians, 21 Catholics, 13 Jews, 5 Christian Scientists, 1 Mormon. I have here the list going back over a period of years, which I won't take the time to read, but you will find that practically every faith that is widely believed and practiced in this country is represented.

Our policy in this matter differs somewhat from that of the National Broadcasting Co. We do not have the type of advisory council about which Mr. Aylesworth told you this morning; nor do we directly refer matters of religious broadcasts to the Federal Council of Churches, though we have their cooperation. I want to take this opportunity to pay my respects to them for doing a magnificent job in helping us in every possible way.

Mr. SIROVICH. In all those religious sermons broadcast over any of your stations, was there ever any attack by one religious faith upon another?

Mr. BELLOWS. There has never been an attack I have known about or that has ever been called to my attention. I would say this, that if such attack were ever made, it would be only for the reason that we do not know in advance what is going to be said. We do not require copies of the sermon in advance, and, if such attack were made, it would simply mean that that clergyman, unless he accepted responsibility for seeing that it did not happen again, and that church would not find it easy again to have our facilities. We believe, and believe as a result of a vast amount of correspondence and reports, that these religious programs are performing a very valuable service. We believe, furthermore, it is not in the public interest, convenience, or necessity, as set forth in the Radio Act, to permit the use of broadcasting facilities for attack on or ridicule of things that are honestly believed by any large numbers of people.

And I want to stress the point of ridicule. I believe that sane, sound, sober criticism of anything is justified and should be heard. I do not believe it is legitimate to hold the things that are dear to other people, things that they care about, things that men cherish in their hearts, up to public ridicule. And I am going to read into the record one short item now—I do not think I need to read much more. This is from a pamphlet entitled "Where Are The Dead? The Bible Answer, by J. F. Rutherford." It describes a scene in which appears a young boy who has urged his bereaved parents to listen to the teachings of Jehovah's witnesses. Here is what one of them has to say.

The CHAIRMAN. What page is that?

Mr. BELLOWS. It is page 49 of "Where Are the Dead?" The statement is this:

> Throughout the conversation young Samuel had followed every point. At this stage he could not contain himself any longer. Jumping up he exclaimed: "Oh Daddy, Daddy, whoopee! I got it! The devil made us all believe his lie about Adam and everybody else. Adam is not in purgatory or torment, but is in the grave, and he is coming back to us. The preachers that told the people to stay away from that lecture have been telling the devil's lie. I see it now! Why, Johnny Jones told a lie the other day at school, and teacher made him turn his coat wrong side out and stand up in the corner; and all the boys stuck out their tongues at him because he lied. Daddy, is that the reason why the preachers wear their waistcoats and collars wrong side in front, because they have been telling the devil's lie?"

Now, gentlemen, I submit that this in its way is just as strong a reason why our radio facilities should not be available for this type of program as the passage which was pointed out by Congressman Walter regarding the Roman Catholic Church. I maintain it is not in the public interest to hold the clergy up to public ridicule, to hold them up to contempt and, so far as the Columbia Broadcasting System is concerned, it does not propose that its facilities shall be used for that purpose.

Now a great deal has been said in the testimony regarding the alleged unfairness of the control exercised by the broadcasting networks over their affiliated stations. I want to explain the Columbia situation briefly, but as clearly as I can.

The Columbia Broadcasting System actually controls the operation of eight stations: WABC, in New York, which we own through a subsidiary; WJSV, Washington, which we lease; WBT, in Charlotte, N.C., which we own; WBBM, Chicago, which we own; WCCO, Minneapolis, which we own; KMOX, St. Louis, which we own; WKRC, of Cincinnati, which we own, and WPG, of Atlantic City, which we lease.

Now, you might think that Columbia would dictate at least the policy of the stations it owns; yet let me call attention to the testimony presented by the supporters of this bill themselves with regard to Station WPG, when they spoke of having had a discussion with the manager, Mr. Spence, and Mr. Spence pointed out to them that he was solely responsible for the programs that went out over that station; that he did not have to ask New York. And they read into the record a letter from Mr. Paley, president of my company, in which he specifically said that the question of whether the Atlantic City station could broadcast their programs or not was up to the Atlantic City station. That is our policy, and I say I am very grateful to them

for reading into the record that statement, which is exactly expressive of what we do. Even the stations we own or operate, these eight, are absolutely free to take any programs they want, provided there is not a conflict in time with programs already under contract. So far as the programs of Judge Rutherford's organization are concerned, any station affiliated with Columbia is perfectly free to take them—a station which we own is free to take them. And many of them have taken these programs if, in their judgment, for local reasons, it is thought desirable.

We believe, gentlemen, that no central company, no chain company, can wisely dictate the policy of any individual broadcasting station. That is determined by local conditions and, if a local manager thinks that a program should go on that station, he has a lot more to say about it than any of us have.

Mr. SIROVICH. How many stations are on your network.

Mr. BELLOWS. Ninety-three.

Mr. SIROVICH. And you own and control how many?

Mr. BELLOWS. Eight.

Mr. SIROVICH. And how much is your organization capitalized for?

Mr. BELLOWS. The capital value is approximately $2,500,000.

Mr. SIROVICH. Who owns that stock?

Mr. BELLOWS. The stock is mostly privately owned by the president of the company, Mr. William S. Paley, and by members of his family.

Mr. SIROVICH. Are there any stockholders outside of that?

Mr. BELLOWS. There are a few. I have not the complete list of them. If you would like to have the list in the record, I would be very glad to put it in.

Mr. SIROVICH. I would, because the statement is made that these large chains are owned and controlled by bankers, international bankers and foreigners who are having a great deal to say about the operation of the two great chains.

Mr. BELLOWS. I have never seen any international or even national bankers who had anything to say about the program policy of the Columbia Broadcasting System. There is no control of that sort.

Mr. SIROVICH. Is your organization losing any money in its operation?

Mr. BELLOWS. It is not.

Mr. SIROVICH. Have you made any money during the last 3 years?

Mr. BELLOWS. We have.

Mr. SIROVICH. About how much have you made?

Mr. BELLOWS. I can only give you the figure approximately; I have not seen the reports for the last years. The profit during 1933 I should guess to have been small; in 1932 it was considerably more. The latest published figure, reported to the Federal Radio Commission, showed an excess of receipts over expenses of about $700,000.

Mr. SIROVICH. And Columbia is spending hundreds of thousands of dollars to improve its facilities for the benefit of the people who listen in?

Mr. BELLOWS. As a matter of fact, Dr. Sirovich, we are spending a large part of our profit on new equipment. We have not gone out after any new capital and we are putting in new equipment all the time, and also spending more and more money on programs; and the expenses of broadcasting more than keep up with the possible profits.

Mr. SIROVICH. And you are giving away a great deal of your time to various charitable and other organizations, educational, and so on, for nothing?

Mr. BELLOWS. We are.

Mr. SIROVICH. As well as the N.B.C.?

Mr. BELLOWS. Oh, I think we are giving more. [Laughter.] But, as a matter of policy, the thing is exactly the same and it is exactly the same for every individual broadcasting station.

Mr. SIROVICH. Are you also extending your facilities to Members of the Senate and of the House?

Mr. BELLOWS. We certainly are.

Mr. SIROVICH. And you have never had a blacklist, either, to blacklist anyone who had a real message to give to the American people?

Mr. BELLOWS. Far from it. As I explained before you came in, in our handling of political broadcasts, our facilities are open to the majority and minority Members on equal terms, which means they can have anything they want. We have only one rule that the National Broadcasting Co. has not: We do not let them talk more than 15 minutes at a time, and I think that is a sound rule.

Mr. BROWN. That is in the people's interest, too. [Laughter.]

Mr. BELLOWS. I may say that one Member of the United States Senate was turned down this year by me because he said he could not stop in 15 minutes. I said that this was our policy, and he would have to split his talk into two talks and make two 15-minute talks a month apart. He said he could not do it. That is the only Senator I have turned down.

Mr. SIROVICH. You have no advisory board?

Mr. BELLOWS. We have no advisory board, except that we have an advisory group on religious broadcasts, which does not meet as the advisory council of the National Broadcasting Co. does, but with the members of which we consult. I have here the list of members of that board.

Mr. SIROVICH. Could you give them for the benefit of the record?

Mr. BELLOWS. Yes. For the Catholic Church, Father O'Hern, of Weston College, Weston, Mass.; also Fathers Daly and Callahan, of the Church of St. Gregory the Great, West Ninetieth Street; and Father Sheehy, assistant to Monsignor Ryan, of Catholic University, Washington, D.C.

For the Episcopal Church: Rev. G. Warfield Hobbs, executive secretary of the National Council of Episcopal Churches, Episcopal Headquarters, 281 Fourth Avenue, New York.

For the Jews: Rev. Jonah B. Wise, national chairman of the 1931 Fund of the Joint Distribution Committee, 415 Lexington Avenue, New York.

For the Lutherans: Rev. Ralph Long, National Lutheran Headquarters, 39 East Thirty-fifth Street, New York.

For the Presbyterians: Theodore Fisk Savage, secretary of the Church Extension Committee of the Presbytery of New York, 156 Fifth Avenue, New York.

For the Congregationalists: Rev. Charles E. Burton, secretary National Council of the Congregational Churches, 287 Fourth Avenue, New York.

For the Baptists: Stanley B. Hazzard, associate general secretary of New York City Baptist Mission Society, 152 Madison Avenue, New York.

For the Methodists: Bishop Frank J. McConnell, presiding bishop of the Methodist Episcopal Church, 150 Fifth Avenue, New York.

For Christian Science: William Wallace Porter, head of New York Committee on Publication for Christian Science Churches, 551 Fifth Avenue, New York.

These gentlemen have cooperated with us and, in addition, as I have already said, we have enjoyed the full cooperation of the Federal Council of Churches of Christ. They have been tremendously helpful in every possible way. The only difference between our policy and that of the National Broadcasting Co., as I understand the National Broadcasting Co.'s policy, is that we have ourselves made the final decision in all cases, acting on their advice; but we have felt it was our job to take the responsibility. I think we come out in exactly the same place.

Mr. SIROVICH. Has your organization denied the facilities of your chain to Rev. Dr. Coughlin?

Mr. BELLOWS. We have.

Mr. SIROVICH. Why?

Mr. BELLOWS. I would be very glad to explain why. I am only sorry Mr. McFadden is not here, because every time he sees me out in the hall he says, "Are you going to tell about Father Coughlin?"

Father Coughlin was on the Columbia Broadcasting System regularly once a week every Sunday evening, and it was through his Columbia broadcasts that he first came into prominence. He came into great prominence through the Columbia broadcasts. We had, at the same time, the Lutheran Laymen's League, which was putting on a paid program; we had the Presbyterian Church, which was putting on a paid program; and also a paid Christian Science program. It was found that the interest in Father Coughlin's broadcast was enormous, and sales of his book and many contributions of one kind and another came in, and suddenly we were besieged with requests to sell time for religious broadcasts, and we did not know what we were going to do, because there was obviously not the time. And while I do not want to suggest for one minute that Father Coughlin's broadcast had in it any elements of a racket——

Mr. SIROVICH. Any elements of what?

Mr. BELLOWS. Any elements of a racket. I want to say frankly for the record this: It was apparent that there was danger that religious broadcasts would develop into a racket, because it was perfectly clear that if you did them effectively you took in a lot of money. So we discussed the question and we decided that we would take no more contracts for religious broadcasts on a commercial basis; that we would not renew any existing contracts, and we notified Father Coughlin, notified the Lutheran Laymen's League, notified the Presbyterian organization and the Christian Scientists, that at the termination of their contracts their broadcasts would cease; that we would take over the entire matter of religious broadcasts, to be handled in the way I have outlined. We were very sorry, but we could not go on on the old basis.

Now broadcasting is accused frequently of being purely commercial. I would like to have you gentlemen realize what that meant to us from a financial standpoint. Every one of those people was paying us for time and we had prospects of selling all the time we wanted for this type of broadcast. We deliberately cut it out and cut out that reve-

nue and simply took on expense, and it costs quite a lot of money to put on those broadcasts ourselves, for instance, to handle the matter of renting special lines. The total expense is considerable. We deliberately cut out that revenue because we did not want to permit the use of the Columbia Broadcasting System for that kind of thing, and, frankly, because we felt we could not sell time to Father Couglin and refuse to sell to somebody else who was doing the same sort of thing.

That is the story of Father Couglin's exclusion from the air. As far as Father Couglin himself is concerned, our relations are most friendly. We had a broadcast by him in connection with the kidnaping of the Lindbergh baby; when an appeal was made over Columbia for the return of the baby, Father Couglin was one of the men whom we asked to speak. Our relations are most friendly. I think he fully understands the situation, and knows exactly why we did it. As far as popularity is concerned, I think he rivals one or two outstanding commercial programs, and is one of the most popular features on the air and if, as a matter of policy, we could put Father Coughlin back, we would be delighted to do so. But we cannot do it, under our policy, and I think our policy is sound.

Mr. SIROVICH. You were talking before that your organization did not exercise the privilege of censorship, but utilized the principle of selection.

Mr. BELLOWS. Correct.

Mr. SIROVICH. So far as your programs are concerned?

Mr. BELLOWS. Correct.

Mr. SIROVICH. Do you exercise this same meticulous care insofar as advertisements are concerned, as to their honesty, integrity and usefulness, that they give over your broadcast chain?

Mr. BELLOWS. We try to. I do not think we are as successful as we might be, frankly.

Mr. SIROVICH. Do you cooperate with the American Medical Association and the American College of Surgeons regarding medical advertisements that go over your chain?

Mr. BELLOWS. The American Medical Association, yes; I cannot say with regard to the College of Surgeons. As to the American Medical Association, we do it, for example, through their New York organization, and we have, furthermore, cooperated or tried to cooperate with the Department of Agriculture through the Food and Drugs Administration. I do not know that we have in every case wholly agreed with them, but we have tried in every possible way to make our advertising conform to the requirements, the strictest possible requirements, of public interest. We have furthermore cooperated very closely with the better business bureaus throughout the country and, in many cases, have rejected advertising or requested modification of advertising copy that is submitted, for that reason.

Mr. SIROVICH. You say you cooperate with the Department of Agriculture?

Mr. BELLOWS. We have tried to.

Mr. SIROVICH. Have you broadcast any food, drugs, cosmetics, or nonintoxicating, nonalcoholic beverages that are shown in the chamber of horrors in the Department of Agriculture, over your broadcasting chain?

Mr. BELLOWS. I am inclined to think we have—one.

Mr. SIROVICH. Which one?

Mr. BELLOWS. Crazy Crystals.

Mr. SIROVICH. Crazy Crystals?

Mr. BELLOWS. I think so. I think that is in the chamber of horrors.

Mr. SIROVICH. Yes; but I understand my friend Tom Blanton said he made them take it out. [Laughter.]

Mr. BROWN. Is that the one "Happy Jack" Turner was singing for—Crazy Water Crystals?

Mr. BELLOWS. I am afraid I do not remember whether it was or not.

Mr. BROWN. You are not bound by what the American Medical Association thinks about the truthfulness of the statements about medicines that are advertised over your chain?

Mr. BELLOWS. We are not bound by what they think; on the other hand, we naturally give great weight to their opinion, but we have gone on the principle that the final decision has got to rest with ourselves. We are responsible for what is broadcast, and we have not felt that we had a right to pass that responsibility in any respect on to anybody else. We have asked for their advice and have had fine cooperation; but the final decision is ours, and, if we make mistakes, they are our mistakes.

Mr. SIROVICH. Is there any statistical method of determining the number of people who listen in to the Columbia broadcasts throughout the country?

Mr. BELLOWS. I can only repeat what Mr. Aylesworth said this morning on that subject, that every radio set in the United States (and there are about 18,000,000 of them), can bring in programs from both networks when the entire network is used. The number of people who listen at any given time depends very largely on the quality of the program and the interest in that type of program. Luckily there is no type of program—I think I can say this safely—that every one wants to hear at the same time. If there were, radio would be exhausted quickly. But nobody would want to keep right straight along listening to nothing but the same thing.

Mr. SIROVICH. Was Dr. Rutherford ever denied the privileges of your chain?

Mr. BELLOWS. He has been, yes.

Mr. SIROVICH. Why?

Mr. BELLOWS. For exactly the reason that I have set forth—the principles on which we regulate our selection, not censorship, of religious programs. We accept no religious commercial program. Judge Rutherford's programs are offered as commercial programs, although I suppose he would be glad to put them on without paying anything for them; but we cannot take them as commercial programs. Second, we do not permit any program which is based on an attack on the faith, or creed, or clergy of another denomination, and all the evidence we have received regarding the purpose of his programs is that they involve such attack; furthermore, that they hold the clergy of other denominations not only up to attack, but up to ridicule. Finally, we do not permit any program—and I say this applying just as much to any other denomination as to Judge Rutherford's program—which sets up a claim of exclusive infallibility to the extent of saying that everybody who disagrees is wrong. And I would like to

cite our experience with the Roman Catholic Church in that connection. We have had, as you notice from my summary, a lot of Catholic programs. I have listened to a good many of them and kept track of a good many others. There has never been a Catholic program broadcast over the Columbia Broadcasting System to my knowledge which could not have been listened to with satisfaction by people of other faiths, quite irrespective of what the doctrines of their church may be. The Catholic clergymen in broadcasting their programs over the Columbia Broadcasting System have exercised the same tolerance, courtesy, and understanding of other people's faith that have been shown toward them by Protestant and Jewish broadcasters. That is why we have not broadcast Judge Rutherford's program.

Mr. SIROVICH. Your organization was perfected in 1927; is that right?

Mr. BELLOWS. Substantially in 1928. It began in 1927, and until the summer of 1928 its history was not such as to make me say it was perfected or came anywhere near being perfected. In the summer of 1928, the present president and principal owner of the company, William S. Paley, became connected with it as president, and its development from that time on has been continuous.

Mr. SIROVICH. And since that time, has Judge Rutherford ever asked for time on your station?

Mr. BELLOWS. He has.

Mr. SIROVICH. When was the first time he asked for it?

Mr. BELLOWS. I do not know. I should say probably in 1931, but it may have been before that.

Mr. SIROVICH. But you already had cognizance of the attitude of N.B.C. toward Judge Rutherford?

Mr. BELLOWS. Oh, yes.

Mr. SIROVICH. And your reason for relegating that program to the background is based upon the same philosophy that the N.B.C. followed?

Mr. BELLOWS. Exactly.

Mr. SIROVICH. If Judge Rutherford was willing to broadcast a sermon that simply professed the dogma and sentiment and gospel of their own faith, without attacking any other religious denomination, you would have no objection to having them do so, would you?

Mr. BELLOWS. None whatever; none at all.

Now if I may, I will go back for a minute to this matter of the control and regulation of other stations and their programs. I have spoken of our policy with regard to stations that were owned or operated by us. Something has been said in the testimony about preferential contracts, and it was implied that the Columbia Broadcasting System exercised, through these preferential contracts, some power over its affiliated stations. The nature of those preferential contracts is perfectly simple.

Mr. Aylesworth told you this morning—and said it rather ruefully—that the National Broadcasting Co. did not have contracts with all of its associated stations. We do; at least, I think we do. There may be one or two with which we have not contracts at the present time.

Mr. SIROVICH. How long do those contracts run for?

Mr. BELLOWS. Most of them have run for 1 year, renewable at the end of the year. We have tried to make them longer.

Mr. SIROVICH. With options for renewal for how long?

Mr. BELLOWS. Options for 1 year renewal. We have tried and in some cases have been able to negotiate them, just recently, for longer periods, when they are mutually satisfactory to the stations and to ourselves, but always subject to amendment.

The basis of those contracts is this: We give the noncommercial service of the Columbia to the station free of charge. That means substantially 10 to 12 hours a day of broadcasts of the best programs that are anywhere available. It means the broadcasts from Washington, from all over the world, our European broadcasts, and everything else. We give those to every one of our affiliated stations without charge. In return, the station gives us a preferential option on its time for commercial programs over the Columbia Broadcasting System, and agrees that on 2 weeks' written notice—there are minor variations in the contracts; they are not all uniform, but this is generally true—on 2 weeks' written notice, it will so adjust its local schedule as to provide for our commercial programs.

I do not think I need to point out to the committee why this is necessary. Mr. Aylesworth made the point with regard to some of his programs, and the same thing applies to us. We put on, for example, the Philadelphia Symphony Orchestra; the sponsors of that program, the Chesterfield Cigarette people, in making their contract, want to know what stations that program is going over and, when we make our contracts with the stations, we simply say "In exchange for what we are giving you, you give us a preferential right to your time for our program." Of course, we pay them for the time we use. Our station has this preferential right. Now, outside of that——

The CHAIRMAN. You pay the local station for the time you use?

Mr. BELLOWS. Oh, yes. Outside of the time that is actually required for contracts in force and going, we have no control whatever over a station's time. They can take anything they like and we have nothing to say about it; we have no option or anything of that kind to exercise, except when an advertiser comes along and says "We want our program to go over such and such stations." Then we notify the stations and give them 2 weeks' written notice saying "Beginning on such and such date, we shall want 6.30 to 6.45 Monday evenings over your station." That is this famous preferential time on.

Mr. SIROVICH. The proponents of this legislation have testified that the large broadcasting chains had intimidated the smaller stations not to broadcast their sermons. From the testimony you have given, I gather your organization, through Mr. Paley, have never availed themselves of this opportunity that was theirs; is that true?

Mr. BELLOWS. We never have, in any way.

Mr. SIROVICH. Directly or indirectly?

