



## Abba Hillel Silver Collection Digitization Project

Featuring collections from the Western Reserve Historical Society and  
The Jacob Rader Marcus Center of the American Jewish Archives

### **MS-4787: Abba Hillel Silver Papers, 1902-1989.**

Series III: Personal Correspondence, 1914-1964, undated.

Sub-series A: Chronological, 1914-1964.

---

Reel  
137

Box  
48

Folder  
249b

Personal correspondence, 1951 January-March.

February 26, 1951

Rabbi J. Marshall Taxay  
133 Merriman Road  
Akron 3, Ohio

My dear Taxay:

Thank you for your thoughtfulness and lack of consideration in sending me the Mayo diet. Even the reading of it gave me the shudders.

I was very happy to have seen you here at The Temple. You made a splendid contribution to the symposium, and the audience was delighted with you. Many thanks.

With warmest regards, I remain

Most cordially yours,

ABBA HILLEL SILVER

AHS:er



February 27, 1951

Rabbi Leon I. Feuer  
2335 Collingwood Avenue  
Toledo 10, Ohio

My dear Leon:

Thank you so much for your note and for the information which you conveyed that Leon Jr. has applied for admission to the Hebrew Union College. I am delighted to learn of it and I am sure that when the College inquires about him from me, I will give him the kind of a send-off which will not hurt his chances of admission.

Virginia joins me in sending her love to you and Hortense. With warmest regards, I remain

As ever yours,

ABBA HILLEL SILVER

AHS:er

February 27, 1951

Mr. I. Vinograd  
General Zionists Organization  
33, King George Street  
Tel-Aviv, Israel

My dear Mr. Vinograd:

This letter will introduce to you my friends, Mr. and Mrs. Louis Kux, who plan to be in Israel from April 7th through April 15th. The Kux' are prominent members of our community and long-time friends of the Zionist cause. Their stay in Israel is unfortunately limited, but they would like to see as much of the country as possible, especially some of the newer settlements, industries, etc. Any help which you can give them would be deeply appreciated by me.

With warmest regards, I remain

Most cordially yours,

ABBA HILLEL SILVER

AHS:er

February 27, 1951

Mr. and Mrs. Louis Kux  
16300 South Moreland  
Cleveland, Ohio

My dear Friends:

I am enclosing herewith a letter to Mr. I. Vinograd who is the Director of the General Zionists Organization in Israel. I am confident that he will do his best to make your visit to Israel a very interesting one.

With warmest regards and all good wishes for a pleasant trip, I remain

Most cordially yours,

ABBA HILLEL SILVER

AHS:er  
Enc.

[ February 1951? ]

PAUL ALAN DRUMMER  
225 WOLFF STREET  
RACINE, WISCONSIN

Rabbi Silver  
Cleveland, Ohio

Dear Rabbi Silver,

Heard a splendid talk recorded by you and  
broadcast Sunday, Feb. 18 in the interest of  
Brotherhood Week.

The point in your thesis which particularly  
impressed me was your view that the dignity  
and importance of individual man is sacred,  
because man is created in God's image  
and likeness.

Orthodox Christianity spends much of its energy  
trying to convince man that he is sinful  
by nature. Then having done this, it condemns  
him for sinning. Such a concept, that  
man's natural being is bad, sinful, hateful,  
greedy, etc. cannot form the basis for  
brotherhood or unity, because it sows seeds

of suspicion, doubt, antagonism and so forth towards ones fellow man.

Man must be revealed as Gods image, and as we strive to show forth by "reflection" the divine qualities we image, brotherhood, love, peace will be found more in evidence.

My thanks to you for expressing so lucidly the importance of revealing man in Gods image, rather than the negative, "sinful" man so often propagated from the pulpit.

I have found "Science and Health" by Mary Baker Eddy a tremendous help in seeking to uncover the man in Gods image, and making this basic truth practical and demonstrable.

Sincerely,  
Paul A. Drumme

## Darius Milhaud Concert

Karp

Attracting a large audience in spite of very inclement weather, the first concert performance of Darius Milhaud's Sacred Service was a musical event of outstanding importance. The program and planning was under the general direction of Mr. Frederick Lechner, our Cantor. The augmented choir was led by Mr. Lazar Weiner with Mr. Richardson at the organ. Dr. Wise read the narrative portions from the Union Prayer Book. Following are some of the press reviews:

### NEW YORK TIMES:

"A musical service of devout and moving beauty was heard in a concert version at Central Synagogue. . . . The performance, both as a totality and in detail, could hardly have been bettered.

The music flowed straight to the heart. . . . It was the pronouncement of a strong spirit which belongs to all ages".

### NEW YORK HERALD TRIBUNE:

"Any period of devotion would be adorned by music so lovely and soothing, so apt in prosody and so uncommonly congenial to a reflective, unostentatious religious spirit. There is not a note that is inappropriate to the Synagogue."

In addition to the above, a number of reviews appeared in the foreign language press, French and German.



Musical America, February, 1951. Review of performance of the  
Milhaud Sacred Service at the Central Synagog, New York, on 1-14-51

The first New York performance of Darius Milhaud's Sacred Service was a laudable enterprise. Composed in 1948, the work is one of the composer's major products of the last few years. In the music of Milhaud, who is perhaps one of the most prolific composers of our day, we cannot expect to find new materials or surprises in style. What counts in his works is not their novelty but the quality of their lyrical ideas.

Each section of the Sacred Service is a small masterpiece of lyrical invention. It consists of twenty vocal settings and six spoken prayers with organ accompaniment (which through their functional aim do not need structural developments), and is a continuously inspired work. The work as a whole is meditative, with no hint of illustrative or dramatic effects. Whether Milhaud employs traditional Hebrew materials or turns to materials from his native Provence, and whether he develops these materials in a sparing polytonal and polyphonic manner or in terms solely of basic harmony, the Sacred Service is outspokenly French in character, and creates an atmosphere reminiscent of Faure's Requiem.

Especially noteworthy are the *Locho Dedi* and *Vechavtoh*, with their characteristic Provencal accompaniments; the *Kedusha* (the equivalent of the Catholic *Sanctus*), with its joyous atmosphere; and the *Etz Chayim* and *Adon Olom*. The static, meditative accompaniments to the spoken prayers are especially effective.

Apart from its musical values, the Sacred Service should also be viewed as Jewish Liturgical music, which has long been enclosed in a ivory tower of traditionalism. The Sacred Service is one of those rare works that greatly enrich not only the liturgy but also the general musical literature of our day.

A devoted performance was given by Frederick Lechner, baritone; the augmented choir of the Central Synagogue, under the expert direction of