Mr. BELLOWS. Directly or indirectly, by intimidation or anything else, told any individual station what it shall broadcast or shall not broadcast, except our own programs. We do not even tell them that they shall broadcast our programs, except those under commercial contract.

Mr. SIROVICH. And you have never threatened them in any way, if they broadcast statements of the Witnesses of Jehovah, that you would discriminate against them?

Mr. BELLOWS. We certainly have not—under no circumstances.

Mr. RAMSPECK. Mr. Bellows, the amount you collect from contract advertisers depends on the number of stations that carry your program?

Mr. BELLOWS. Very largely. That is all set forth in the rate card. Again, as Mr. Aylesworth told you, the rate cards for both network companies are public property; they give the call letters, locations of all stations, and the price per station.

Mr. SIROVICH. Is this legislation therefore necessary, or would you relegate it to the background?

Mr. BELLOWS. As I pointed out in the beginning—I am repeating what is now in the record—the legislation seems to us to be wholly unnecessary and, to repeat myself a little, it seems to me not only unnecessary, but perfectly impossible. Before you came in, Mr. Ramspeck, I quoted you by saying the purpose of this legislation, as nearly as I can understand it, is to make radio broadcasting a common carrier within a very wide field. Now that field is not simply the field of religion; according to the statements made in the bill, it is religion, education, charity, politics. And the probable results of trying to make broadcasting a common carrier within that field are incredible. Consequently, I say even if the bill was so drafted that anybody really knew what it meant—and I do not believe anybody does know what it means, and I have never been able to find out anyone who can understand it—but if it does mean what it purports to mean, it involves something that cannot be done.

Mr. SIROVICH. According to the opponents of this bill, therefore, no educational organization has come here to protest against the attitude of the two great broadcasting systems, have they?

Mr. BELLOWS. You have just stated the last part of my testimony, Dr. Sirovich, which I was coming to.

Mr. SIROVICH. Nobody has come here to testify against the educational principles that the two big broadcasting chains have thus far afforded the public; is that right?

Mr. BELLOWS. I have not heard them.

Mr. SIROVICH. So far, no political organization has appealed to us, whether minor party or major party, complaining they have been discriminated against so far as politics is concerned?

Mr. BELLOWS. Exactly.

Mr. SIROVICH. No charitable organization has come to us to make the contention that the two great broadcasting stations or others have denied them the facilities of the broadcasting stations to disseminate charitable ideals?

Mr. BELLOWS. Right.

Mr. SIROVICH. Therefore, the only religious organization that has come here to protest against the two broadcasting stations is the Witnesses of Jehovah, and the only reason they come here to protest is because you feel the purpose of these great broadcasting stations is to give every sect the right to proclaim their mission to the world, so long as they confine themselves to their dogma without offending the sensibilities of anyone else?

Mr. BELLOWS. Right.

Mr. SIROVICH. Then, according to that, the only proponents of this bill and the only ones that are here in favor of it are the Witnesses of Jehovah?

Mr. BELLOWS. Exactly.

Mr. RAMSPECK. Mr. Bellows, what would be the policy of the Columbia System, if this bill were passed, with reference to educational, religious, and charitable broadcasts?

Mr. BELLOWS. The first step in our policy, Mr. Ramspeck, would be to have our General Council study this bill to see if he could find out what was required of us. The bill states that a broadcaster cannot turn down any program "because and for the reason that such person, religious, charitable, or educational company, corporation, association, or society holds and promulgates and advocates views contrary to those expressed in programs that have been broadcast." I do not know whether we have ever turned down anybody or ever would turn down anybody because and for the reason given there. They were probably turned down because we did not have the time available.

Mr. SIROVICH. You have stated before that you would gladly give Judge Rutherford the opportunities you accord to all other religious denominations if they would confine themselves to discussin their own faith; is that right?

Mr. BELLOWS. Yes; with this qualification: In view of the long record, which goes back a number of years, I would greatly question now their ability to do that. After all, you have got to judge the future a little by the past, and the record is too long and too full.

Mr. SIROVICH. You think that a leopard don't change its spots?

Mr. BELLOWS. I do not think it changes all its spots over night. I am in the radio business, so I believe in miracles, but I do not believe they happen as fast as that.

Mr. SIROVICH. But the age of miracles has not passed by yet?

Mr. BELLOWS. Oh, no; it has not. I am frankly willing to believe that may happen, but I do not believe it will happen before the broadcast of March 25.

Mr. SIROVICH. You know it is said that success does not consist in not making mistakes, but it consists in not making the same mistakes over and over again.

Mr. BELLOWS. Exactly.

Mr. RAMSPECK. Mr. Bellows, this bill provides, on page 2, beginning in line 13—

> The owner, lessee, or operator of any broadcasting station, contracting for or accepting and broadcasting radio programs for one legally qualified candidate for a public office, and for one class of religious, charitable, or educational company, corporation, association or society, and refusing to contract for or to accept and broadcast for hire radio programs of speech offered for broadcast by another legally qualified candidate for a public office, or by any other religious, charitable, or educational company, corporation, association, or society within the provisions of this section, because or for the reason that such legally qualified candidate, or such religious, charitable, or educational company, corporation, association, or society holds or promulgates a contrary or different view from that which is expressed by the person or parties broadcasting programs, shall be deemed guilty of an unlawful discrimination.

If I understand what that means, it means this, that if the Presbyterian Church, for instance, broadcasts a program over your system, then, because you accepted that program, you would have to accept the program offered you by any other religious organization which might hold a contrary view.

Mr. BELLOWS. I think that is what the bill is intended to provide, but I do not think it does, Mr. Ramspeck. I think there is a way

out. I think as long as we do not turn down the other organization because and for the reason that it promulgates a contrary view, but if we turn it down because we do not think its credit is good, or we turn it down because we have not the time, I think under this bill we can get out from under. Nobody knows just what the bill proposes to do——

Mr. RAMSPECK. In that event, it would not be any benefit to the proponenents at all?

Mr. BELLOWS. No; it would not do them any good and would simply be a wholly unworkable piece of legislation on the statute books.

The second section of it, beginning in line 10 on page 3, is another complete mystery to me. I do not know what it means. I think it means that if by any possibility we get a program away from the National Broadcasting Co., Mr. Paley or I might have to go to jail. I hope that will not be the case, because we hope to get some more of their business before we get through. But, as nearly as I can understand what it says, if we were to dissuade anyone, or anyone dissuades anyone from broadcasting a program, he is guilty of something. The whole thing seems to me to be so badly drawn——

Mr. RAMSPECK. Well if the bill should be construed by the courts to mean what I think it means, if you took a program from one church organization you must accept all others. Then would you stop broadcasting religious programs entirely?

Mr. BELLOWS. We would stop broadcasting religious programs entirely. But that is not the worst of it. This bill provides equally for educational programs. Now I do not know what educational programs are. I am convinced that when we broadcast a program by the New York Philharmoinc Orchestra we broadcast an educational program, and a mighty good one. I am convinced that most of our talks on current events by the leaders here in Congress are educational programs. And while I should see our religious programs discarded with a good deal of grief, it is nothing to the way I feel on the educational side of the bill, and the political side of the bill. I think there is the worst thing in it. I think—and again I am repeating what I said earlier in the hearing—there are just as many different views on education as there are educators. And suppose I put on a medical talk, Dr. Sirovich, by somebody who maintains one particular school of thought. Now there are hundreds of persons who may differ with him, and differ with him soundly, and under this bill, I have got to put them all on or go to jail. The thing is not possible.

Mr. RAMSPECK. And you would have to broadcast Dr. Brinkley's cancer cure?

Mr. BELLOWS. Oh, this bill would be right up Dr. Brinkley's alley; he would love that.

Mr. SIROVICH. Do you think there is any necessity for any legislation to improve broadcasting and protect the public that listens to broadcasting, or is it perfect as is?

Mr. BELLOWS. It certainly is not perfect as is.

Mr. SIROVICH. What legislation would you recommend to improve it?

Mr. BELLOWS. I recommend at the present time emphatically no legislation. I think the provisions that are made in the President's

message, suggesting that a new Communications Commission be set up to study the whole situation and recommend legislation to the next Congress, is very wise. I think, on the whole, we all recognize there are some defects in the Radio Act of 1927, as amended. We do not agree on what the defects are; but, by and large, I think the Radio Act of 1927 has functioned pretty well, and that under it the Radio Commission has done a good job.

Mr. SIROVICH. You are a proponent of the laissez faire policy, so far as it applies to broadcasting?

Mr. BELLOWS. So far as it applies to legislation, to the amendment of the Radio Act, yes; very much so.

Mr. SIROVICH. And there is no recommendation you could make?

Mr. BELLOWS. Oh, yes.

Mr. SIROVICH. Can you give it to us for the benefit of the record?

Mr. BELLOWS. It has nothing to do with this bill.

Mr. SIROVICH. But you are one of the ablest authorities on broadcasting and I know you are fair, and I would like to know from you, looking at it from the standpoint of the consuming public, what legislation you would recommend to improve broadcasting?

Mr. BELLOWS. To begin with, this famous section 18 of the Radio Act is certainly in need of amendment.

Mr. SIROVICH. What is that section?

Mr. BELLOWS. That is the section which provides there is no right of censorship over the utterances of candidates for political office. Now in view of the fact that under the Nebraska Supreme Court decision, which was cited by Mr. Loucks and which the Chairman commented on, the stations are liable for any libelous or slanderous statements which may be made, I feel that section 18 ought to be interpreted in the public interest; because, if it is not interpreted, sooner or later we are going to see candidates for public office unable to get on the air. I think that is one very urgent need.

Mr. SIROVICH. Suppose a candidate for public office signed a stipulation that he would be held legally responsible for any libelous or slanderous remarks he may give vent to?

Mr. BELLOWS. There are not all candidates whose signatures I would be as glad to take as I would yours, Dr. Sirovich. A lot of them I would not be so sure about.

The CHAIRMAN. There would still have to be enacted a great deal of legislation?

Mr. BELLOWS. I think so.

Mr. SIROVICH. In other words, the law holds the broadcasting station responsible for an address which may be made ad lib., which was not even in the original manuscript; the station is responsible for anything the individual might say?

Mr. BELLOWS. Exactly. I am thinking not so much from the standpoint of the broadcaster, as from the standpoint of the public. I think, in the long run, the public is going to suffer, because it is going to be deprived of the sort of independent utterances that it ought to hear. I think free speech over the radio—and, by "free speech" I do not mean such excesses of speech as are contrary to the law of decency, but "free speech" is absolutely essential. Now "free speech" does not give anybody the right to slander or libel; it does not give the right to speak blasphemy or obscenity; it does not give the right to speak in contempt of court. There are certain

restrictions, decent restrictions. One of those, and a basic one, as I have already said, is a decent respect for the beliefs of other people. But, with those ordinary restrictions, I think people over the radio should have exactly the same right to say what they think as I have, for example, in coming before your committee. I think they should observe the same restrictions as a witness before your committee would observe. That is what I mean by "free speech." I think the Radio Act can be amended in such a way as to help. I frankly hope that it won't be amended right now, because I think, if this new commission is set up, the study which it is directed to make is exceedingly important.

The CHAIRMAN. You have to study it as a whole, do you not?

Mr. BELLOWS. Yes, exactly.

Mr. SIROVICH. Has the Columbia Broadcasting organization ever been sued in court for libel?

Mr. BELLOWS. I do not think so, but I would hate to give a categorical answer to that, because I am not sure. I do not think we have.

Mr. RAMSPECK. Are you all financially interested in any other stations than just those you named?

Mr. BELLOWS. No; just the ones I listed.

Mr. SIROVICH. Not through any interlocking stock ownership in any way?

Mr. BELLOWS. Not in any way, except just the ones I have listed. There are certain individual persons connected with the company; for instance, Mr. Paley's brother-in-law, Mr. Leon Levy, who is a stockholder in the Columbia Broadcasting System, is the principal owner of station WCAU in Philadelphia. But that is purely a personal matter with him. And Columbia has no more to say about WCAU than you or I have.

Mr. SIROVICH. Have the Paramount or Famous Players any interest in Columbia?

Mr. BELLOWS. They have not.

Mr. SIROVICH. How much money did they originally put in there?

Mr. BELLOWS. I would have to look that up, but my recollection is—and this is only a matter of recollection—approximately a million and a half. I do not know.

Mr. SIROVICH. What happened to that investment?

Mr. BELLOWS. We bought it back again, so that we now have the whole thing. By "we" I mean essentially Mr. Paley and his group.

The CHAIRMAN. Mr. Bellows, there is a small radio station in my town, very small. Suppose, under the language in lines 20 and from there on, page 3, some persons induced or attempted to induce some of the persons who are now supporting that station to withdraw their business or financial support from that station and help them fix up another station, build another station there. Does it follow that they are guilty of a violation of this act?

Mr. BELLOWS. Well, I am not perfectly sure what that passage means from line 20 on.

The CHAIRMAN. It says "No person, persons, company, association, society, or corporation shall induce or attempt to induce any person", and so on. Suppose I go to a man and say "I am going to form a station, and I want you to come over with me", and he withdraws his support.

Mr. BELLOWS. Exactly.

The CHAIRMAN. This says, "No person, persons, company, association, society, or corporation shall induce or attempt to induce any person, persons, company, association, society, or corporation to withdraw business or financial support". I say, "Now just withdraw your financial support"——

Mr. BELLOWS. Well do not leave out "or social intercourse"; because that is one of the things I am worried about.

The CHAIRMAN. I know that; but I am just going on what I do understand.

Mr. EDMONDS. That "social intercourse" means they are going to get one of these new dollar machines and send it back if they do not like it.

The CHAIRMAN. This continues, "to withdraw business or financial support or social intercourse from any radio broadcasting station, or the owner, lessee or operator of any radio broadcasting station in the use and operation of such radio station or in the broadcasting of any and all programs offered to be broadcast, or which may be broadcast at any such station." Then any person violating this section, any person doing that thing, asking these other fellows to withdraw their financial support and "come on and join up with us, and let us build up a new station down here that will run as a competitor to this station," is guilty of a violation of that act?

Mr. BELLOWS. I should judge he would be. That is why I have said I have not any idea what this act means; because it is obvious that the clear language, as you have just read it, could not possibly have been seriously intended in anybody's mind to mean that anybody who should undertake an act of that kind would be guilty of a criminal act. I do not believe that was intended at all.

Mr. SIROVICH. Have political minorities been given an opportunity to express themselves over your chain?

Mr. BELLOWS. They have.

Mr. SIROVICH. In other words, your organization has done everything humanly possible, from a social, charitable, political, educational, and religious standpoint, to serve the general public?

Mr. BELLOWS. We have.

Mr. SIROVICH. And have not had any complaints outside of this complaint here from the witnesses of Jehovah?

Mr. BELLOWS. Exactly. And we are constantly inviting suggestions from political, social, and religious minorities and groups to tell us how we can do a better job in making the Columbia service genuinely representative of and a service to the people of the United States as a whole.

Mr. SIROVICH. Have you also brought about international good will through broadcasting foreign messages?

Mr. BELLOWS. We have. We have had a very large number of foreign broadcasts.

Mr. SIROVICH. Have they been in the interest of bankers and international bankers and others who are in favor of subverting our Government to some other form of government?

Mr. BELLOWS. I never heard of a banker who even listened to them.

Mr. SIROVICH. So you believe the testimony presented to this committee that the two big broadcasting chains are in a secret alliance or

collusion with the bankers and international bankers belongs to the element of imaginative fiction?

Mr. BELLOWS. I think it is a pure myth.

Mr. RAMSPECK. Mr. Bellows, have you all refused any programs offered to you of a commercial nature?

Mr. BELLOWS. Oh, yes; lots of them.

Mr. RAMSPECK. What about the National Old-Age Pension Association; do you take that program?

Mr. BELLOWS. We took that program for a period of 3 weeks. The better business bureaus in two or three cities gave us certain information regarding the sponsorship of those programs, all of which information is contained in a speech subsequently delivered on the floor of the House, I think, by Congressman Patman. We explained to Dr. Pope, "We are very sorry; we would be glad to broadcast talks as we have done and are doing, free of charge, on the subject of old-age pensions," but there was so much criticism which seemed to be founded on the methods of the National Old Age Pension Association that we preferred not to renew their contract and we did not.

Mr. SIROVICH. That is not the organization that the Rev. Dr. Francis J. McConnell, president of the Protestant Churches of Christ in America, is president of, is it?

Mr. BELLOWS. It is not.

Mr. RAMSPECK. I just want to say I congratulate you on your good judgment. I have had occasion to investigate Dr. Pope's whole outfit, and I think you acted wisely.

Mr. BELLOWS. I am glad you brought out that illustration, because it is a perfect illustration of the job we are trying to do. We felt the program was a wholly justifiable program, and we took it on that basis, and, as soon as we found out that the handling of it was apparently not in the public interest, because it involved elements of a racket, we turned it down. Obviously, we could make a lot more money if we took it, because they want to pay, and I understand the dimes are coming in and they would pay pretty well.

Mr. SIROVICH. When did that organization begin to function?

Mr. BELLOWS. I do not know. It began to function, as far as we know, last fall.

Mr. SIROVICH. The reason I want to bring that out is that 7 or 8 years ago, I think I delivered the first speech in the House on the subject of old-age pensions and the Reverend Bishop Francis J. McConnell ordered 100,000 copies of that speech and sent it throughout the country, and they have been battling throughout every State of the Union to bring about old-age pensions, and it is one of the finest organizations, one of the most representative groups of advisory boards you have, conservative, composed of the very highest sort of people I know. You do not want to confuse that organization with this one.

Mr. BELLOWS. We broadcast them, as I stated.

Mr. SIROVICH. You consider them of high character, as I have stated?

Mr. BELLOWS. Absolutely.

Mr. RAMSPECK. Is KVOO, of Tulsa, a part of your chain?

Mr. BELLOWS. KVOO is on the National Broadcasting Co.'s chain.

Mr. RAMSPECK. It might be of interest to have the record show that KVOO does carry those programs of the National Old Age

Pension Association, in spite of the fact neither one of the chains will carry them.

Mr. BELLOWS. If I may say this, as to our policy: Various stations have written to us about those programs and if KVOO had been a Columbia station, this is exactly what would have happened. They would have probably written to us and said, "We have got a chance to broadcast these programs; is it proper?" and the letter could have come to me and I would have written back and said "After investigation, we have decided not to carry those programs over Columbia; use your own judgment." That is as far as we go. We do say that once in a while.

The CHAIRMAN. But he can do that if he wants to, himself?

Mr. BELLOWS. He can do that himself if he wants to.

Mr. RAMSPECK. What station do you control or is affiliated with you in Dallas, Tex.?

Mr. BELLOWS. Dallas, Tex., is KRLD.

Mr. RAMSPECK. Does the record show the name of any other station there?

Mr. BELLOWS. We also have some programs over WRR, because KRLD is not a full-time station.

Mr. SIROVICH. In your broadcasts of educational, charitable, and religious programs you use music, too, do you not?

Mr. BELLOWS. Oh, yes.

Mr. SIROVICH. Do you have to pay royalties to the American Society of Composers, Authors, and Publishers on that?

Mr. BELLOWS. We do.

Mr. SIROVICH. Do you receive any money from those broadcasts?

Mr. BELLOWS. No.

Mr. SIROVICH. And if you were to ask them to waive the payment of their royalty, would they do it?

Mr. BELLOWS. They would not; not a bit.

Mr. SIROVICH. Why not?

Mr. BELLOWS. I do not know why, Dr. Sirovich, except I think they know that they get a great deal more money by not waiving anything. The only exception we did get is we got them to waive on Congressmen. We can broadcast Congressmen and do not pay royalty; but, if you were singing, I think we would have to pay for you. You can speak and get by free.

Mr. SIROVICH. The speech might be melodious.

Mr. BELLOWS. The original proposal was that we should be charged for all of it; in other words, that they would get a percentage of our sale of time, no matter what went on. They still get a percentage, based on our sale of time, for programs which do not involve any music, or any of their music.

Mr. SIROVICH. Is the American Society of Composers, Authors and Publishers getting more money from Columbia today than they did last year, or the year before?

Mr. BELLOWS. Lots.

Mr. SIROVICH. And has the income of the Columbia increased during that time, too?

Mr. BELLOWS. It is picking up now; but the income in 1933 was less than in 1932.

Mr. SIROVICH. It has proportionately made money, just as any astute organization has done, relatively proportionately?

Mr. BELLOWS. Oh, we are now getting a lot more proportionately.

Mr. EDMONDS. You would let a Congressman recite poetry?

Mr. BELLOWS. Oh, delighted to. [Laughter.]

Mr. BROWN. Mr. Bellows, do you have WHAS on your chain?

Mr. BELLOWS. Yes.

Mr. BROWN. In connection with what Mr. Ramspeck put in the record, WHAS was on this list of stations broadcasting the National Old Age Pension Association speech.

Mr. BELLOWS. Yes.

Mr. BROWN. The fact those speeches were made by Members of Congress had nothing to do with your cutting them off?

Mr. BELLOWS. Not at all.

Mr. SIROVICH. How much money came in from this racket every time they spoke?

Mr. BELLOWS. I have not the least idea.

Mr. SIROVICH. Did it come in to the station, or the organization?

Mr. BELLOWS. Most of it came to the organization, as I understand, direct. As I remember, the request was emphatically to send the money to the organization, but some came in to the stations. I think most of it came in the other way.

Mr. EDMONDS. What would you do today if Robert Ingersoll was around?

The CHAIRMAN. Well, he does not happen to be around. [Laughter.]

Mr. EDMONDS. There may be some like him who are around, and I was just wondering, as one of the principal infidels if he would get on the radio.

Mr. SIROVICH. He would have to do the same as Father Coughlin.

Mr. BELLOWS. I can tell you what happens to the poor infidels. My father was a Unitarian minister and when I undertook to teach in a western State university, they disapproved of me because of the fact I was the son of a Unitarian minister, which meant I was an infidel; so I know all about it. I think I would let him on.

STATEMENT OF HENRY L. CARAVATI, EXECUTIVE SECRETARY NATIONAL COUNCIL OF CATHOLIC MEN, WASHINGTON, D.C.

Mr. CARAVATI. Mr. Chairman and gentlemen of the committee, on behalf of the National Council of Catholic Men, a federation of 670 Catholic lay societies, representing in their constituent memberships several millions of Catholic laymen, I wish to protest against the bill which is now under your consideration, H.R. 7986, for several reasons, none of which is purely sectarian, or in any way exclusively Catholic.

It is my analysis of the first paragraph of this bill, beginning at line 7, page 1, and ending at line 9, page 3, that any radio station accepting any political, religious, charitable, or educational program (within certain limitations) may not reject any other such program, for the reason only that the views expressed in the rejected program are at variance with the views expressed in the accepted program—but it would apparently leave stations free to reject such programs for any other reason, such as that they are vituperative or defamatory. It seems to me, therefore, that most of the evidence adduced in support of the bill has been irrelevant. However, since this evidence has

involved certain charge against the Catholic body at large, and since, furthermore, this committee is competent to amend the bill in such a manner as to bring it into conformity with the interpretation apparently assumed by the supporting witnsses, I think it is pertinent for me to bring what evidence we have against these proponents' testimony.

These witnesses seem to have fallen into the not uncommon confusion that free speech over the radio is quite the same as free speech orally or in print. With respect to oral or printed speech, it should be stated that the National Council of Catholic Men is in thorough accord with Blackstone who says:

> Every freeman has an undoubted right to lay what sentiments he pleases before the public; to forbid this is to destroy the freedom of the press; but if he publishes what is improper, mischievous, or illegal, he must take the consequences of his own temerity (4th Bl. Com., 151–152).

Now obviously the same rule should be applied to the radio insofar as it is possible. But, as was said by the Court of Appeals of the District of Columbia in the case of *Trinity Methodist Church, South*, v. *Federal Radio Commission*, commonly known as the Shuler case (61 D.C. App. 313; 62 Fed. 2d series, 850):

> If it be considered that one in possession of a permit to broadcast in interstate commerce may, without let or hindrance from any source, use these facilities, reaching out, as they do, from one corner of the country to the other, to obstruct the administration of justice, offend the religious susceptibilities of thousands, inspire political distrust and civic discord, or offend youth and innocence by the free use of words suggestive of sexual immorality, and be answerable for slander only at the instance of the one offended, then this great science, instead of a boon, will become a scourge, and the Nation a theater for the display of individual passions and the collision of personal interests.

I believe this quotation is alone sufficient to meet the suggestion of the proponents of the bill that absolute freedom of speech should be permitted over the air, and subsequent actions for slander be trusted to cure all abuses. But I might instance another difficulty with such procedure. Many radio speakers, extemporaneously or otherwise, depart from their scripts and if such interpolations were slanderous, it might be extremely difficult, nevertheless, to procure evidence thereof. The transcriptions of some of Judge Rutherford's addresses, for example, are circulated about from station to station, no written copy of them being left, I understand, in any one station; and even where copy is left, who is to verify the fact that it is verbatim the same as the transcription? But to return to the distinction beween written and oral speech, and speech broadcast via radio——

Mr. SIROVICH. On that matter, they have perfected a record, which can be put in front of every broadcast station, that takes down verbatim exactly the words as they have been uttered, with the intonations, modulations, and inflections of the speaker, which could then be sent to the Federal Radio Commission and kept in their archives as exactly what the man stated. Would not that help that along?

Mr. CARAVATI. I should think so, Doctor.

One necessary reason for this distinction is that the former, emanating from any one geographical point, may be multiplied indefinitely, whereas statements broadcast by radio from any one point may not be multiplied without ensuing chaos. This might, of course, be permitted, but since the Federal Government has seen fit to intervene to prevent such chaos, it is logically bound also to prescribe

rules and regulations. For example, in the absence of such intervention 20 stations, say, might broadcast 20 conflicting religious or educational programs on one wave length from one geographical point at one and the same time; which would mean only complete confusion for the receivers. Consequently, the Federal Government has undertaken, and rightly so, to limit the broadcasts in any one geographical area, on any one wave length, at any one time, to one and one only. The Federal Government, through its Radio Commission, permits that one program and forbids all others. To suffer such a program to be vindictive or vituperative, indecent or salacious, would be for the Federal Government to countenance, in the words already quoted from the Shuler decision, "political distrust * * * civic discord * * * and sexual immorality."

At present, the rule prescribed is that the program must serve the public convenience, interest, and necessity. Which means, that since all 20 stations (following my hypothetical example) cannot be permitted to broadcast their conflicting messages on the same wave length, at the same time, from the same point, the one station which is permitted to broadcast, must subserve the interest, convenience, and necessity, of the people in its natural audience. A necessary limitation of "free speech" is therefore imposed upon all those availing themselves of the facilities of the radio; for, in the words of the district court of appeals, already quoted, if no such limitation is imposed—

> then this great science, instead of a boon, will become a scourge, and the nation a theater for the display of individual passions and the collision of personal interests.

We do not believe Catholics should be permitted to broadcast vindictive or vituperative religious messages; nor, by the same token, non-Catholics. We most emphatically do not object to promulgation of the positive religious beliefs of any individual or of any group, provided, of course, they do not violate the canons of common decency. We should not even protest objective critical treatment of religious doctrines, whether Catholic or otherwise. But what we do not believe is fair, to Catholics, to Protestants, to Jews, or to communicants of any other faith, is the subjection of their respective religious views and their freely chosen religious leaders to gratuitous public vilification under license by the Federal Government.

We should like to instance here the reported statement of the manager of Station WEBC, Superior, Wis., who suspended the Watch Tower programs because of their vituperative character, as follows:

> While we are reluctant to assume the responsibility of withholding our facilities from minority groups, political or religious, in this instance we concluded that public interest would not be served by permitting the further use of our station for what appeared to be a matter of destructive purpose.

This seems to us to be a manifestly sound position. It might be contended by certain proponents of this bill that programs which attack given religious beliefs, or even the whole of Christendom, are as much entitled to be heard as programs which explicitly allege certain individuals to be guilty of antisocial conduct. But we submit that there is a distinction between an attack on an individual because of some explicitly alleged wrongdoing and an attack on a religionist or clergyman merely because he is a religionist or clergyman.

What the first paragraph of the bill would accomplish, according to my interpretation, would be to make it obligatory upon any station owned by a religious community, organization, or sect, provided it broadcast any programs expository of its own beliefs, to accept, in the absence of extrinsic objections, programs proffered by any other religious community, organization, or sect. This would seem to make it obligatory upon Station KFUO, for example, a station owned and operated by the Evangelical Lutheran Church of St. Louis, Mo., to accept Catholic and Jewish, and Protestant, other than Lutheran, programs; and even, it might be, by the determination of some courts, agnostic or atheistic programs. We submit that this would not be reasonable. And we believe that, by the same token, it would not be reasonable to compel Catholic stations, such as WLWL, owned and operated by the Missionary Congregation of Saint Paul, in New York City, to accept Protestant, Jewish, or infidel programs. Why should such stations be compelled to become instruments for the dissemination of doctrines which are, by very definition, opposed to their own respective doctrines? Ironically enough, this would also apply in the case of Station WBBR, which is owned and operated by the Peoples' Pulpit Association.

But, nevertheless, it would be unjust, we believe, to require even this station to broadcast Catholic, Protestant, or Jewish programs, or any other programs in which would be expressed religious views contrary to the beliefs of those who own and operate this station; that is, the Peoples' Pulpit Association, Judge Rutherford, the Watch Tower Bible & Tract Society, the International Bible Students Association, Jehovah's Witnesses, and all other related groups. To pursue this application of the bill to absurdity, it would even seem to make compellable the acceptance, by a radio station owned and operated by a homeopathic school of medicine, of a program proffered by an advocate of the allopathic theory; or by a station owned and operated by a chiropractic school of a program proffered by any other school of therapeutics.

Mr. McFadden has already suggested, in his testimony before this committee, that one of the things which conduced to proposal of H.R. 7986 was the deluge of petitions that recently flooded Congress, seeking to preserve the broadcasting rights of Judge Rutherford and the Watch Tower Bible & Tract Society. In this connection, I should like to call attention to four exhibits which are submitted herewith. Two of these are samples of Judge Rutherford's radio talks and articles, which will sufficiently acquaint you with their character as unquestioned pieces of vilification.

These are presented only as a matter of formality, for I have no doubt that the members of this committee are already convinced that they are of this character by the passages read from the pamphlets now before you, by Mr. Walter, Mr. Brown, Dr. Sirovich, and others. The third is a number of clippings from various Catholic newspapers which serve, at least partially, to discredit the aforementioned petitions, alleging as they do, that many of the signatures thereto were procured through concealment and misrepresentation. And the fourth is a signed repudiation of the signatures affixed to that petition by one man and his wife, introduced to prove what we believe is the general case, that many of these signatures were affixed in ignorance of the facts.

I come now to the second paragraph of the bill, beginning at line 10, page 3. This section would prevent any person or group of persons, from threatening to withdraw his or their trade, or from inviting others to withdraw their trade from the sponsor of any radio program, or from the owners, lessee, or operator of the station broadcasting the program. This section explicitly refers, at line 2, page 4, to "any and all programs." This would include not only abusive and defamatory programs, but those of an obscene and indecent character. Would it be just, or conformable to sound public policy, to compel the people of this country to listen to the programs of advocates of nudism, free love, or some perverted form of sexuality, and to permit their children also to listen to them, and yet to deprive them of the only effective means of remonstrance at their disposal? An adult, of course, could dial out such a program, but must he be obliged to suffer his children, in his absence, to be subjected to such noxious and nauseous influence? I trust not.

It would not be just, I am sure, to subject our people, as this bill in its present form would now do, to such debauchery. And it would be equally unjust to compel them to listen, and to permit their children to listen, to defamations of their clergy and lampoons of their beliefs, at the same time depriving them of the only effective means they have for eliminating such programs from the air.

Exhibit I is a copy of the May 10, 1933, issue of the Golden Age, a biweekly periodical published at 117 Adams Street, Brooklyn, N.Y. Your attention is called to the fact that this is the address of the Watch Tower, as already brought out in the testimony of Mr. Koerber. On pages 483 to 490 of this paper you will find reported the radio address of Judge Rutherford, entitled "Effect of Holy Year on Peace and Prosperity", broadcast on April 23, 1933, which Mr. Koerber has already testified contained no attacks on other religions.

The CHAIRMAN. It is not intended that they shall be incorporated in the record, but simply filed for the study of the committee?

Mr. CARAVATI. Yes; they will have to be.

The CHAIRMAN. I say I presume they will not be, unless the committee wants them incorporated, because they will be so long.

Mr. CARAVATI. We have merely underlined there certain excerpts from the speech.

For the convenience of members of this committee a number of the most important passages in this address have been underscored. Whether or not they are mere expositions of Watch Tower doctrines, as Mr. Koerber suggested, or unwarranted attacks upon other faiths, I leave to the members of this committee to judge.

On page 485, for example, line 3, column 2, an "unholy alliance" is referred to, which is theretofore explicitly identified as—

> The Catholic organization, headed by its mighty pontiff, the multitudinous divisions of the Protestant organizations headed by their wise and eloquent clergy, and the Jews led by their philosophical rabbis.

On page 490, column 1, lines 8 to 11, the organization of this "unholy alliance" is described as follows:

> Satan's is the master mind that has organized a conspiracy against Jehovah and His faithful witnesses, and he then forms an unholy alliance to proclaim this a "holy year."

The Catholic, Protestant, and Jewish bodies are therefore Satan's organization.

And on page 490, column 2, lines 18 to 21, is voiced a plea for their destruction in these words:

No lasting peace and prosperity can come to the peoples of earth until Satan's organization is completely destroyed.

I venture to question whether such religious preaching as that is conducive to the public interest, convenience, and necessity.

Certainly indefensible, at any rate, is the passage on page 486, column 1, lines 37 to 47, where "the Catholics, Protestants, and Jews and the principal ones of their flocks", are unexceptionably charged with hypocrisy. This is even worse than ordinary vilification, inasmuch as it is an imputation of personal motive, and a very base and indefensible one at that.

I call your attention, also, to two passages in the same exhibit, as follows (p. 5, lines 5 to 12):

The United States and Britain * * * both nations claim to be Christian, and they form the chief part of the realm called "Christendom", but, in fact, Satan is their invisible ruler and god.

(P. 25, lines 16 to 19.)

But why do I state that complete relief will follow the downfall of "Christendom", including the American Government? I answer, because Jehovah God says so.

Exhibit II is one of Judge Rutherford's pamphlets, in which, at page 41, lines 27 to 30, you will find the charge expressed:

That the clergymen, both Catholic and Protestant, do not represent Jehovah God and Christ, but that they do represent and serve Satan, the Devil.

Other passages of similar import have been underscored for your convenience.

Exhibit III is a number of newspaper clippings in which you will find the validity of many of the petitions recently sent to Congress very materially impeached. Three Catholic newspapers, one in Cleveland, Ohio, one in Providence, R.I., and one in New York City, take responsibility therein for the allegations that many signers of those petitions signed them with no appreciation of the significance of the documents signed, that others were induced to sign by misrepresentation on the part of those circulating the petitions, that some of the signatures purported to be those of children as young as 2 years of age, and even that some of them were outright forgeries.

The CHAIRMAN. Can a child 2 years of age sign a paper?

Mr. CARAVATI. I say "Some of the signatures purported to be those of children."

These newspapers may be safely relied upon to make no such grave charges without full substantiation. Even names and addresses of people repudiating or withdrawing their signatures are given, which could hardly be done without adequate verification.

Exhibit IV is a signed letter, which was addressed to the National Council of Catholic Men, and which reads as follows:

GENTLEMEN: My wife and I signed Judge Rutherford's petition in good Christian faith; we were ignorant of the facts you quote, as I do believe many who signed it are. We understood it was just for the right to broadcast a religious program.

We are very sorry our names appear on it and wish to repudiate such signatures.

CHAS. F. BANNERMAN,
10507 Lake Avenue, Cleveland, Ohio.

We believe the members of this committee will realize, that because of the outright defamatory attacks on Catholics, Protestants, and Jews, already enumerated, little difficulty would be experienced in procurring a vastly greater number of signatures to a petition contrary to that petition already received by members of the committee and other Members of Congress. For that reason we have thought it unnecessary, on out part, to undertake circularization of such a petition. But while I cannot speak officially for the Protestants and Jews, who I am nevertheless sure are in accord with our position, I can assure the members of this committee that the Catholics of this country are offended and repelled by Judge Rutherford's vituperations and vilifications, and that they believe such wholesale defamations have no rightful place on radio facilities necessarily limited by the Federal Government.

(The papers submitted by Mr. Caravati were filed with the committee.)

STATEMENT OF FRANK C. GOODMAN, 71 WEST TWENTY-THIRD STREET, NEW YORK, N.Y.

Mr. GOODMAN. My name is Frank C. Goodman; 71 West Twenty-third Street, New York City. I am Executive Secretary of the Federal Council of Churches of Christ in America, in charge of their religious radio, and the executive secretary of the Greater New York Federation of Churches. And for the further information of the committee, I will give to your secretary a marked schedule of other committees in religious radio with which I am related.

(The paper above referred to is as follows:)

Frank C. Goodman, executive secretary (1) Department National Religious Radio; (2) Radio Commission, Federal Council of Churches of Christ in America; (3) Radio Commission, Greater New York Federation of Churches; (4) Joint National Religious Radio Commission composed of the membership of the three above commissions.

Secretary (5) Dr. S. Parkes Cadman, radio committee; (6) Dr. Harry Emerson Fosdick, radio committee; (7) Dr. Daniel A. Poling, radio committee; (8) Dr. Ralph W. Sockman, radio committee; (9) Dr. J. Stanley Durkee, radio committee; (10) Dr. Charles L. Goodell, radio committee; (11) Dr. Frederick H. Knubel, radio committee; (12) Dr. Stanley High, radio committee; (13) Dr. Frederick K. Stamm, radio committee; (14) National Hym Sing Committee.

Mr. SIROVICH. Is that the organization over which Rev. Dr. S. Parkes Cadman and Bishop Francis J. McConnell are president?

Mr. GOODMAN. Yes, sir.

Mr. SIROVICH. That is the organization that was attacked by the Witnesses of Jehovah?

Mr. GOODMAN. Yes, sir.

Mr. SIROVICH. As being in collusion with international bankers and others to corrupt the people of our country through all kinds of propaganda?

Mr. GOODMAN. Yes, sir.

Gentlemen of the committee, I desire to make the briefest possible statement, after which, if there is no objection to the procedure, I will try to answer any questions put to me by the members of the committee.

We have in our country approximately 232,150 churches, with a combined membership of 54,576,340 men, women, and children of all ages.

Mr. SIROVICH. Is that of all denominations?

Mr. GOODMAN. Yes, sir; Protestant, Catholic, Jews, and I presume others that are listed and regularly organized churches.

The statement has been made by the proponents in this hearing, and it must not go unchallenged, that big business controls the organized church and clergy of America. If this statement is correct, big business, in my opinion, needs again the most urgent attention of the Congress, and the church needs a new sponsor, for the reason, and it is the simple reason, that 85,000 of our churches are stricken with poverty and between 40,000 and 50,000 of our trained clergymen are compelled to earn a living in some other manner. While we are meeting here today, 20,000 of our clergymen are among the unemployed. Gentlemen, if big business is responsible for this situation, they have made a horrible mess of things.

Now it is insinuated, if not openly charged, by further statements spread upon the record in this nearing that all of the cherished institutions of church and State in America are corrupt; that the principle for which the Fathers fought was false and in all the array of testimony, completely consuming three entire sessions of this committee, and after being pressed by the members of this committee for supporting evidence for these charges, the proponents of this bill have spread upon the records the names of only three offenders—Dr. S. Parkes Cadman; Bishop Francis J. McConnell, and one Mr. Goodman. And kindly note, gentlemen, that not one politician, living or dead, is of that number. You certainly are better off than we churchmen are in this bearing.

Gentlemen, I am personally accused by the proponents of making the statement, some years ago, to one of Jehovah's Witnesses, that "only over my dead body will Judge Rutherford go on the radio." Later in this hearing, however, the proponents modified this charge somewhat and apparently I now stand accused of making the statement that "I will use every ounce of strength in my frail body to prevent the Judge receiving the facilities." I have no recollection whatever of interviewing Witnesses of Jehovah and making such a statement.

Now, as churchmen, we assure you we want to be fair. From the nature of the case, radio must be considered a public agency; but we feel there is no unwarranted discrimination against Judge Rutherford in our refusal to give him time on the radio allowed to Protestant clergymen. This, gentlemen, is the land of our birth and adoption and we have no confidence in Judge Rutherford, or in any one else who circulates printed statements that are not merely conscientious objections, but which we feel are undermining the faith of many people in the United States Government and in the organized churches of our country.

In the pamphlet of Judge Rutherford which is entitled "The Crisis," he sets forth his view on page 25:

> But why do I state that complete relief will follow the downfall of "Christendom," including the American Government? I answer, because Jehovah God says so. In Zephaniah 3:8, he declares his purpose to destroy Satan's organization * * *

Now the churchmen of our land hold no such views as that and, therefore, we do not feel there is discrimination in favor of clergymen who serve the largest number of the people.

Gentlemen of the committee, many charges made in this hearing by the proponents are an insult to the intelligence of our church people—yes, 54,576,340 of them—who, in a law-abiding manner are maintaining the religious organizations of their respective faiths. How can the people sponsor this bill, even presuming that our forebears are falsifiers and hypocrites and have handed down to posterity a corrupt and vile institution of religious worship in America?

Now, gentlemen, I could place before you, for the purpose of the record, a voluminous report that would take perhaps an hour of your time to read——

The CHAIRMAN. Please do not do it. [Laughter.]

Mr. GOODMAN (continuing). Showing how and why Dr. Cadman and his associates on the air receive radio facilities. As I have stated, the record will show that the proponents of the bill referred to Dr. Cadman, Bishop McConnell, and myself by name, and they infer by their testimony that at some time, somehow, we three churchmen conspired to create a great religious monopoly of the air through the Federal Council of Churches of Christ in America.

The CHAIRMAN. You have not anything to do with what this group claim, have you?

Mr. GOODMAN. Not a bit; but we do want to correct it.

Mr. SIROVICH. I want to say, for one, I am not of the faith of the Reverend Dr. S. Parkes Cadman, but I have listened to him on every sermon he has ever given over the broadcasting band, and they were the most beautiful, the most patriotic, and the most wonderful sentiments I have ever listened to. And my only regret is that he is not there every Sunday, so I can continue to listen to him, because his sermons breathe to me the brotherhood of man and the fatherhood of God.

Mr. GOODMAN. I feel positively ridiculous in trying to defend these men. The truth of the matter is I do not know how it just happened that Dr. Cadman and several of his associates were chosen as radio preachers; yet I am, in point of service, perhaps the oldest executive of religious broadcasting still in captivity in America.

The CHAIRMAN. I might say, as a matter of fact, we are not trying anybody here; we are holding hearings here on this bill.

Mr. GOODMAN. I know you are, but there are charges made, and I think I ought to be given a few minutes to answer them.

Mr. SIROVICH. I think the gentleman should be given all of the time he wants, because they have been excoriated and pilloried——

Mr. GOODMAN. Absolutely by name.

Mr. SIROVICH. And have a right to defend themselves.

The CHAIRMAN. I just wanted to bring that out.

Mr. GOODMAN. I think I understand my rights, and I understand your rights.

The CHAIRMAN. I just wanted you to understand that the committee was not trying you.

Mr. GOODMAN. I understand that; but still my name was mentioned as was that of my associates.

It may be there has nobody had to designate these two apostles of tolerance in an organization that is already a great leader for righteousness and brotherhood.

Now, gentlemen, I am denying the beginning of this monopoly of religious broadcasting, so-called, by the proponents. But may I be quite frank? I am sure the officials of the National Broadcasting Co.

did not appoint Dr. Cadman; the Federal Council of Churches in America did not appoint him; I feel confident that our highly honored Bishop McConnell had nothing to do with the plot. I had no part personally in the conspiracy to control the air. No, gentlemen, we are guiltless, absolutely guiltless, for the simple reason that out of the great throbbing heart of America came the demand for these unselfish clergymen and, if the Congress must indict somebody, then, in justice to all, hand down your verdict condemning the American people of all races and religious creeds. For they, and they alone, are guilty of keeping these clergymen with their messages of tolerance, brotherhood, and love for all mankind on the stations of the radio chain.

I would like you gentlemen to hear me. No words of narrow sectarianism, no words of religious bigotry, no words of intolerance and hate, no adverse criticism of the President, of the Government of the United States, have ever been spoken over the facilities of the National Broadcasting Co. by the representatives of the Protestant Church in America.

Now this is a serious bit of business. It involves the rights of millions of people and, on behalf of the church bodies I represent, I place before you our protest against the enactment of the McFadden radio bill, H.R. 7986. We believe that the effect of opening up radio religious broadcasting to individuals, societies, or corporations having distinctive views or policies to propagandize will be to make radio divisible rather than cohesive—divisible because the probable effect will be to destroy the existing unity between various sects; it will foster controversy; it will pit one sect against another; it will place an undue emphasis upon nonessentials, and it is likely to arouse religious passions unduly.

The present working policy of radiobroadcasting, to which the Federal Council of Churches is related and which is sponsored by 57 city, county, and State church federations in the United States, is to present messages that are constructive, noncontroversial, spiritual, stimulating, and that are designed to bring back to normal conditions of thought and life those people discouraged by the stress of these recent years, with a consequent stabilizing effect upon the Nation at large. To change its recognized and accepted policy and operation for over 10 years will be to put in its place conflicting biblical views, confuse and not to stimulate national confidence.

The present status of radiobroadcasting is cohesive; programs are representative of unified groups; messages are of universal application, and messages are constructive; controversial matter is now prescribed, and emphasis upon unimportant matter eliminated.

Gentlemen of the Congress, this is not the time for controversy, when millions of our people are distressed in soul and body. This is a time for tolerance, for brotherhood.

I thank you, gentlemen of the committee.

Mr. SIROVICH. As an evidence that the gentleman has stated the sentiments of the House of Representatives, the majority of them, I want to call attention to the fact that this very afternoon the House of Representatives have, by overwhelming majority, adopted a resolution that will inquire into foreign propaganda designed to breed racial bigotry and hatred in our country.

Mr. GOODMAN. Amen.

Mr. SIROVICH. I would like to ask one or two questions so that the record may be clear.

I want the record to show that I love, honor, and respect Dr. S. Parkes Cadman and Bishop Francis J. McConnell. I know them personally and intimately. I want to ask you a question about the Reverend Dr. S. Parkes Cadman: I know he was born in Great Britain, but he is an American citizen, is he not?

Mr. GOODMAN. Yes, sir.

Mr. SIROVICH. How long has be been an American citizen?

Mr. GOODMAN. Oh, for many years. I have never taken the matter up with him, although I have been identified with him for quite a few years. I have no way to fix the time, but he has been an American citizen for years.

Mr. SIROVICH. His only allegiance, so far as I could see from his messages given over the great broadcasting chain, was his devotion to our economic, social, and political form of government.

Mr. GOODMAN. I would say so.

STATEMENT OF HON. E. O. SYKES CHAIRMAN FEDERAL RADIO COMMISSION

Commissioner SYKES. Mr. Chairman, I would like to say, first, that the provisions of this bill would make broadcasting stations in the United States to that extent public-service companies of programs of that character. That is directly contrary to broadcasting as it has grown up in the United States prior to the act of 1927 and is directly contrary to the theory of broadcasting under the act under which we operate, of 1927, as amended.

I thoroughly believe in the wisdom of the Radio Act of 1927. I believe that you gentlemen builded more wisely than any of us at that time knew. Radio was then young and is still young, but the evidences of it, the development of broadcasting in the United States, has to my mind shown the wisdom of the law makers in passing that act.

The CHAIRMAN. It was in a chaotic condition when the act was passed, was it not?

Commissioner SYKES. In a very, very chaotic condition. That act puts upon the individual licensee of a broadcast station the private initiative to see that those programs that he broadcasts are in the public interest, bearing in mind that many broadcasting stations are located in different parts of the United States and what might be in the public interest in one part of the United States might not be of interest to other listeners in an entirely different community, where their business is different, and things of that kind. Now this particular bill, as I say, would do away with that.

Then that act makes those individual licensees responsible to the licensing authority to see that their operations are in the public interest. If you pass a bill of that kind, then, if the Commission should think that their programs are not in the public interest, the reply would be "We are now made public service companies; we have to take programs that are offered to us, if we have the time to take those programs." The private initiative would be abolished; all diversification of programs which, by comparison with the programs of other countries are very much more diversified here than they are there, would be abolished.

This sort of legislation, to my mind, would be an opening wedge to making eventually the broadcasting stations merely common carriers, and I think it would be a calamity for that time to come. So I would be very much opposed to seeing any kind of legislation of that character which would be, so to speak, an opening wedge in breaking down the present system of the United States.

Now I feel called upon, gentlemen, to say just a little about the investigation of the Radio Commission with reference to the programs complained of. During about 3 months, I believe it was, the Commission received a great many protests relating particularly to two programs of Judge Rutherford, both electrical transcriptions. The names of those two programs were—and I will have to refer to my papers to be sure—one The Way of Escape, and the other The Holy Year.

Mr. SIROVICH. When were they given; when were those sermons delivered?

Commissioner SYKES. Some time the first part of this year, Doctor; the exact dates I do not know.

Mr. SIROVICH. And was that over the independent hook-up?

Commissioner SYKES. They were broadcast by approximately 169 stations. We brought these protests up. I do not imagine the committee wants to see them, but we have them here if you do desire to see them.

Mr. SIROVICH. How many protests did you get?

Commissioner SYKES. There were several hundred protests.

Mr. SIROVICH. From all over the country?

Commissioner SYKES. Some signed petitions with over several thousand names, if you count the individual signers of the petitions, from all parts of the country.

The Commission, as is our rule, referred them to the legal division for consideration of the complaints. It made a report to the Commission about these complaints. The Commission ordered the legal division to prepare a letter to Judge Rutherford asking for copies of these programs, with the names of the stations that broadcast these programs. We received that information from him and then we had the legal division of the Commission, in order to verify that information, write to these stations and ask them if they broadcast these particular programs.

They were sent to us on disks. The radio we had could not transcribe these disks for us, and we had to send them down and have them transcribed. We had our legal division to study those transcriptions and make a report to the Federal Radio Commission as to what they were. That report was made to the Commission and after careful examination the Commission decided at that time to take no further action.

I want to say that that investigation was made in the usual way that we make investigations.

Mr. SIROVICH. Did you find any material in that sermon that you think would personally be objectionable, or that the Radio Commission thought was objectionable?

Commissioner SYKES. Yes; there was some matter that we thought was rather objectionable.

Mr. SIROVICH. Would you be good enough to insert that later, as a part of the record, so that we can read that?

Commissioner SYKES. I will be very glad to put that in, Doctor. I have our report of the legal division and I will make that a part of the record.

Mr. RAMSPECK. Judge Sykes, you say the purpose in sending out the inquiry to these stations as to whether or not in fact they did broadcast these talks was simply to verify the statement by Judge Rutherford?

Commissioner SYKES. As a double check, of course. In other words——

Mr. RAMSPECK. It was not for the purpose of intimidating the stations?

Commissioner SYKES. Not at all.

Mr. RAMSPECK. Is that the usual procedure in complaints of that sort?

Commissioner SYKES. Oh, yes. We first consider a complaint. If we think that complaint is serious, we take it up with the broadcasting stations, ask them for a copy of this program, and that is the way this was done.

The CHAIRMAN. That is the best evidence?

Commissioner SYKES. Absolutely.

Mr. SIROVICH. And the only legal way you could go about it?

Commissioner SYKES. That is the way we decided, Doctor, was the best way to make these investigations, and I think it is a good way to do it.

Mr. SIROVICH. You have to get the exhibit in order to study just exactly what went over the broadcasting chain?

Mr. BROWN. But these were electrical transcriptions; you did not need much evidence to check that, did you?

Commissioner SYKES. We had the broadcasts, but we had to find out what stations put on those electrical transcriptions. Judge Rutherford first sent us a list of those.

Mr. BROWN. And you checked the list that he sent?

Commissioner SYKES. Then we wrote to the stations and asked them is they did broadcast this particular transcription at that particular time. I have the copies of those letters that we wrote to the stations and to Judge Rutherford. I would be glad to file those, too.

The CHAIRMAN. They may be filed.

Mr. BROWN. Now you have no authority to pass on the subject matter in any of these programs, have you?

Commissioner SYKES. We have no power of censorship under section 29 of the Radio Act, which is a very wise provision, indeed. Our licenses to broadcasting stations last for 6 months. The law says that they must operate in the public interest, convenience, and necessity. When the time for a renewal of those station licenses comes up, it is the duty of the Commission, in passing on whether or not that station should be relicensed for another licensing period, to say whether or not their past performance during the last license period has been in the public interest.

Mr. SIROVICH. How many stations have you altogether that are under your supervisions, small, medium size, and large size?

Commissioner SYKES. There are about 600 now in the United States.

Mr. SIROVICH. How many licenses did you take away during the year 1933 for violating the provision of public interest, necessity, and convenience concerning those interests?

Commissioner SYKES. Might I ask the general counsel?

Mr. SIROVICH. Yes.

Commissioner SYKES (after consultation). I do not believe there were any in 1933; there were a few in 1932.

Mr. SIROVICH. Would you be kind enough to furnish for the record of the committee and let us know how many stations have lost licenses during the years 1927 to 1933 and the reasons assigned therefor.

Commissioner SYKES. I will be very glad to do that.

Mr. BROWN. Would you consider, under the authority granted by this act, you could refuse a station a renewal of their license because they had broadcast Judge Rutherford's program?

COMMISSIONER SYKES. Well, in discussing this matter, we came to the conclusion this was a very small part of the time of the 169 stations that broadcast it and while it appeared to us, in conversation—there was no formal action taken on this—while it appeared to us that certain parts of these programs were objectionable, at the same time, since they were such a small part of the broadcasting of these stations, we did not consider, after our study, it was of such moment that we should set for hearing before the Commission the applications for renewal of licenses of these 169 stations.

Mr. BROWN. Suppose it had been worse than it was, would you have considered under any circumstances you would have a right to refuse the station because you did not agree with the subject matter of the broadcast?

Commissioner SYKES. Under the law, of course, we cannot refuse a renewal until there is a hearing before the Commission. We would have to have a hearing before the Commission, to go thoroughly into the nature of all of the broadcasts of those stations, consider all of those broadcasts, and then say whether or not it was operating in the public interest.

The CHAIRMAN. May they then go into the court?

Commissioner SYKES. Yes, sir; oh, yes; that can be appealed.

Mr. BROWN. Now, under this law, would you under any circumstances have a right to set yourselves up as a board of censors here to pass on the quality of the programs that are broadcast?

Commissioner SYKES. The courts have decided it is not censorship. We do not pretend to tell the stations at all what they can or cannot broadcast. It is only after those broadcasts have taken place, when we come to pass on the question of public interest, convenience, and necessity. Then we are permitted, under the decisions of the court, to take into consideration the public service, in other words, of that particular station.

Mr. SIROVICH. On what basis was Dr. Brinkley's license taken away?

Commissioner SYKES. Along that line—because it was decided that his broadcasts were not in the public interest.

Mr. SIROVICH. And the courts upheld you?

Commissioner SYKES. And the courts upheld us.

Mr. SIROVICH. Does not the licensee of a broadcasting station have the right of appeal to a court of competent jurisdiction?

Commissioner SYKES. Oh, yes—the Court of Appeals of the District of Columbia.

Mr. BROWN. Does not that give you the authority to establish a monopoly in the radio field. Cannot you just autocratically say that "everybody who believes different from the way I happen to believe, after this I am not going to renew your license"?

Commissioner SYKES. I do not think any individual commissioner would hold that way to begin with.

Mr. BROWN. I do not say they would; I am just jumping ahead to see, if they did, would not you then have a monopoly in the radio field which would be worse than you could establish by newspapers or moving pictures?

Commissioner SYKES. If they should do that, I feel sure the Court of Appeals of the District of Columbia, which has jurisdiction of that appeal, would reverse them right away.

The CHAIRMAN. That is the point I was going to bring out. They have their right of trial in court?

Commissioner SYKES. Absolutely.

Mr. BROWN. Do you know how far the courts allow a review of your opinions? For instance, under the laws of our State (Kentucky) you have a review of the decision of the Workmen's Compensation Commission, but you have a review only regarding the law; you cannot reverse a finding of fact in that court. Now, if they cannot reverse a finding of fact in your court, then you have complete authority to establish a monopoly and to rule off of the air anything you do not agree with.

Commissioner SYKES. I believe the law reads where it is arbitrary, or something like that; but it is principally a review of questions of law.

Mr. BROWN. But can they review any findings of fact you have made?

Commissioner SYKES. If the facts do not justify the findings, they can.

The CHAIRMAN. You must certify the facts on which you made your findings?

Commissioner SYKES. Oh, yes. We write opinions in every hearing we hold before the Commission, and the record and the opinion of the Commission always goes to the court of appeals.

Mr. SIROVICH. What my friend meant was, if some intolerant or bigoted fanatics were on the Federal Radio Commission, they could do the very thing he is talking about and find facts to justify their conclusions.

Mr. BROWN. Suppose, now, I was opposed to all organized churches and wanted to get rid of them and get them off of the air, and I was the head of your Radio Commission and sent out word to every one of those stations "You cut every one of those fellows off the air, or you will not get your license renewed"?

Commissioner SYKES. You would only have 1 vote and there are 4 others.

Mr. BROWN. But suppose I got four other of my brothers on there with me.

Mr. SIROVICH. You would have everybody on the floor of the House fighting it.

Mr. BROWN. I know, but they don't pay much attention to Congress.

Commissioner SYKES. I do not think the member would last very long.

Mr. WILLFORD. If they were taken off out in my district, I would pay attention to it.

Mr. RAMSPECK. You were one of the original members of this Commission, were you not?

Commissioner SYKES. Yes, sir.

Mr. RAMSPECK. How many years have you served on the Commission?

Commissioner SYKES. Since the Commission was established in 1927.

Mr. RAMSPECK. Has the Commission ever denied a renewal of license for an isolated broadcast that might be objectionable?

Commissioner SYKES. No, sir.

Mr. RAMSPECK. Is it not true, in every case where it denied it, it has been the use of a station by one individual to continuously broadcast along some objectionable line?

Commissioner SYKES. Yes; that is true.

Mr. RAMSPECK. Of these 169 stations listed by Judge Rutherford, have any of those licenses been renewed since this occasion?

Commissioner SYKES. I do not recall right now; but if they came up for renewal, they have. I am told they all have been.

Mr. RAMSPECK. Then the action of the Commission in sending out this letter did not result in a denial of any license to any of these stations?

Commissioner SYKES. No; that was merely to investigate.

The CHAIRMAN. Judge, the hearing is under section 16 of the act, is it not, by the court?

Commissioner SYKES. Yes; that is the section.

The CHAIRMAN. By which it is specifically provided, after determining the procedural operation of how they shall be called into court, that—

> At the earliest convenient time, the court shall hear, review, and determine the appeal upon said record and evidence, and then alter or revise the decision appealed from and enter such judgment as to it may seem just.

Commissioner SYKES. Has not that been amended? Read the amendment at the end of that section. It is rather limited in the questions that the court passes on.

Mr. SIROVICH. Is it limited to facts or the law?

Commissioner SYKES. Principally to the law and decisions that are arbitrary.

Mr. SIROVICH. It was put in about 2 years ago, was it not?

Commissioner SYKES. That is the one I am referring to.

The CHAIRMAN. The law as it now stands is that—

> At the earliest convenient time the court shall hear and determine the appeal upon the record before it, and shall have power, upon such record, to enter a judgment affirming or reversing the decision of the Commission, and, in event the court shall render a decision and enter an order reversing the decision of the Commission, it shall remand the case to the Commission to carry out the judgment of the court: *Provided, however,* That the review by the court shall be limited to questions of law and that findings of fact by the Commission, if supported by substantial evidence, shall be conclusive unless it shall appear that the findings of the Commission are arbitrary or capricious. The court's judgment shall be final, subject, however, to review by the Supreme Court of the United States upon writ of certiorari on petition therefor under section 347 of title 28 of the Judicial Code by appellant, by the Commission, or by any interested party intervening in the appeal.

Mr. BROWN. When was that additional proviso written into the law?

Commissioner SYKES. About 2 years ago.

Mr. BROWN. What was the occasion for not allowing the court to review findings of fact? I mean what difficulties did you run into that caused that proviso to be written in the law?

Commissioner SYKES. There were some difficulties of allocation and it was thought better to limit the court as it was limited there; otherwise, they would really be a superior radio commission. That was the object.

Mr. BROWN. I know, but who asked for it? Did the court want to be limited, or did the Radio Commission want to reserve this authority for themselves and prevent the right of the court to look into the facts?

Commissioner SYKES. I think the court was very glad to have that limitation. The Commission thought it was a good thing, also. I do not recall the details of how it originated, sir.

Mr. BROWN. Do not you think that unless a court, some court, has jurisdiction to review findings of fact, that that in itself will lead to the possibility of the protection of monopolies in the hands of the radio authorities? Suppose there should come a time when, for instance, we will take some obnoxious force in America and suppose that the Republican Party should again get into power [laughter], and they should appoint a Radio Commission that would answer absolutely to their will and, having written in the law that the courts could not review findings of fact, then they appointed their Radio Commission and sent out word to the radio stations all over the country that—

> If you want your radio licenses renewed 6 months from now, you must not let any Democratic speaker put out any Democratic philosophy over your radio station, and must open it to the ones we tell you, to expound the Republican philosophy.

What do you think would be the effect here? Of course we know it would destroy the people of the United States [laughter]; but, as creating public sentiment, what do you think would be its effect?

Commissioner SYKES. I will tell you the administration of the broadcasting part of the Radio Act has been very controversial. It is a great deal better now than it was in the early days, when we were building up the rules and regulations and the modus operandi of the Radio Commission, and a man who at least does not do the best he can do on this Commission, with the facts before him, would not last much longer than a snowball in the lower regions.

Mr. BROWN. I know that is under your present set-up; but I am just propounding to you the hypothetical case of absolute control being vested in the hands of this Commission and then an administration getting in power that wanted to perpetuate itself: Is there any more powerful monopoly than the restricted right to yourselves of using this voice of the air to go out here and tell all of these people "My administration is the only administration and no one else can talk on this subject?"

Mr. EDMONDS. I wish you would cut out the Democrats now; it would be a great relief to all parties. [Laughter.]

Commissioner SYKES. I can hardly follow that philosophy, having served on this Commission.

Mr. SIROVICH. I think I can help you a little on the reason for that. I think when the debate took place on the floor of the House, it was the concensus of opinion of most of the Members that many of the members of the Radio Commission are not lawyers, but there was some technicians and some mechanically inclined, and one or two lawyers, and you could always depend upon the majority of the Federal Radio Commission to decide upon the facts, but many of the members who were on the Federal Radio Commission might be ignorant about the law; so they gave the court of appeals the right to pass upon the law and to pass upon the facts only if it was autocratic or arbitrary, and gave the right of appeal to the Supreme Court on a writ of certiorari.

Commissioner SYKES. I think so. In other words, I think this, Congressman, that the licensing authority who have to deal daily with this, and to study it every day, are much better qualified on the facts than the court which deals with other matters and only has to deal with those appeals infrequently. We are passing on hundreds of those matters all of the time, while the court only passes on those that are appealed.

Mr. BROWN. Granting, Judge, that possibly there have been no abuses of this power, I do not even agree with my own workmen's compensation law, that the compensation board set up by the politicians in my native State should have the final say so as to whether a man is damaged who happens to be insured by an insurance company that makes a campaign contribution that helps to put the political party in control of the State. It is my contention it would be better to have the findings of fact subject to review as well as the findings of law. I think that is true under the laws of our State. I do not think it accidentally got to be the law of my State that the Workmen's Compensation Board can deprive the insured of workmen's compensation. I do not think that accidentally happened. And you cannot review the findings of fact. I think somebody who wrote that law thought there would come a time when they could save their companies money by having final the findings of fact made by the Workmen's Compensation Board. I do not know how this happened to get in this law, but I do not think that ought to be the law—that any commission appointed by a source that is subject to political pressure ought to have the final say so on a finding of fact. That is the reason we have juries in this country. The judge is elected by the people or appointed by the political authorities, but on a jury of 12 men you have challenges there to knock out the ones that are not friendly toward you, and you present your case to that jury and they make the finding of fact.

Mr. SIROVICH. Well, the Federal judge has got the right to give his opinion on the guilt or innocence of a man.

Mr. BROWN. I do not think that is right, either. It is just my contention that the law ought to be that your findings of fact are subject to review, as well as findings of law.

Commissioner SYKES. Well, it has worked out very nicely.

Mr. BROWN. I hope it will continue to work that way, and I am sure, as long as they have men of your type, it will do that; but should the time come when some Hitler or Mussolini or some dictator in this country wanted to use the radio to control the American people, there might be an entirely different situation. And radio is

just beginning now; it will grow year after year and be more powerful; and, as the gentleman testified this morning, if you can teach the people in this country to like classical music, why what couldn't you do with your radio if you just pounded out your philosophy all of the time at them? It would be an instrument that was more powerful than the press, moving pictures, or anything else.

Mr. WALTER. Is not that just exactly the situation in Europe today?

Mr. BROWN. We tried to go into that about their national control of broadcasting but were not able to get very much.

Mr. SIROVICH. What was it that Abraham Lincoln said about fooling all of the people all of the time?

The CHAIRMAN. Well, gentlemen, let us get back to the bill. Is there anything else, Judge?

Commissioner SYKES. Just one other thing. There was a mighty long letter read into the record from Judge Rutherford to me. I would like to place a very short reply in the record that I made to that letter. There is just one paragraph of that letter that I want to call the committee's attention to. In that letter Judge Rutherford said this—I quote now from his letter:

> You could have told the Congressman in your letter that clergymen, and particularly Catholic priests, had a conference with members of the Federal Radio Commission, their purpose being to take Rutherford off the air and to refuse to renew the license of stations that continued to broadcast his speeches. Such facts would support the petition and are quite valuable to the American people.

I knew that I had not attended any meeting of the Commission where any clergymen or anybody had appeared before the Commission and asked us to take Judge Rutherford off of the air. I was away during part of the Summer, however, so I asked in Commission meeting if such a thing had happened, and I was informed that it had not. I also knew that no clergyman of any denomination had talked to me about taking Judge Rutherford off of the air. I asked the other members of the Commission if any clergyman had talked to them, and I was informed that they had not. So I said this in that letter:

> No clergymen, either Protestant or Catholic, have appeared before the Commission and made complaint about these broadcasts. By inquiring of other members of the Commission, I also understand from them that they have had no verbal complaints of this character.

I would just like to have that letter go in the record.

Mr. RAMSPECK. As a matter of fact, Judge Sykes, the Commission has not taken them off of the air, have they?

Commissioner SYKES. No, sir.

Mr. SIROVICH. And you did not do anything directly or indirectly that would influence any independent station from broadcasting Judge Rutherford's sermons, if they so wish?

Commissioner SYKES. Not at all. All we did was to write those letters, following the making of those speeches.

Mr. SIROVICH. And that was done in good faith, to have a legal certificate that these stations had broadcast the sermons in question?

Commissioner SYKES. Exactly.

The CHAIRMAN. Is there anyone else from the Radio Commission?

Commissioner SYKES. I believe that covers it.

The CHAIRMAN. Is there anything else?

Mr. SIROVICH. I would like to ask: Do you think any legislation ought to be recommended that could improve radio facilities of broadcasting stations and be of benefit to the consuming public, or do you think the law should be left alone as is for the present?

Commissioner SYKES. There are some little subjects in the law, but I think they are not of such a nature as to require immediate legislation.

Mr. SIROVICH. They are not on the fundamentals, but only on the nonessentials?

Commissioner SYKES. Yes, sir. The only immediate legislation we though was needed was what we recommended about the international situation, that you gentlemen though ought to be considered. We can get along very nicely as the law stands——

Mr. SIROVICH. Are any members of the Radio Commission subsidized or in the employ of international bankers or banking associations?

Commissioner SYKES. As far as I know, sir, about the only intercourse they have with bankers at all is to deposit their little checks and, occasionally, when they have to borrow any money. Emphatically, they have not; no, sir.

Mr. SIROVICH. You have not received any complaints from any radio stations that you people have been autocratic, or arbitrary, or haughty to them in any way, outside of Dr. Brinkley?

Commissioner SYKES. We sometimes get some complaints from them. I would hate to say we have not.

Mr. SIROVICH. What is the nature of those complaints?

Commissioner SYKES. I do not recall any right off of the reel, right now, sir.

Mr. SIROVICH. But when you have had any complaints, they complained about the power, is not that so, or they would like to have more time?

Commissioner SYKES. The usual thing along that line is they would probably like to have more time, or a change of the frequency, or more power. We have applications of that kind all the time.

Mr. SIROVICH. Have you received any complaints from Democrats or Republicans that justice is not being given to them on the broadcasting stations?

Commissioner SYKES. I do not think so, sir. I do not recall any.

Mr. SIROVICH. Have you received any complaints from any minority parties that they have been discriminated against?

Commissioner SYKES. No, sir.

Mr. SIROVICH. Have you received any complaints from any educational organizations that they cannot receive time they want to broadcast educational programs?

Commissioner SYKES. I do not recall of any now.

Mr. SIROVICH. Have you received any complaints from any charitable institutions?

Commissioner SYKES. No, sir.

Mr. SIROVICH. In other words, you have received no complaints from educational, charitable, social, or religious organizations, outside of the Witnesses of Jehovah?

Commissioner SYKES. That is all I have heard of.

Mr. SIROVICH. And the Witnesses of Jehovah could have facilitated receiving opportunities of broadcasting if they would conform to the

rules and regulations that every other religious organization has complied with?

Commissioner SYKES. Well, I think now they are broadcasting over certain stations—between 100 and 150 stations.

Mr. SIROVICH. Irrespective of the attitude of the two large broadcasting chains?

Commissioner SYKES. Yes.

Mr. BROWN. Have you read the list of the stations that they are to broadcast over on March 25?

Commissioner SYKES. That is over 100 I imagine.

Mr. BROWN. It looks to be over a hundred.

Commissioner SYKES. I would imagine so.

The CHAIRMAN. Is there anything else? If there is nothing else, we will adjourn. Is there anyone else in opposition who wants to be heard? [There was no response.] I think we have covered both sides.

Mr. SIROVICH. Mr. Chairman, I suggest if there are any representatives who have not appeared before the committee, or any groups who have not, who desire to put in any brief or memorandum on this subject, that they be given permission to submit the same within the time which the Chair may allow, and to be incorporated in the record.

Mr. BROWN. Subject to the approval of the chairman.

Mr. SIROVICH. Yes; subject to the approval of the chairman.

The CHAIRMAN. The chairman does not like to have the responsibility put on him of excluding briefs that may be submitted and if they are filed, they will be submitted to the committee.

Mr. WALTER. I believe the gentleman who appeared for the Witnesses of Jehovah wants to submit a brief.

The CHAIRMAN. Yes; I understand so. I have already told Mr. Koerber he could do that. Mr. Koerber told me, in the course of interrogatories, there were some questions that were propounded at times that were not answered, and I believe he wanted to submit answers to them.

Mr. KOERBER. Just briefly.

Commissioner SYKES. Judge Bland, my attention was just called to it—I knew there was some reason for that amendment to the law, and one of the gentlemen has just called my attention to it.

The Supreme Court of the United States denied a petition for a writ of certiorari to that Court because they said it was rather administrative, what the Commission was doing, and what the court of appeals did under the old appeals section; and, in order to get it into the Supreme Court of the United States, that amendment was worked out so that they could get it up on appeal, by a writ of certiorari, into the Supreme Court of the United States. And since that amendment was drawn, cases have gone to the Supreme Court of the United States, and the Court did take jurisdiction by virtue of that amendment. That was the answer I should have made before.

The CHAIRMAN. The Court was acting in an administrative capacity under the old law?

Commissioner SYKES. Yes. In other words, the Court of Appeals of the District of Columbia can have administrative powers, but the Supreme Court cannot. That was the principal reason for that amendment.

Mr. BROWN. I will say this to you, that whenever the Court decides it wants to reverse the finding of fact, the judges always find some way to do it, anyway. So that I have no great fear, with this section being in there, that if the Court, when it was appealed to, wanted to reverse a finding of fact, they would not find some way to do it.

Commissioner SYKES. Having been a member of the Supreme Court of Mississippi for 9 years, I know that is true.

(The committee thereupon adjourned until tomorrow, Wednesday, March 21, 1934, at 10 a.m.)

The following papers were submitted by Commissioner SYKES.

MARCH 12, 1934.

Judge J. F. RUTHERFORD,
San Diego, Calif.

DEAR SIR: Please pardon my delay in replying to your favor of February 8, but the reason was I have been somewhat laid up, which necessitated a slight operation.

I note that you think that my letter to Congressman Sinclair should have gone further into details. I have reviewed both his letter to me and my reply, and I must differ with you. I think the letter was responsive to the questions asked.

On page 2 of your letter I note that you say that—

"You could have told the Congressman in your letter that clergymen, and particularly Catholic priests, had a conference with members of the Federal Radio Commission, their purpose being to induce the Commission to take Rutherford off the air and to refuse to renew the license of stations that continue to broadcast his speeches. Such facts would support the petition and are quite valuable to the American people."

No clergyman, either Protestant or Catholic, have appeared before the Commission and made complaints about these broadcasts. By inquiring of other members of the Commission, I also understand from them that they have had no verbal complaints of this character.

The investigation made by the Commission, referred to by you, was based on written complaints.

Very truly yours,

E. O. SYKES, *Chairman.*

EXCERPTS OF FEDERAL RADIO COMMISSION FROM JUDGE RUTHERFORD PROGRAMS

AUGUST 10, 1933.

PART 1—HOLY YEAR

It is those who name this a holy year who are trying to keep the people ignorant of God's law.

The act of entitling this holy year is a presumptuous sin before God.

The League of Nations is a product of the Devil.

You can't make a holy year by calling it a holy year.

The Catholic clergymen have no weapon of defense except a gag and a bludgeon.

It is true that the spirit of Christ is love, but that does not mean that He loved wickedness and that He stood by and saw pious-faced hypocrites proceed to deceive the people and remained silent because He might offend the sensibilities of the clergy or some of their children.

Holy year—the real purpose is an effort to keep the people quiet for a while by causing them to hope for better times to come.

NOTE.—He calls the Catholics, the Protestants, and the Jews, as led by their leaders, "an unholy alliance." He also uses a large number of Biblical quotations and his constructions thereof.

PART 2—HOLY YEAR

All prayers made during this so-called "holy year" will go unanswered because of God's will.

Holy year and going through such forms of worship is contrary to the law of God. Let everyone be free to take his own course.

The fact that a man occupies the office of Pope of the Catholic organization is no evidence that he speaks with divine authority or that he has the approval of God and of Christ.

No man, Pope or otherwise, has any authority from God and Christ to declare any year a holy year. Neither Jehovah God nor Christ Jesus ever created the office of Pope, and nowhere in the Bible does any such title appear. Neither God nor Christ Jesus ever appointed any man to the position of Pope of the Catholic organization, and I call upon you to publish one word from the Holy Scriptures that even tends to prove to the contrary.

The Catholics have no faith in the Protestants or the Jews; the Protestants have no confidence in the Catholics or the Jews; and the Jews have no faith in either the Catholics or Protestants.

Since neither Jehovah, God nor Jehovah God nor Christ created the office of Pope and no mention is made thereof in the Word of God, and since God's word does not authorize any man or the officer of any organization to declare this a holy year, then I ask by what authority any official in any organization can declare this a holy year?

PART 3—HOLY YEAR

The clergy of the church rejected Christ. Jerusalem and Christendom have parallel experiences.

People would be foolish to expect a confederacy of men to bring peace and prosperity.

Satan is the master mind.

You prisoners must now take your choice against Satan's organization or God's kingdom.

There are many honest persons in the ranks of the Catholic organization who have been held there because they had no opportunity to hear and to learn the truth. But they are learning it now. For keeping the people in ignorance in this manner the pastors and clergymen and priests and their allies are held liable, and God gives His word and He will punish them for their wrongdoing.

PART 4—WAY OF ESCAPE

The clergy partakes in the political affairs of this world—the Catholics, Protestants, and the Jews.

The great war is now approaching—Christendom will suffer the greatest calamity and losses.

God's judgment is written against the pastors and the shepherds and the clergymen who have taught and misled the people and, who together with the principal of their flocks, have coerced radio stations and others to refrain from proclaiming the truth of God's kingdom. His judgment written shows that such opposers will find no way of escape at the execution of His judgment.

The clergy serves the Devil and not Christ Jesus.

In Canada, which is a part of Christendom, men who hold high official positions have prevented the people of the land hearing God's message over the radio.

Men in public office may speak Jehovah's name and call upon Him to sustain them, but they will call in vain.

Jehovah God has written His judgment against Satan and every part of his organization, both visible and invisible; and at the battle of the great day of God Almighty, led by Jesus Christ, that judgment will be executed, and every part of the wicked organization shall go down to destruction. Then the Catholic organization, as such, will be no more, and only those honest Catholics who trun their ears away from man worship and who turn them wholly to the worship and service of Jehovah God and Christ will survive.

They shall find no way of escape unless they separate themselves from hypocritical religion.

APPENDIX

Additional Statement of Representative McFadden;. the Purpose of H.R. 7986 and the Evils Sought to Be Corrected Thereby

Without regard to any conflict between rival religious organizations as to their several rights to use the radio, there is a demand and need for the enactment of legislation covering the principles set out in House Resolution 7986. Section 29 of the Radio Act provides that:

"Nothing in this Act shall be understood or construed to give the licensing authority the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the licensing authority which shall interfere with the right of free speech by means of radio communications. No person within the jurisdiction of the United States shall utter any obscene, indecent, or profane language by means of radio communication."

It must be apparent to the members of the committee from the testimony offered that the Federal Radio Commission engaged in an effective censorship by writing letters to the many radio stations which have broadcast certain religious lectures when there is no evidence that any other religious lectures broadcast should be requested to be filed with the Commission, and that many radio stations on account of this request gathered the impression that the requested filing of the lectures or addresses were to be kept by the Radio Commission in determining the right of radio stations to whom the request was made to have their several licenses renewed. It is established from the testimony that some radio stations refused to use certain religious lectures or broadcasts through fear that their licenses would not be renewed. This situation was apparently a violation of section 29 of the Radio Act in effect, at least.

The principle sought to be enacted into law by House Resolution 7986 does not compel any radio station to accept a political, educational, or religious broadcasting program: (1) It only provides that when a program of speech is given by a legally qualified candidate for any public office, no radio station will be permitted to deny the use of that station's facilities to any other person who is a legally qualified candidate for that office and (2) it does not require any radio station to permit the broadcasting of any religious program. It does provide that whenever any radio station shall broadcast any program of any religious, charitable, or educational association or society, it shall not be permitted to deny the facilities of such radio station the right to exclude any other religious, charitable, or educational association chartered or licensed under the laws of the United States to have the same opportunity as has been given to any other religious, charitable, or educational association to use its facilities for the same charge and service. This means, of course, in a reasonable manner.

The evidence taken in this hearing clearly establishes that certain organizations have by coercion, threats of the loss of business and threats of boycott made and exerted on owners of radio stations have prevented them from accepting certain programs that were offered for pay. Clearly such means should not be used to prevent the owner of a station from broadcasting a program which he would otherwise use. House Resolution 7986 seeks to make such acts a misdemeanor.

It is probable that the penalties fixed in this resolution might be corrected or changed to advantage to meet the best thought of the committee. My interest in the resolution is to see that some means are established to make it an offense or this kind of conduct.

This resolution is not necessarily in the interest of any political party nor against any political party. It is not in favor of any religious organization nor is it against any religious organization. It is to provide fairness in the use of the broadcasting facilities of the United States for all under equal circumstances and under equal opportunities, and to prevent any discrimination such as it is

apparent has been used by the National Broadcasting Co., the Columbia Broadcasting System. The hearing has developed that some organizations apparently in good faith, sought to accomplish their purpose by means contrary to the spirit of fair play in this country.

The ether waves are here for the benefit of every citizen of the United States, without preference. While their use must be regulated for the benefit of all, they should be so regulated that no class is discriminated against and that they are used without censorship either direct or indirect. That all may have a fair chance in the use of these facilities.

The Government has no right to turn the regulation of the use of these facilities over to the whim or caprice of any private organization, nor to censor nor prevent their fair use by all classes of citizens so long as there is no obscene, indecent, or profane language, by means of radio communication.

It has been suggested that probably the conditions which House Resolution 7986 seeks to correct are covered in Senate bill 2910. My answer to that suggestion is this: (1) Senate bill 2910, by Mr. Dill, is not yet law; (2) Senate bill 2910 is not in the House; (3) there is some question as to whether this bill will cover broadcasting; (4) there is nothing in Senate bill 2910 that prevents improper influences such as threats and coercion, being used to prevent stations from broadcasting; (5) there is some doubt at this time whether Senate bill 2910 will ever be made law.

For these reasons there is imperative need at this session of Congress to pass House Resolution 7986, with such corrections and amendments as the committee deem best to carry into the laws of the United States the principles announced therein and to accomplish the purpose sought to be accomplished by House Resolution 7986 in the interest of a fair and honest use of the radio facilities of the United States by all citizens.

There should be some provision of law which is not provided for in this resolution to prevent owned chains from acquiring by contract a preferential right of the time of independent broadcasting stations other than the time regularly contracted, paid for, and used.

STATEMENT BY ANTON KOERBER, WASHINGTON REPRESENTATIVE OF THE WATCH TOWER BIBLE AND TRACT SOCIETY

Jehovah is the true and living God, the creator of heaven and earth, and his purposes are of paramount importance at all times to men and women who seek to serve Him. About 50 years ago some such men and women in this country determined that God's word should be their guide for all future activities in life, and these organized with the objective to study and to aid others to study and understand God's purposes as expressed in the Bible without pecuniary profit to themselves. The Watch Tower Bible and Tract Society is a nonsectarian organization of men and women, incorporated since 1884 under the laws of the State of Pennsylvania for the purpose as expressed in its charter, "for the dissemination of Bible truths."

Jehovah is our God and as followers of Christ Jesus devoted to God we desire to exercise the uninterrupted right and privilege of worshiping and serving the Almighty One according to the dictates of our own conscience by hearing broadcasts by radio the message of truth and by helping others to hear and understand God's purposes as expressed in the Scriptures.

We request no special favors, but do seek legislation to prevent any person or corporation, Catholic priests, or other clergymen, from using threats, boycott methods, coercion, and other improper practices to browbeat and put in fear or cause radio stations to cease broadcasting of legitimate programs desired by the people. Our position is that all persons in America stand on an equal footing, and each one has the right to participate in some manner in the broadcasting of God's purposes, and that no one has any right to interfere with the broadcasting by radio stations of any such legitimate program which the people desire to hear.

The clergy, particularly headed by the Roman Catholic hierarchy and the commercialized religion such as the Federal Council of Churches of Christ in America, have interfered with the free expression of God's word by radio and have induced stations to break contracts and discontinue broadcasting certain programs regarded as inimical to themselves. The two major chain corporations, namely, the National Broadcasting Co. and the Columbia Broadcasting System, have discriminated by unethical methods of censorship to prevent independently owned stations within their respective chains from broadcasting programs of speech not approved by the chain corporations and have refused their facilities for hire for programs of wide public interest and importance over their chain

facilities on the grounds that they do not agree with the views expressed. A brief outline of the policy and method of procedure followed by these organizations is here cited.

The N.B.C. and C.B.S., well known as the two major chain corporations, control the best time directly and indirectly over the major portion of the best frequencies. Their self-established censorship policy extends over a number of stations which they own and operate and also over a larger number of independently owned stations included in their chains in which they hold preferred option for time. This arrangement precludes the independent stations from contracting with others for programs of wide public interest without the consent of the chain system. In many cases these independently owned stations contracted to be in the chain are also prevented from contracting for any other chain hook-up without consent of the chain corporations. In some cases the C.B.S. forced the stations to break contracts after they had been widely advertised and upon very short notice. The chain corporations exercise censorship of any and all programs under such conditions which do not have their sponsorship.

The policy of censorship of these corporations regarding religious and educational programs on the Bible operates through a committee formed for that purpose. On the N.B.C. it is referred to as the committee on religious activities and on the C.B.S. a policy committee exercises the same power. Both, function in the same manner as far as censoring programs is concerned, regardless of American citizens' rights to worship God according to the dictates of their own conscience. These corporations restrain freedom of speech over the air and claim the right to censor all religious and political programs. They discriminate in favor of one group against another regarding programs of speech on the Bible, claiming that their facilities are open only to certain religious speakers confined within the so-called "orthodox" Catholic, Protestant, and Jewish churches in the N.B.C. and extends to include several other selected sects on the C.B.S. Those who use these chain facilities consist of the more wealthy, regarded by the corporations as the prominent elements of their respective groups. For example, the N.B.C. for some time has provided chain facilities for programs of speech by Dr. Cadman and widely advertised the fact that his sermons represented the N.B.C.'s expression of religious contribution to the people. The American people are advised that the speaker is sponsored by the Federal Council of Churches of Christ in America. When this high-sounding name is announced one is led to believe that the majority of Christians throughout the country approves and has agreed that such N.B.C. programs express their thoughts of worship and service to God, whereas the people have no choice in the matter whatever.

Any student of the Scriptures knows that the expressions used by Dr. Cadman are not based on the purposes of God as expressed in the Holy Scriptures. Organ recitals and instrumental music are broadcast in connection therewith, but no Biblical instruction is given and the great promises of God concerning this day so vital to all of us is not even discussed. It is most evident that he and others are policy speakers for the chain interests.

The C.B.S. has a similar arrangement of control by their policy committee headed by Mr. Bellows, formerly of the Radio Commission. Mr. Bellows may be a radio engineer but not many in this country would intelligently entrust to him the powers of dictating how they shall worship and serve God. These self-established censorships are here mentioned that this committee may recognize the serious situation that has resulted from such undue censorship as to seriously affect American social and economic life of our right to worship God.

These two mentioned corporations discriminate continually in favor of certain groups to the exclusion of all others. They proceed on the basis that everyone who worships or serves God must be a Catholic, a Protestant, or a Jew, and that they have the right to select the person or persons who shall properly represent them in religious programs of speech. No opportunity is had by other organizations or persons to express or have expressed the other side of the question at issue, even though such are willing to pay for the privilege of doing so. The censorship therefore works only one way and that always to the interest of the chain corporation or their allied interests. No one can use their facilities whose utterances may be considered inimical to the interests controlling these stations. This applies to religious, educational, and political programs particularly.

The result is that the people residing within the area which these broadcasts cover must hear only that which the officials of these systems dictate and the people are prevented from hearing other programs of speech giving expression of what they consider more important to their welfare.

These chain corporations broadcast only what they consider important in political, economical, and educational features and all other such programs

offered for broadcast are inspected for the purpose of detecting anything therein that may conflict with their own views on that particular subject. Such programs are censored on the grounds that they are not within the policy of the system. Therefore, within the realm of the heads of these chain corporations lies a dictatorship with all the power that the radio now affords concerning the everyday life of the American people. It is very evident that a group of men with enough of capital can control in some measure by radio American political and economic life and even suppress and restrain in this land the right to worship and serve God as he has commanded. Thus the Word of God is set aside for the rule of selfish interests. There are millions of people who desire to hear what they consider to be a proper expression of God's purposes as written in the Scriptures without interference; and recognizing that they are prevented from so doing, over 2,400,000 recently petitioned Congress to safeguard their inherent rights as American people relative to the radio. The contention by these corporations, that one must be sponsored by the clergy of either the Catholic, Protestant, or Hebrew organizations, as classified by the N.B.C. and C.B.S. to worship and serve God, is ridiculous. There are millions of order-loving people in this country who refuse to be hide-bound to any sectarian creed, but who think for themselves and desire to study God's word with an open mind, have a part in preaching the gospel to their neighbors, and exercise the free worship of God in an intelligent manner by obedience to his commandments. It is our contention that such use of the radio comes clearly within the proper definition of "public interest, convenience, and necessity."

INTERFERENCE

For some time the N.B.C. was alone in dominating chain broadcasting, later the C.B.S. entered the same field. Recently another organization, namely, the Catholic hierarchy, has taken action in connection with broadcasting that has resulted in the fact that the stations other than those controlled by the chain broadcasting companies are by threats, coercion, and boycott methods brought under the domination of the Roman Catholic hierarchy. Thus, "Big Business" is represented by the two major corporations and the balance of the stations by the Catholic clergy, and the people have no voice or choice in the matter. The same boycott methods used in Italy, Roumania, Hungary, and recently against the Hebrews and Christians in Germany whose views differ from the Roman Catholics, are now in operation in this country.

These methods were adopted by the Catholic hierarchy particularly after a certain broadcast was given last spring on "Effect of holy year on peace and prosperity." At first only a few stations were approached to immediately discontinue the Watch Tower programs and after they refused, pressure was brought upon business houses who advertised over those stations by threats of boycott unless the Catholic demands were acceded to. When their plan found success, on several occasions, the Catholic press then induced various Catholic organizations in various parts of the country to use the same method, citing the success of these unethical practices as an example as to how to proceed in the matter. Copies of their own press to show how it operated are filed herewith. Through these unethical practices they have succeeded in taking from many stations thousands of dollars, as well as programs of vital interest to the American people and have in their place substituted Roman Catholic programs, with apparently no censorship whatsoever as to their expressions. In carrying out these programs it is noted, in their press reports filed herewith, that the Catholic press boasts of the Roman Catholic power growing in this country.

Does the Catholic hierarchy wield such a powerful influence in this country that they can cause station owners to broadcast only that which they desire to broadcast and to ban all other expressions which American people may desire? As previously stated, the Watch Tower Bible and Tract Society is an organization incorporated under the laws of the United States. What right, we ask, has the pope or any other person or persons of the Catholic hierarchy to restrict the free expression of our worship and service to God by proclaiming His kingdom message? He has commanded this message to be given and to honor His name and Word and do good to our fellow man. We desire to give it unmolested within the American borders. We request your earnest consideration in this matter, and appreciate any efforts to remedy such conditions which prevent the free proclamation of God's Word by radio. Above all, we will continue to trust in our God, Jehovah, knowing that in His own good way His truths shall be expressed without restrictions because he has decreed it so.—Matthew 24:14; Isaiah 43:10–12.

STATEMENT BY ANTON KOERBER, WASHINGTON REPRESENTATIVE OF THE WATCH TOWER BIBLE AND TRACT SOCIETY

Jehovah's witnesses have been asked the question by Members of Congress and others, "Is the petition as recently presented by millions of American citizens an anti-Catholic movement, and are Jehovah's witnesses in favor of H.R. 7986 for any such reason?" The answer is emphatically "No".

There is no act or intention on the part of American citizens, including Jehovah's witnesses, who signed this petition to restrain or interfere with the rights of any class of people, be they Catholic, Protestant, or Jewish, but on the other hand the petition protests against certain acts on the part of the clergy, including those of the Federal Council of Churches of Christ in America and particularly the Roman Catholic hierarchy who have by unethical practices sought to restrain and interfere with the rights of others in the free worship and service to God in the use of the radio.

The purpose of the petition and its signers is not associated with any movement to agitate or arouse a religious controversy, but rather is a cry for relief from the oppression fostered by organized clergy and the principal of their flock; namely, "Big Business", who use the God-given ether waves for their own selfish interests and the clergy as mouthpieces. We see nothing in the bill that deprives anyone of their rights as American citizens. The bill proposes legislation to prohibit lawless forces from further coveteousness and overt acts that result in the dispossession of those rights. The bill further provides certain safeguards to protect the inherent rights of the American people in the worship and service to God according to the dictates of their own conscience without interference.

The question must come to your mind, "Why should the clergy, of all people, who claim to represent God and the Bible, seek to throttle and prevent others from expressing freely God's purposes as stated in the Scriptures except it be through fear of exposure?" The love of God casts out all fear and truthful persons are bold to both hear and proclaim the Word of God (1 John 4:17, 18). We are warned that the clergy in the Lord's day had a form of Godliness but denied God's Word of truth (2 Tim. 3:5). The clergy killed God's prophets, crucified Christ Jesus, imprisoned and killed the disciples, and used the inquisition during the Middle Ages (John 8:40–44). Organized clergy of the present generation is no different from the past. The veneer is simply more polished but the same wicked intention to exclude or destroy anyone who interferes with their selfish schemes to control the people persists today (Matt. 23:27).

A Congressman is granted certain powers by election relative to laying out a course of action for the people to pursue, but the clergy and the principal of their flock have assumed that power by usurpation. Today the people are dominated by these factors and have no voice and are given no choice in the matter because their rights are not protected by those who have the authority to do so. Oppression is rampant under the guise of religion. The Great Creator did not make his creatures to live upon the earth under such conditions forever and the Scriptures give abundant evidence that the time has come when all will be granted the right to serve God in spirit and in truth with open hearts and minds, unhindered by religious prejudice. Therefore it is a most opportune time for those who love God and desire to do good to their fellow man to boldly declare these facts to the people and open the way for a better understanding among those who desire to serve God.

Neither the Catholic, Protestant, or Jewish people, as such, are involved or guilty of the wicked practices to exclude and restrain freedom of political, religious, or educational expressions by radio, nor have they given unfavorable expression against certain scriptural programs of speech which seem to have incensed the clergy. Rather, the very message that has incensed the clergy, has brought comfort to millions of people of good will. These people are glad to know that God's Kingdom, for which they have long prayed, is now at hand, and that the blessings to all the families of the earth, which God promised, are now available. To receive these blessings at God's hand, all must put their trust in Jehovah God and have knowledge of his purposes. Jehovah's witnesses are engaged in giving the message of God's Kingdom unselfishly by pointing to his Word, as expressed in the Bible, as the only lawful course of action to follow. This is referred to in the Watch Tower charter as "the dissemination of Bible truths." We hold that God's Kingdom is the only hope of the world. Organized clergy, including the Catholic hierarchy, have proven that they are against God's

Kingdom because they have taken every possible step to estop the message of God's Kingdom, which Jehovah through Christ Jesus has commanded shall be given for the vindication of his Word and name.

In each case a number of stations, either a Catholic priest or Protestant clergy has been responsible for the unethical campaign to exclude others from the air, the complaints were entirely a case of personal animosity. That they have tne right to abuse others under the cloak of religious immunity is not questioned here. But they do not have the right, in order to carry out their malicious purposes, to employ such means as threats, boycott, and coercion to the detriment of business firms who advertise, radio stations which broadcast and the people who desire to hear what they consider to be a proper expression of the Bible.

Further, if Congress has not deemed it advisable to grant to the Radio Commission the right of censorship, surely that power cannot be exercised by the clergy without legislation. For the latter class to assume that role without legal authority is lawlessness in the extreme. As American citizens the clergy have no more rights than any other Americans and therefore should be restrained from such wicked practices the same as others. The fact that one person, because he is a pope or cardinal, can say anything he wishes without interference does not preclude another from contradicting the former's statements because such matters are considered controversial and an insult to the pope. Whether a man is a pope, cardinal, international banker, or an honest workingman, the laws of this country place all on the same footing and the Constitution of the United States prescribes protection to Americans from just such a condition as exists today in radio matters.

We understand the proposed legislation in the McFadden radio bill (H.R. 7986) carries no selfish privileges in favor of any. It cannot possibly be construed as favoring any particular person or organization but rather affords equal opportunity for all to contribute to the welfare of others in giving a square deal in broadcasting, relative to the important points at issue. It provides that station owners shall have the free exercise of their rights to contract for legitimate programs without interference by disinterested parties, and prohibits undue discrimination in behalf of one party to the exclusion of another when all conditions should be considered equal.

The above-stated features in the bill, together with the provisions of protection against threats, coercion, and boycott is surely for the welfare of all and not in the interest of any in particular. The bill extends the same privilege and measure of protection to all, regardless of their political views, religious faith, and charitable efforts. It expresses that portion of the Constitution that should apply to radio today relative to good Government and freedom of worship and service to God. That the Roman Catholic hierarchy and other clergy have the right to express by radio and otherwise certain views throughout European nations as well as the United States, without interference, is not questioned here. But surely others have a right to express contrary views based upon the Scriptures without interference by the clergy element or any other element because the facts expressed are contrary to the views of the clergy. The Constitution and laws of the United States contain certain provisions to protect the inherent rights of American citizens against monopolies, whether the latter be of religious or commercial element. Today both of the latter are operated on a commercial basis.

The creatures in this country who are walking humbly before the Living God and seeking to do good to their neighbors have an undeniable right to unselfishly proclaim the gospel of Jesus Christ without molestation. This right of freedom of expression and freedom of participation for others to express Jehovah God's purposes concerning us is now claimed in the proposed legislation of H.R. 7986. For this reason we are in favor of it.

BY PERMISSION OF THE COMMITTEE, MR. EDWIN S. WERTZ, ATTORNEY, SUBMITS THE FOLLOWING SUMMARY OF THE EVIDENCE PRODUCED AT THIS HEARING

The evidence submitted establishes that petitions filed by approximately 2½ million people ask Congress to enact the principles set out in House bill 7986. In line 20, after the word "radio," there should be added "by means of threats or coercion or boycott." On page 4, in the first line, after the word "station," the intent of the bill means that there should be added "by means of threats or coercion or boycott or threats of boycott."

The evidence submitted clearly establishes that there are interested in the teachings of Jehovah's Witnesses probably 15,000,000 people in the United States; that the National Broadcasting Co. refuses to accept programs from Jehovah's Witnesses on their owned stations and that they have an arrangement with certain independent stations by contracts through which they have a preferential right to the time of such independent stations, which prevent Jehovah's Witnesses from using not only the National Broadcasting Co. owned stations, but the independent stations which they control, whenever the N.B.C. wants or desires to use those independent stations; that the N.B.C. has turned over to an advisory committee the right to say what religious or Christian programs may be used on the air; that this committee is made up of members of the Protestant, Jewish, and Catholic faiths; that the Protestant faith is organized into what is known as the "Federal Council of Churches of America"; that this association is absolutely hostile to, and opposes the broadcasting of, any program from Jehovah's Witnesses and acts accordingly on the said advisory committee of the N.B.C.; that when the N.B.C. refuses to accept a religious program that decision is turned over to this advisory committee, and that up to the present time this advisory committee has refused to approve any program of Jehovah's Witnesses; that so far as the N.B.C. is concerned it leaves the selection of religious programs entirely to a committee of the Protestant, Jewish, and Catholic faiths; that the N.B.C. has closed the doors to, and the doors will stay closed to, the broadcasting of any program by Jehovah's Witnesses; that the Columbia Broadcasting System refuses to accept programs of Jehovah's Witnesses for the reason that they are paid for and on account of the hostility of various religious organizations to the programs of the Jehovah's Witnesses; that the C.B.S., in addition to the stations which it owns, has by preferential contracts with independent stations the control of approximately 90 stations in the United States; that these contracts give the C.B.S. the right to the time of the independent stations in preference to any other persons who desire to use any time; that the N.B.C. and C.B.S. effectively cover the entire United States; that outside of the N.B.C. chain, the Columbia Broadcasting System has expanded since 1928 and today controls practically all powerful stations, either by ownership or by preferential time contracts, except one or two stations; that these two chains monopolize the radio sending stations of the United States; that they reach any area in the United States at any time to the exclusion of others; that while Jehovah's Witnesses have available to them some stations in the United States, these stations are smaller stations, do not effectually cover the United States, and by reason of being compelled to use the smaller stations they are required to spend large amounts of money for telephone connections that they would not be required to expend if they were permitted to use the N.B.C. or C.B.S. chains; that the service thus obtained has little capacity and does not cover the same areas; that since 1928 Jehovah's Witnesses have been required to expend more than $250,000 more to cover a restricted area in the United States than they would be required to expend if they had access to N.B.C. or C.B.S., and which, therefore, effectively cover the entire United States; that the smaller stations, by reason of interference with the powerful stations, are not as effective as by the use of the larger stations; that in the broadcast which is to be made on the 25th of March 1934, for a restricted area Jehovah's Witnesses would be required to pay $25,000 more for telephone connections in order to reach the smaller stations than they would be required to pay to cover the United States in an effective way by the use of the N.B.C. or C.B.S.

IN REGARD TO THE UNFAIR DISCRIMINATION OF THE FEDERAL RADIO COMMISSION

The evidence establishes that after Judge Rutherford had broadcast three lectures the Commission requested Judge Rutherford to give them the names of the stations carrying the lectures and a sworn copy of the addresses. This request was complied with, and after receiving the information the Radio Commission requested copies of the addresses given by Judge Rutherford from the stations; that thereafter many stations which received this request drew the inference or the conclusion that Judge Rutherford's lectures were opposed by the Federal Radio Commission and either cancelled their contracts with Jehovah's Witnesses or refused to make new contracts at the expiration of present contracts, in the expressed belief that the Radio Commission would refuse to renew the license of stations carrying Judge Rutherford's lectures and that the copies of the addresses carried on the stations were being requested by the Radio Commission for that purpose.

The evidence established that a prominent Catholic consulted the Federal Radio Commission with a view to taking Judge Rutherford off the air; that after this interview it was carried in Catholic newspapers in the United States.

The evidence established that while section 29 of the radio laws provides that the licensing authority has no power of censorship over the radio and should not interfere with the right of free speech by means of the Radio Commission, yet by the method used by the Federal Radio Commission and the manner in which it requested the filing of lectures broadcast by independent stations, and from the general atmosphere surrounding the request, a censorship was established which effectually barred Jehovah's Witnesses from using many independent stations.

It was effectively established that while the National Broadcasting Co. and Columbia Broadcasting System did not attempt to censor radio speeches of Judge Rutherford, they did the more effective thing by absolutely refusing him the right to use their stations, so that, through the conduct of the Federal Radio Commission and the action of the National Broadcasting Co. and Columbia Broadcasting System and the action of the Roman Catholic hierarchy, an effective radio censorship operates in the United States at this time.

IN REGARD TO THE INTERFERENCE OF THE ROMAN CATHOLIC HIERARCHY, PREVENTING, BY THREATS, COERCION, THREATS OF BOYCOTT, AND OTHER IMPROPER INFLUENCES, THE BROADCASTING OF JUDGE RUTHERFORD'S LECTURES OVER INDEPENDENT STATIONS, THUS DEPRIVING STATIONS OF LEGITIMATE INCOME AND DEPRIVING AMERICAN CITIZENS OF HEARING WHAT THEY WISHED TO HEAR

The testimony showed that James Cardinal Gibbons, of Baltimore, Md., of the Catholic Church, was one of the incorporators of an association in Washington known as the National Catholic Welfare Council, for the purpose of coordinating, promoting, and carrying on all Catholic activities in the United States, and to promote the objects of its being; that this organization furnished the Catholic newspapers with information concerning Jehovah's Witnesses, and that editors were largely priests and bishops of the Church, and that the Catholic people of the United States commenced and carried on a continued propaganda and fight to drive Judge Rutherford from the air, and that the Pope is a part of this organization, because at the head of many of these Catholic newspapers was the following paragraph: "In vain will you found missions and build schools if you are not able to wield the offensive and defensive weapons of a loyal Catholic press.—Pope Pius X"; that there are 310 Catholic publications in the United States, and their activities cover commercial, political, and social life; that there are 75 Catholic organizations of men and 35 Catholic organizations of women, and that these organizations, through their press, under the influence and direction of the National Catholic Welfare Council, threatened with loss of business many independent radio stations if they did not take the Rutherford programs off the air; that in some instances advertisers were threatened with loss of business if they did not withdraw patronage from stations if Judge Rutherford's programs were not taken off the air; that many stations denied the use of their facilities to Jehovah's Witnesses on account of this method of procedure carried on under the league of the Roman Catholic hierarchy.

The evidence also established that Jehovah's Witnesses was not an atheistic organization; that it believed in the Bible, in the Supreme Being known as Jehovah God, and in the divinity of Jesus Christ, and that it was a Christian educational association operating without profit, by means of voluntary offerings, for the dissemination of information in assisting a study of the Bible; that the association had no creed and was interested only in statements made in the Bible; that Judge Rutherford, who during the World War was convicted and sentenced to the United States penitentiary at Atlanta, Ga., was denied bail by the courts, and after 9 months confinement his conviction was reversed and the indictments were nolled, and that Judge Rutherford was improperly convicted and wrongfully confined in the penitentiary.

The foregoing summary is respectfully submitted.

SEPTEMBER 5, 1933.

Mr. HERBERT L. PETTEY,
Secretary Federal Radio Commission,
Washington, D.C.

MY DEAR SIR: Agreeable to your request, a list of 169 radio stations is hereto attached.

"Way of Escape" was broadcast uniformly on all stations named on June 18, 1933. "Holy Year" on June 25, 1933, with the exception noted. WHK was

the one hundred and seventieth station contracted to broadcast, but which failed to broadcast either of these two special programs.

I hope this complies with your request and beg to remain.

Very sincerely yours,

J. F. RUTHERFORD.

Alabama:	
Birmingham	WAPI
Do	WBRC
Mobile	WODX
Montgomery	WSFA
Arizona:	
Phoenix	KTAR
Tucson	KGAR
Do	KVOA
Arkansas:	
Fayetteville	KUOA
Little Rock	KARK
Do	KLRA
Paragould	KBTM
California:	
El Centro	KXO
Fresno	KMJ
Hollywood	KNX
Long Beach	KGER
Los Angeles	KTM
Oakland	KROW
Sacramento	KFBK
San Francisco	KTAB
Stockton	KGDM
Colorado:	
Denver	KLZ
Grand Junction	KFXJ
Greeley	KFKA
Trinidad	KGIW
Connecticut:	
Bridgeport	WICC
Delaware:	
Wilmington	WDEL
District of Columbia:	
Washington	WOL
Florida:	
Orlando	WDBO
Pensacola	WCOA
Georgia:	
Athens	WTFI
Atlanta	WGST
Columbus	WRBL
Macon	WMAZ
Savannah	WTOC
Idaho:	
Boise	KIDO
Pocatello	KSEI
Twin Falls	KTFI
Illinois:	
Chicago	KYW
Do	WJJD
Decatur	WJBL
Quincy	WTAD
Rockford	KFLV
Springfield	WCBS
Tuscola	WDZ
Indiana:	
Evansville [1]	WGBF
Fort Wayne	WOWO
Indianapolis	WKBF
South Bend	WSBT
Iowa:	
Des Moines [1]	WHO
Shenandoah	KMA
Sioux City [1]	KSCJ
Waterloo	WMT
Kansas:	
Abilene	KFBI
Coffeyville	KGGF
Topeka [1]	WIBW
Wichita	KFH
Kentucky:	
Louisville	WLAP
Louisiana:	
Shreveport	KTBS
Maine:	
Bangor	WLBZ
Portland	WCSH
Maryland:	
Baltimore	WCAO
Do	WFBR
Massachusetts:	
Boston	WHDH
Do	WMAC
New Bedford	WNBH
Springfield [1]	WMAS
Worcester [1]	WORC
Michigan:	
Bay City	WBCM
Detroit	WJR
Jackson	WIBM
Kalamazoo	WKZO
Minnesota:	
Minneapolis [1]	WRHM
Mississippi:	
Gulfport	WGCM
Meridian	WCOC
Vicksburg [1]	WQBC
Missouri:	
Columbia	KFRU
St. Joseph	KFEQ
St. Louis	KMOX
Montana:	
Billings	KGHL
Missoula	KGVO
Nebraska:	
Kearney	KGFW
Lincoln	KFAB
Scottsbluff	KGKY
York	KGBZ
Nevada:	
Reno	KOH

[1] Indicates station broadcast only "Way of Escape." All others broadcast also "Holy Year."

New Hampshire:	
Manchester	WFEA
New Jersey:	
Atlantic City	WPG
Paterson	WODA
New Mexico:	
Albuquerque	KGGM
Roswell	KGFL
New York:	
Albany	WOKO
Auburn	WMBO
Binghamton	WNBF
Buffalo	WGR
Freeport	WGBB
Hudson Falls	WGLC
New York	WBBR
Do	WMCA
Rochester [1]	WHEC
Saranac Lake	WNBZ
Tupper Lake	WHDL
White Plains	WFAS
North Carolina:	
Charlotte	WBT
Greensboro	WBIG
Raleigh	WPTF
Wilmington	WRAM
Winston-Salem	WSJS
North Dakota:	
Bismarck	KFYR
Fargo	WDAY
Ohio:	
Akron	WADC
Cincinnati	WKRC
Columbus [1]	WAIU
Do	WCAH
Toledo	WSPD
Youngstown	WKBN
Oklahoma:	
Oklahoma City	KOMA
Oregon: Portland	KGW
Pennsylvania:	
Altoona	WFBG
Erie	WLBW
Harrisburg	WHP
Johnstown	WJAC
Philadelphia	WCAU
Do	WIP
Pittsburgh	KQV
Do	WCAE
Do	WJAS
Reading	WEEU
Pennsylvania—Continued.	
Scranton	WGBI
Wilkes-Barre	WBAX
Rhode Island: Providence	WEAN
South Carolina:	
Charleston	WCSC
Columbia	WIS
Spartanburg	WSPA
South Dakota: Sioux Falls	KSOO
Tennessee:	
Chattanooga	WDOD
Knoxville	WNOX
Memphis	WREC
Nashville	WLAC
Texas:	
Amarillo	KGRS
Do	WDAG
Brownsville	KWWG
Dallas	KRLD
Do	WFAA
Galveston	KLUF
Houston	KPRC
San Angelo	KGKL
San Antonio	KTSA
Wichita Falls	KGKO
Utah:	
Ogden	KLO
Salt Lake City	KSL
Vermont: Rutland	WSYB
Virginia:	
Danville	WBTM
Newport News	WGH
Petersburg	WPHR
Richmond	WRVA
Roanoke	WDBJ
Washington:	
Seattle [1]	KJR
Do	KVL
Spokane	KHQ
Tacoma	KVI
West Virginia:	
Bluefield	WHIS
Fairmont	WMMN
Wheeling	WWVA
Wisconsin:	
Eau Claire	WTAQ
La Crosse	WKBH
Madison	WIBA
Milwaukee	WISN
Superior	WEBC
Wyoming: Casper	KDFN

C. J. WOODWORTH ALSO OFFERS IN EVIDENCE, FILED FOR THE RECORD AT THE REQUEST OF THE CHAIRMAN, RATHER THAN TO READ THE SAME, THE FOLLOWING LETTERS WHICH ARE ON FILE WITH THE COMMITTEE FAVORABLY COMMENDING THE BROADCASTS OF THE WATCH TOWER PROGRAMS:

Letter signed by Frank A. Seitz, vice President of the Westchester Broadcasting Corporation, radio station WFAS, Hotel Roger Smith, White Plains, N.Y.

Letter signed by Dale Taylor, manager of radio station WESG, Mark Twain Hotel, Elmira, N.Y.

Letter signed by Sam Benton, manager of radio station KNOW, Driskill Hotel, Austin, Tex.

Letter signed by Victor C. Diehm, manager of the Hazleton Broadcasting Service, radio station WAZL, Hazleton National Bank Building, Broad and Laurel Streets, Hazleton, Pa.

[1] Indicates station broadcast only "Way of Escape." All others broadcast also "Holy Year."

Letter signed by George Roy Clough, manager of radio station KLUF, 3327 Avenue P, Galveston, Tex.

Letter signed by Elmer G. Beehler, owner of Radio Station KGEK, Yuma, Colo.

Letter signed by L. O. Hillyard, to Watch Tower, of Dubuque, Iowa, dated November 17, 1933.

Letter signed by Hines Hatchette, manager of radio station WGAL, 8 West King Street, Lancaster, Pa., (with letter attached dated January 31, 1934.)

Letter signed by L. L. Hilliard, Manager of Radio Station KGKY, Scottsbluff, Nebr.

Letter signed by Cecil D. Mastin, Manager of Howitt-Wood Radio Co., Inc., radio station WNBF, Arlington Hotel, Binghamton, N.Y.

Letter signed by Raymond A. Gaul, director of the Reading Broadcasting Co., station WRAW, Reading, Pa.

Letter signed by George Roy Clough, Manager of radio station KLUF, 3327 Avenue P, Galveston, Tex.

Letter signed by Miss Ormah Carmean, program director of station KMA (Earl E. May Seed Co), Shenandoah, Iowa.

Letter signed by Raymond A. Gaul, Secretary-treasurer of Berks Broadcasting Co., radio station WEEU, Reading, Pa.

CONTINUATION OF THE TESTIMONY OF C. J. WOODWORTH

In order to shorten the hearing, at the suggestion of Judge Bland, chairman of the committee, the following testimony is inserted in the record of the committee on the subject of the interference of the Roman Catholic Hierarchy with radio stations broadcasting the messages of Jehovah's Witnesses by wrongful threats, coercion, and other improper influences, thus depriving stations of legitimate income and depriving American citizens of the privilege of hearing what they wish to hear.

We file an exhibit marked "9-X" as follows:

No. 15900

CERTIFICATE OF INCORPORATION

Know all men by these presents, that we, the undersigned, James Cardinal Gibbons, of Baltimore, Md., John J. Burke, of the District of Columbia, and George E. Hamilton, of the District of Columbia, being persons of full age, all of whom are citizens of the United States, and a majority of them residents of the District of Columbia, do by these presents, under the provisions of subchapter 3, of chapter 18, of the Code of Laws for the District of Columbia, organize ourselves into a body corporate, and so certify as follows:

First. That the name of the corporation is National Catholic Welfare Council.

Second. The term for which it is organized is perpetual

Third. The business and objects of this incorporation are to unify, coordinate, encourage, promote, and carry on all Catholic activities in the United States; to organize and conduct social-health welfare work at home and abroad; to aid in education; to care for immigrants; and generally to enter into and promote by instruction, publication, and direction the objects of its being.

Fourth. The number of trustees for the management of its business shall not be less than five, and the trustees for the first year of the existence of this corporation, and until their successors are appointed, are John J. Burke, Justin McGrath, William J. Kerby, Michael Williams, and Michael J. Slattery, all of the District of Columbia.

In testimony whereof, we, the undersigned incorporators have hereunto set our hands and affixed our seals on this 29th day of November in the year of our Lord one thousand nine hundred and twenty.

J. CARD GIBBONS.. [SEAL]
JOHN J. BURKE. [SEAL]
GEORGE E. HAMILTON. [SEAL]

Signed, sealed and delivered in the presence of:
WM. J. KERBY.
ALBERT E. SMITH.

STATE OF MARYLAND,
City of Baltimore, ss:

I, a Notary Public in and for the city and State aforesaid, do hereby certify that James Cardinal Gibbons, party to a certain certificate of incorporation, bearing date on the 29th day of November, A.D. 1920, and hereunto annexed,

personally appeared before me in said city, the said James Cardinal Gibbons being personally well known to me as the person who signed and executed the said certificate of incorporation, and acknowledged the same to be his act and deed.

Given under my hand and official seal this 29th day of November, A.D. 1920.

[SEAL] EUGENE J. CONNELLY.

DISTRICT OF COLUMBIA, *ss:*

I, Albert W. Sioussa, a notary public in and for the District aforesaid, do hereby certify that John J. Burke and George E. Hamilton, parties to a certain certificate of incorporation, bearing date on the 29th day of November, A.D. 1920, and hereunto annexed, personally appeared before me in said District the said John J. Burke and George E. Hamilton, being well known to me as the persons who signed and executed the said certificate of incorporation, and acknowledged the same to be their act and deed.

Given under my hand and official seal this 8th day of December, A.D., 1920.

[SEAL] ALBERT W. SIOUSSA,
Notary Public, D.C.

OFFICE OF THE RECORDER OF DEEDS,
District of Columbia.

This is to certify that the foregoing is a true and verified copy of the certificate of incorporation of the National Catholic Welfare Council and of the whole of said certificate of incorporation, as filed in this office the 9th day of December 1920 and recorded in Liber 36, folio 299, et seq., one of the incorporation records of the District of Columbia.

In testimony whereof, I have hereunto set my hand and affixed the seal of this office this 10th day of March, A. D. 1934.

JEFFERSON S. COAGE,
Recorder of Deeds, District of Columbia.

We offer a paragraph from the Catholic Register, Kansas City, Mo., June 22, 1933, page 4, column 3, as follows:

"Henry L. Caravati, executive secretary of the National Council of Catholic Men, has already had an informal discussion on this subject with Mr. Hanley of the Commission in Washington, D.C."

Page 4, column 2, as follows:

"A form of protest is to be made Sunday to the Federal Radio Commission requesting that Rutherford be denied the privilege of broadcasting his attacks on the clergy. The petition to the Commission is to be filed through the National Council of Catholic Men. * * *"

Page 4, column 3, as follows:

"If Catholic people in the immediate vicinity of the respective stations, especially those who know the officials of the stations, personally will call on them and point out the truth about this 'Holy Year' address next Sunday, we feel certain this offensive matter will be barred from the air in practically all cases. Where the station owners object to the financial loss incurred by breaking the contract, they should be made to understand that they stand to lose a great deal more by putting this speech on the air."

From the Sunday Watchman, a journal devoted to the interests of the Catholic Church of the United States, St. Louis, Mo., July 30, 1933. At the head of this paper is the following:

"In vain will you found missions and build schools if you are not able to wield the offensive and defensive weapons of a loyal Catholic press.—Pope Pius X."

At the head of this editorial column is the following notation:

"The power and influence of the Catholic press are so great that even the seemingly most insignificant activity in favor of the good press is always of great importance, because great results may come therefrom. Anything which you will do for the good press, I will consider as having been done for me personally. The Catholic press is very close to my heart and I expect much, very much from it.—Pope Pius XI."

On the first page, first column, of this issue, this paper has the following:

"The Midland Chemical Laboratories, of Dubuque, Iowa, whose president acknowledges on business stationery an interest in Judge Rutherford's broadcasts, manufactures soap and other cleaning compounds. These laboratories reserve space for exhibits of their products at the conventions of the Catholic Hospital Association of the United States and Canada. They solicit Catholic

patronage and use money thus obtained from Catholics to finance anti-Catholic movements. We ought not long submit to this arrangement. That's all, except for the word that it may not be necessary to look beyond our own city for other such proofs of so-called 'broadminded gentlemen' seeking Catholic business and using the profits from that business to disseminate anti-Catholic propaganda."

The Sunday Watchman, St. Louis, Mo., periodical no. 89, issue of August 6, 1933, page 1, column 1, paragraph 3 from the bottom reads as follows:

"Mr. Von Volkenburg, of KMOX, has acted in a boorish manner since Catholic individuals and organizations have registered protests against Rutherford's broadcasts. Let it be said that there has been enough of his temporizing. Let our Catholics in this trade area resolve that not one penny of their money will be spent with those firms which make Rutherford's broadcasts possible."

Same periodical, same issue, page 1, column 7, under the subhead, Advertisers to be Notified, appears the following:

"Griffin urged Catholic laymen to do their part in fighting these anti-Catholic attacks. A resolution made by him and passed at the meeting directs that the Archdiocesan Union have copies of the Watchman containing editorials and news articles in reference to broadcasting of the Watch Tower program sent to each advertiser of KMOX, and that each parish president be notified of the action being taken and advised to request at a special meeting that the members write letters of protest to KMOX and to the parent Columbia offices at New York."

The Catholic Bulletin, St. Paul, Minn., periodical no. 16, June 24, 1933, page 1, column 1, fourth and fifth paragraphs from bottom, read as follows:

"Leaving aside consideration of your station's duty, as a semipublic agency, to promote peace and concord and the general welfare of the community, I wish to point out that there are some 515,000 Catholic people in the State of Minnesota, and I suggest that it would be most unwise for a business depending wholly upon public good will to incur deliberately the resentment of such a large and highly respected body of opinion.

"I need not tell you what steps the Catholic people can take at once, for their own protection from unwarranted abuse and insult, against your station and against advertisers that support your station."

This paper at the head of many of its news items carries the notation "(N.C.W.C. News Service)." This is evidently intended to be the "National Catholic Welfare Council, Inc.", as heretofore set out in petitioner's exhibit 9–X. This paper announces that "It is the official publication of the archdiocese."

The Catholic Telegraph, Cincinnati, Ohio, periodical no. 95, August 10, 1933, page 4, column 6, fifth paragraph from the top, also the nineth, reads as follows:

"Additional protests will be made to WKRC this week, as Cincinnati Council and Archbishop Elder Council of the Knights of Columbus have directed their officers to notify WKRC that the broadcasts of Rutherford are an insult to all Catholics. The Bellarmine Society will also make protest to the station and copies of the protests will be filed with the Federal Radio Commission. * * *

"WKRC professes to be unable to break a contract with Rutherford. But at least one advertiser of WKRC was able to break away from the station without trouble on account of the Rutherford broadcasts. Mr. Mittendorf may obtain details by inquiring at the Telegraph office."

The Catholic Telegraph has an official column of the archdiocese and is authorized by Archbishop McNicholis to sell copies at all churches on Sunday. At the head of this paper is the following statement:

"Anything which you will do for the good press, I will consider as having been done for me personally. The Catholic press is very close to my heart.—Pope Pius XI."

Catholic Action of the South, official organ of the archdiocese of New Orleans, the diocese of Lafayette, La., and the diocese of Natchez, Miss., New Orleans, La., periodical no. 99, January 4, 1934, page 5, column 4, the editor, the Very Rev. Peter M. H. Wynhoven, states that on the previous Sunday night he sent the following telegrapm to Joseph H. Uhalt, president of WDSU, Uhalt Broadcasting Co.:

"Many requests today to take up Rutherford broadcast. Will do so unless discontinued at once. Kindly advise immediately. No use discussing this matter further as to correctness of your stand. Judging by reaction of your audience you made bad investment by accepting Rutherford contract for 6 months."

In the same open letter, same location in the periodical, the Very Rev. Wynhoven said to Mr. Uhalt: "We do not think that you want to continue your defiance of the united sentiment of many prominent Catholic organizations, with over 100,000 membership."

On the first page of the Catholic Action of the South under the head We Defy Sentiment United, an open letter to Joseph Uhalt, president WDSU, Uhalt Broadcasting Co.: "We warned you and other stations of being inadvertently led into contract under guise of 'Liberty and Tolerance'."

On the editorial page is the following statement: "Catholic Action of the South is a subscriber to the full N.C.W.C. News Service."

NOTE.—There were also submitted excerpts of like import from various other papers.

There were filed with the committee for consideration the following:

Copy of the Forum and Century, February 1934, with special reference to an article by Eddie Dowling in that issue entitled "Radio Needs a Revolution."

Also March 1934 issue of American Mercury, with especial reference to an article by Mitchell Dawson, entitled "Censorship on the Air".

Also the Golden Age, March 28, 1934, with especial reference to an article entitled "League of Nations—Anglo Papal Conquest of the United States."

Also reproduction of award of French Diploma by French Exposition Art-Commerce-Industry-Gastronomy-Hygiene-Expositions, organized for the welfare and with the help of Social Works of Charity placed under important and high political patronage, the Diploma of the Expositions in September and December, 1933, being delivered to the Watch Tower Bible and Tract Society.

Also affidavits of 43 persons in support of claim that National Broadcasting Co. and Columbia Broadcasting System had refused to carry the Watch Tower programs, that employees of Columbia Broadcasting System have influenced independently owned stations not to carry the Watch Tower programs; that others have wrongfully, by threats, coercion and other improper influence prevented many independent stations from broadcasting Watch Tower programs.

Also article in the Golden Age, March 1, 1933, concerning barring of Jehovah's Witnesses from Radio Stations in Canada.

Also excerpt from World Almanac, 1934, page 393, showing composition of the Federal Council of Churches of Christ in America, officer of the council, different departments of the organization and officials.

Also a list of broadcasting stations deleted by the Federal Radio Commission since its incorporation in 1927.

Also various newspaper clippings.

NOTE. The above clippings are among the committee records.

WITNESS A. R. GOUX, AT REQUEST OF CHAIRMAN BLAND, FILES AS A PART OF THE EVIDENCE IN THIS CASE THE FOLLOWING SUPPLEMENTARY STATEMENT AS TO REAL PROPERTIES

The work of Jehovah's Witnesses is directed from the general executive headquarters in Brooklyn, N.Y. Executive offices and living quarters used only by members of the headquarters staff are located at 122–126 Columbia Heights, Brooklyn; operating offices, printing and binding plants, and storage rooms are located at 117 Adams Street, Brooklyn; broadcasting plant and gardens for producing food only for members of headquarters staff are located at 1111 Woodrow Road, Richmond, N.Y., all of which property is valued at approximately a million dollars.

This property is used exclusively in accordance with and in furtherance of the corporate purposes; none of it is leased to others nor is any of it used directly or indirectly to produce pecuniary revenue or income for the holding organization or any individual member associated in its activities that are carried forward solely in the public interest.

Information as to individually-owned properties located in other places and which are used by some of the local groups of Jehovah's Witnesses in the pursuit of common activities in the respective localities is not available at the general offices in Brooklyn.

AMENDED STATEMENT

Filed with clerk of House Committee on the Merchant Marine, Radio, and Fisheries April 18, 1934, and which supersedes "supplementary statement" previously offered, reading as follows, excepting amended portion following the word "dollars" at end of paragraph 2:

The witness A. R. Goux, at request of Chairman Bland, files and asks to have included as a part of the evidence in this case the following supplementary statement as to real properties:

The work of Jehovah's witnesses is directed from the general executive headquarters in Brooklyn, N.Y. Executive offices and living quarters used only by

members of the headquarters staff are located at 122-126 Columbia Heights, Brooklyn; operating offices, printing and binding plants and storage rooms are located at 117 Adams Street, Brooklyn; broadcasting plant and gardens for producing food only for members of headquarters staff are located at 1111 Woodrow Road, Richmond, N.Y.; all of which property is valued at approximately a million dollars, mortgaged for $420,000.

This property is used exclusively in accordance with and in furtherance of the corporate purposes; none of it is leased to others nor is any of it used directly or indirectly to produce pecuniary revenue or income for the holding organization or any individual member associated in its activities that are carried forward solely in the public interest.

Information as to individually owned properties located in other places and which are used by some of the local groups of Jehovah's witnesses in the pursuit of common activities in the respective localities is not available at the general offices in Brooklyn.

THE COMPANIES ACT, 1908 AND 1913, UNLIMITED COMPANY, MEMORANDUM AND ARTICLES OF ASSOCIATION OF INTERNATIONAL BIBLE STUDENTS ASSOCIATION, INCORPORATED THE 30TH DAY OF JUNE 1914

A. J. Greenop & Co., Bush Lane House, Cannon Street, London, E.C.

MEMORANDUM OF ASSOCIATION

1. The name of the association is International Bible Students Association.
2. The registered office of the association will be situate in England.
3. The objects for which the association is established are:

(*a*) To promote Christian knowledge by the dissemination of Bible truths, orally and by the printed page, and by means of the distribution of Bibles and the printing and publication of Bible study helps, tracts, pamphlets, papers, and other religious documents, and by the use of all other lawful means which may seem to the council of the association directly or indirectly conducive to the furtherance of the above objects of the association.

(*b*) To purchase or otherwise acquire sketches, photographs, drawings, publications, manuscripts, notes, data, and memoranda bearing upon the above objects of the association and to print, publish, display, and distribute the same.

(*c*) To enter into any arrangement with any government or authority, supreme, municipal, local, or otherwise, and to obtain from any such government or authority all rights, concessions, or privileges that may seem conductive to the above objects or any of them.

(*d*) To promote any association or associations, whether limited or not, for the purpose of its or their acquiring all or any of the property, rights, and liabilities of the association, or for any other purpose which may seem, directly or indirectly, calculated to further the objects of the association.

(*e*) To purchase, take on lease or in exchange, hire, or otherwise acquire, and to sell, exchange, surrender, lease, mortgage, charge, convert, turn to account, dispose of, and deal with any estate or interest in any lands, buildings, easements, rights, privileges, mortgages, debentures, options, contracts, licenses, or other rights, and any real or personal property of any kind necessary or convenient for the attainment of the objects of the association mentioned in paragraph 3 (*a*) hereof, and to erect, construct, enlarge, alter, furnish, maintain, and improve buildings of all kinds.

(*f*) To make donations to such persons and in such cases, and either of cash or other assets, as may be thought directly or indirectly conducive to any of the objects of the association, or otherwise expedient, and to subscribe or guarantee money for charitable or benevolent objects, or for any exhibition, or for any public, general, or other objects, and to grant pensions and allowances and to make payments toward insurance.

(*g*) To borrow or raise, or secure the payment of money in such manner as the association shall think fit.

(*h*) To pay out of the funds of the association all expenses of or incident to the formation and registration of the association.

(*i*) To do all such other things as are incidental or conducive to the attainment of the above objects.

Provided that the association shall not support with its funds or endeavor to impose on or procure to be observed by its members, or others, any regulation, restriction, or condition which if an object of the association would make it a trade union.

Provided also that in case the association shall take or hold any property subject to the jurisdiction of the charity commissioners or board of education for England and Wales, the association shall not sell, mortgage, charge, or lease the same without such authority, approval, or consent as may be required by law and as regards any such property the managers or trustees of the association shall be chargeable for such property as may come into their hands and shall be answerable and accountable for their own acts, receipts, neglects, and defaults, and for the due administration of such property in the same manner and to the same extent as they would as such managers or trustees have been if no incorporation had been effected, and the incorporation of the association shall not diminish or impair any control or authority exercisable by the chancery division, the charity commissioners, or the board of education over such managers or trustees, but they shall, as regards any such property, be subject jointly and separately to such control or authority as if the association were not incorporated. In case the association shall take or hold any property which may be subject to any trusts, the association shall only deal with the same in such manner as allowed by law, having regard to such trusts.

4. The income and property of the association, whencesoever derived, shall be applied solely toward the promotion of the objects of the association as set forth in this memorandum of association, and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus, or otherwise howsoever by way of profit, to the members of the association.

Provided, That nothing herein shall prevent the payment, in good faith, of reasonable and proper remuneration to any officer or servant of the association, or to any member of the association, in return for any services actually rendered to the association, nor prevent the payment of interest at a rate not exceeding 5 percent per annum on money lent or reasonable and proper rent for premises demised or let by any member to the association, but so that no member of the council of the association shall be appointed to any salaried office of the association, or any office of the association paid by fees, and that no remuneration or other benefit in money or money's worth shall be given by the association to any member of such council or governing body except repayment of out-of-pocket expenses and interest at the rate aforesaid on money lent or reasonable and proper rent for premises demised or let to the association:

Provided, That the provision last aforesaid shall not apply to any payment to any railway, gas, electric-lighting, water, cable, or telephone company of which a member of the council of management or governing body may be a member or any other company in which such member shall not hold more than one-hundredth part of the capital, and such member shall not be bound to account for any share of profits he may receive in respect of any such payment.

5. If upon the winding-up or dissolution of the association there remains any property whatsoever after the satisfaction of all its debts and liabilities, and after the repayment to the holders of the shares of the association the amount paid up thereon, the same shall not be paid to or distributed among the members of the association but shall be given or transferred to some other institution or institutions, having objects similar to the objects of the association, such institution or institutions to be determined by the members of the association at or before the time of dissolution, or in default thereof by such judge of the high court of justice as may have or acquire jurisdiction in the matter, and if and so far as effect cannot be given to the aforesaid provision, then to some charitable object.

We, the several persons whose names are subscribed are desirous of being formed into a company in pursuance of this memorandum of association, and we respectively agree to take the number of shares in the capital of the company set opposite our respective names.

Names, addresses, and descriptions of subscribers:	Shares taken by each subscriber
J. Hemery, 34 Craven Terrace, W., Minister of the Gospel	3
H. J. Shearn, 34 Craven Terrace, W., minister of the gospel	3
W. Crawford, 34 Craven Terrace, W., accountant	3
J. F. Rutherford, 34 Craven Terrace, W., American counsellor at law	3

Dated this 29th day of June 1914.

Witness to the above signatures:

ERNEST H. NEVILLE,
Clerk to A. J. Greenop & Co., Solicitors,
London, E. C. (B 3793).

A true copy.

F. GREENWOOD.
Registrar of Companies.

ARTICLES OF ASSOCIATION

(Table A excluded)

1. The regulations of table A in the first schedule to the Companies (Consolidation) Act 1908 shall not apply to the association, but the following shall be the regulations of the association.

INTERPRETATION

2. These articles shall be construed with reference to the provisions of the Companies Act 1908 and 1913 or any statutory modification thereof in force at the time when these regulations became binding on the association, and unless there be something in the subject or context inconsistent therewith—

"The Association" means the above-named association.

"The Council" means the persons for the time being occupying the position of directors of the association.

"In writing" means written or printed, or partly written or partly printed.

Words importing the singular number only, include the plural number and vice versa.

Words importing the masculine gender only, shall include the feminine gender.

Words importing persons include firms and corporations.

Subject as aforesaid any words or expressions defined in the statutes shall, except where the subject or context forbids, bear the same meanings in these articles.

OBJECTS

3. The association is established for the purposes expressed in the memorandum of association.

CAPITAL

4. The capital of the association is £100, divided into 100 shares of £1 each.

ALTERATION OF CAPITAL

5. The council may, with the sanction of an extraordinary resolution of the association, increase the share of capital by such sum, to be divided into shares of such amount, as the resolution shall prescribe.

PRIVATE COMPANY

6. The association is a "private company" within the meaning of the Companies Acts 1908 and 1913, and accordingly (a) no invitation shall be issued to the public to subscribe for any shares, debentures or debenture stock of the association; (b) the number of the members of the association (exclusive of persons who are in the employment of the association and of persons who having been formerly in the employment of the association were while in such employment and have continued after the determination of such employment to be members of the association) shall be limited to 50, and (c) the right to transfer the shares of the association is restricted in manner and to the extent hereinafter appearing.

SHARES

7. The shares shall be at the disposal of the council, and they may allot or otherwise dispose of them to such persons at such times and generally on such terms and conditions as they think proper, provided that no shares shall be issued at a discount.

8. No person shall be recognized by the association as holding any share upon any trust, and the association shall not be bound by or recognize any equitable contingent, future or partial interest in any share or any interest in any fractional part of a share, or any other right in respect of any share except an absolute right to the entirety thereof in the registered holder.

9. No part of the funds of the association shall be employed in the purchase or in loans on the security of the shares of the association.

CALLS ON SHARES

10. The council may, subject to any conditions of allotment, from time to time make such calls upon the members in respect of all moneys unpaid on their shares as they may think fit, provided that 7 days' notice at least is given of each call,

and each member shall be liable to pay the amount of every call so made upon him to the persons and at the times and places appointed by the council. A call may be made payable by instalments. A call shall be deemed to have been made as soon as the resolution of the council authorizing such call shall have been passed.

TRANSFER OF SHARES

11. No transfer of any share in the capital of the association shall be registered without the previous sanction of the council, who may, without assigning any reason, decline to give any such sanction, and shall so decline in the case of any transfer the registration of which would involve a contravention of article 6 hereof. The council may also suspend the registration of transfer during the 14 days immediately preceding the ordinary general meeting in each year.

GENERAL MEETINGS

12. A general meeting shall be held once in each year at such time (not being more than 15 months after the holding of the last preceding general meeting) and place as the council shall appoint.

13. The business of the meeting shall be—

(a) To receive the report of the council.

(b) To receive and adopt the balance sheet of the association.

(c) To elect the council for the ensuing year.

(d) To elect an auditor or auditors, and

(e) To transact such other business as shall be specified in the notice convening the meeting.

EXTRAORDINARY GENERAL MEETINGS

14. The council shall have power to convene at any time an extraordinary general meeting of the members of the association, and at such meeting no matters shall be taken into consideration except those specified in the notice convening the same.

PROCEEDINGS AT GENERAL MEETINGS

15. Seven days' notice at least (exclusive of the day on which the notice is deemed to be served, but inclusive of the day on which the notice is given) specifying the place, the day and hour of the meeting, and in case of special business the general nature of the business shall be given of all general meetings in manner hereinafter mentioned to all the members of the association, but the non-receipt of the notice by any member shall not invalidate the proceedings at any general meeting.

16. Three members personally present shall be a quorum for all general meetings.

17. If within half an hour from the time appointed for the meeting a quorum is not present, the meeting, if convened upon the requisition of members, shall be dissolved, in any other case it shall stand adjourned to the same day in the next week, at the same time and place, and, if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the members present shall be a quorum.

18. At any general meeting a resolution put to the vote of the meeting shall be decided on a show of hands, unless a poll is (before or on the declaration of the result of the show of hands) demanded by at least three members, and unless a poll is so demanded, a declaration by the chairman that a resolution has, on a show of hands, been carried, or carried unanimously, or by a particular majority, or lost, and an entry to that effect in the book of the proceedings of the association, shall be conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favor of, or against, that resolution.

19. If a poll is duly demanded it shall be taken in such manner as the chairman directs, and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.

20. In the case of an equality of votes, whether on a show of hands or on a poll, the chairman of the meeting at which the show of hands takes place or at which the poll is demanded, shall be entitled to a second or casting vote.

VOTE OF MEMBERS

21. On a show of hands every member present in person shall have 1 vote. On a poll every member shall have 1 vote for each share of which he is the holder.

22. On a poll votes may be given either personally or by proxy.

23. The instrument appointing a proxy shall be in writing under the hand of the appointor or of his attorney, duly authorized in writing, or, if the appointor is a corporation either under the common seal or under the hand of an officer or attorney so authorized. No person shall act as a proxy unless either he is entitled on his own behalf to be present and vote at the meeting at which he acts as proxy, or he has been appointed to act at that meeting as proxy for a corporation.

24. The instrument appointing a proxy and the power of attorney or other authority, if any, under which it is signed, or a notarially certified copy of that power or authority shall be deposited at the registered office of the association, not less than 48 hours before the time for holding the meeting at which the person named in the instrument proposes to vote, and in default the instrument of proxy shall not be treated as valid.

25. An instrument appointing a proxy may be in the following form, or in any other form which the council shall approve:

"*International Bible Students Association:*

"I, ——— ———, of ——— ———, in the county of ———, being a member of the International Bible Students Association, hereby appoint ——— ———, of ——— ———, as my proxy, to vote for me and on my behalf at the (ordinary or extraordinary, as the case may be) general meeting of the association, to be held on the —— day of ———, and at any adjournment thereof.

"Signed the —— day of ———, 19—."

COUNCIL AND MANAGEMENT

26. Until otherwise determined by a general meeting, the number of members of the council shall not be less than 2 nor more than 5. The first members of the council shall be determined in writing by a majority of the subscribers of the memorandum of association, and the p. rsons so elected shall hold office until the ordinary general meeting in the year 1915, when they shall all retire. A retiring member of the council shall be eligible for reelection, and shall act as a member of the council throughout the meeting at which he retires.

27. The qualification of a member of the council shall be the holding of at least one share in the association, and it shall be his duty to comply with the provisions of section 73 of the Companies (Consolidation) Act 1908.

28. The continuing members of the council may act at any time, notwithstanding any vacancy in their body, provided always that in case the members of the council shall at any time be reduced in number to less than two it shall be lawful for the remaining member of the council to act for the purpose of filling up vacancies in the council or summoning a general meeting of the association, but not for any other purpose.

29. The council shall from time to time elect a president, who shall preside as chairman at all general or other meetings of the association and of the council, and a vice president, who shall preside as chairman in the absence of the president. If at any meeting the president and vice president be not present within 10 minutes after the time appointed for holding the same, the members of the council present may choose one of their number to be chairman of such meeting.

30. Two members of the council shall form a quorum.

31. The council shall, subject to the regulations of these articles, have power to frame regulations for their own government, to appoint subcommittees, and to delegate to them any of the powers of the council.

32. The council shall have power to fill up any vacancy in the council, and any member so elected shall retain office until the next general meeting, when he shall be eligible for reelection.

33. The council shall have the management and application of the funds and other property of the association, and generally the management of all the affairs and concerns of the association.

DISQUALIFICATION OF MEMBERS OF COUNCIL

34. The office of a member of the council shall be vacated—

(1) If by notice in writing to the association he resigns the office of a member of the council.

(2) If he absents himself from the meetings of the members of the council during a continuous period of 6 months without special leave of absence from the council, and they pass a resolution that he has by reason of such absence vacated office.

(3) If the members at an extraordinary general meeting pass a resolution calling upon him to resign his office.

BORROWING

35. The council may at any time borrow or raise for the purposes of the association, from the members of the council or ordinary members or any other persons, such sums of money and at such rates of interest as the council may think proper and may secure the repayment of such sums by mortgage or charge upon the whole or any part of the property or assets of the association in such manner and upon such terms and conditions and with such security as the council shall determine.

THE SEAL

36. The common seal of the association shall, unless otherwise determined by the council, not be affixed to any instrument of the association except by the authority of a resolution and in the presence of at least two members of the council, and such members shall sign every instrument to which the seal shall be affixed in their presence and in favor of any person bona fide dealing with the association such signatures shall be conclusive evidence of the fact that the seal has been properly affixed.

INDEMNITY

37. The members of the council and other officers for the time being of the association and the trustees (if any) for the time being acting in relation to any affairs of the association and every one of them and each and all of their heirs, executors, and administrators shall be indemnified and secured harmless out of the assets of the association from and against all actions, costs, charges, losses, damages, and expenses which they or any of their heirs, executors, and administrators shall or may incur or sustain by or by reason of any act done, concurred in, or omitted in or about the execution of their duties in their respective offices or trusts, except such (if any) as they shall incur or sustain by or through their own willful neglect or default, respectively, and none of them shall be answerable for the acts, receipts, neglects, or defaults of the other or others for them or for joining in any receipt for the sake of conformity or for any bankers or other persons with whom any moneys or effects belonging to the association shall or may be lodged or deposited for safe custody or for the insufficienty of or any deficiency in any security upon which any moneys of or belonging to the association shall be placed out or invested or for any other loss, misfortune, or damage which may happen in the execution of their respective offices or trusts or in relation thereto, except the same shall happen by or through their own willful neglect or default respectively.

ACCOUNTS

38. The council shall cause true accounts to be kept—

(a) Of the sums of money received and expended by the association and the matter in respect of which such receipts and expenditures take place; and

(b) Of the assets and liabilities of the association.

39. The books of account shall be kept at the registered office of the association or at such other place as the council from time to time determine and shall be always open to the inspection of the members of the council.

40. A balance sheet shall be made out in every year and laid before the association in general meeting, made up to a date not more than 6 months before such meeting.

AUDIT

41. Auditors shall be appointed and their duties regulated in accordance with sections 112 and 113 of the Companies (Consolidation) Act 1908, or any statutory modification thereof for the time being in force.

NOTICES

42. A notice may be given by the association to any member, either personally or by sending it by post to him to his registered address, or (if he has no registered address in the United Kingdom) to the address, if any, within the United Kingdom supplied by him to the association for the giving of notices to him.

43. Where a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing, prepaying, and posting a letter containing the notice and unless the contrary is proved to have been effected at the time at which the letter would be delivered in the ordinary course of post.

44. If a member has no registered address in the United Kingdom and has not supplied to the association an address within the United Kingdom for the giving of notices to him, a notice addressed to him at the registered office of the association shall be deemed to be duly given to him at the time at which the letter shall be delivered to the registered office of the association.

We, the several persons whose names and addresses are subscribed, agree to take the number of shares in the capital of the association set opposite our respective names.

Names, addresses, and descriptions of subscribers:	*Shares taken by each subscriber*
J. Hemery, 34 Craven Terrace, W., minister of the Gospel	3
H. J. Shearn, 34 Craven Terrace, W., minister of the Gospel	3
W. Crawford, 34 Craven Terrace, W., accountant	3
J. F. Rutherford, 34 Craven Terrace, W., American counsellor at law	3

Dated this 29th day of June 1914.

Witness to the above signatures—

ERNEST H. NEVILLE,
Clerk to A. J. Greenop & Co., Solicitors, London, E.C.

A true copy:

F. GREENWOOD,
Registrar of Companies.

CERTIFICATE OF EXTENSION OF CORPORATE PURPOSES AND POWERS OF PEOPLES PULPIT ASSOCIATION, PURSUANT TO SECTION 30 OF THE MEMBERSHIP CORPORATION LAW

First.—The name of the corporation is "Peoples Pulpit Association."

Second.—The certificate of incorporation was filed on March 4, 1909, in the office of the secretary of state of the State of New York, and in the office of the county clerk of the county of Kings, on the 9th day of March 1909.

Third.—The purposes and powers of the corporation are hereby extended by adding to the statement thereof a further statement to read as follows: "The operation of a radio broadcasting station in interstate commerce to carry out the present purposes and powers of the corporation."

In witness whereof, we have made and subscribed this certificate, this 30th day of July 1932.

[SEAL] JOSEPH F. RUTHERFORD, *President.*
Arthur R. GOUX, *Secretary.*

STATE OF NEW YORK, *County of Kings, ss:*

On this 30th day of July 1932, before me personally came Joseph F. Rutherford and Arthur R. Goux, to me known and known to me to be the persons described in and who executed the foregoing certificate, and they severally duly acknowledge to me that they executed the same.

[SEAL] DONALD HASLETT, *Notary Public.*

Commission expires March 30, 1933.

I John H. McCooey, Jr., a justice of the Supreme Court of the State of New York, for the Second Judicial Department, do hereby approve of the extension of the corporate purposes and powers contained in the within certificate of extension of corporate purposes and powers of Peoples Pulpit Association, pursuant to section 30 of the membership corporation law, and consent that the same be filed.

Dated August 22, 1932.

JOHN H. McCOOEY, Jr.,
Justice of the Supreme Court.

AFFIDAVIT

STATE OF NEW YORK, *County of Kings, ss:*

Joseph F. Rutherford and Arthur R. Goux, being severally duly sworn, do depose and say, and each for himself deposes and says, that he, the said Joseph F. Rutherford, is the president of Peoples Pulpit Association, and he, the said Arthur R. Goux, is the secretary thereof.

That they have been authorized to execute and file the foregoing certificate by the concurring vote of the majority of the members of the corporation present at

a special meeting held upon notice, pursuant to section 43 of article 5 of the membership corporation law, supplement of 1932, and that such votes were cast at a special meeting held at 124 Columbia Heights, in the Borough of Brooklyn, city and State of New York, on the 30th day of July 1932.

JOSEPH F. RUTHERFORD.
ARTHUR R. GOUX.

Sworn to before me this 30th day of July 1932.
[SEAL] DONALD HASLETT, *Notary Public.*
Commission expires March 30, 1933.

STATE OF NEW YORK, *Department of State, ss:*

I certify that I have compared the preceding copy with the original certificate of amendment of certificate of incorporation of Peoples Pulpit Association, filed in this department on the 29th day of August 1932, and that such copy is a correct transcript therefrom and of the whole of such original.

Witness my hand and the official seal of the department of state at the city of Albany, this 28th day of February 1934.
[SEAL]

FRANK S. SHARP,
Deputy Secretary of State.

PEOPLES PULPIT ASSOCIATION

CERTIFICATE OF PRESIDENT AND SECRETARY

We, the undersigned, Charles T. Russell, president, and Edward W. Brenneisen, secretary of the Peoples Pulpit Association, a corporation heretofore duly created and organized under the membership corporation law of the State of New York, do hereby certify as follows:

That a special meeting of the members of such corporation was duly called for the purpose of acting upon the proposition of extending the corporate purposes of this corporation pursuant to section 4 of the membership corporation law, which said meeting was held on the 19th day of November 1912, agreeable to said call.

That at such meeting there were present 33 members of such corporation, the total membership of such corporation being 41 members.

That the following resolution was offered, to wit:

"*Resolved*, That the purpose and powers of the Peoples Pulpit Association be extended, as follows, to wit: charitable, benevolent, scientific, historical, literary, and religious purposes, and for the purpose of maintaining and conducting classes for the gratuitous instruction of men and women, on the premises or by mail, in the Bible, Bible literature and Bible history, and for the gratuitous teaching, training, and preparing of men and women as teachers, and as lecturers on the Bible and preachers of the Gospel, and to provide and maintain a home, place, building, or buildings for the gartuitous housing, sheltering, and boarding of such students, lecturers, teachers, and ministers, and to gratuitously furnish to such students, lecturers, teachers, and ministers suitable meals and lodging, and to prepare, support, maintain, and send out to various parts of the world religious missionaries, teachers, and instructors in the Bible and Bible literature, and for public religious worship, and for the purpose of the publication and distribution of Bibles and Bible and religious literature; and that the directors of this corporation be authorized and directed to execute and file a certificate pursuant to section 4 of the membership corporation law, and to take such other and further steps as may be necessary and proper.

That said resolution was duly adopted by the concurring vote of 33 members of such corporation, being all of the members present, and voting at such meeting, and being more than a majority of all the members of said association.

Dated at Brooklyn, N.Y., this 19th day of November 1912.

C. T. RUSSELL,
President.
E. W. BRENNEISEN,
Secretary.

STATE OF NEW YORK,
County of Kings, ss.

Charles T. Russell, president, and E. W. Brenneisen, secretary, being severally duly sworn, each deposes and says, that the said Charles T. Russell is president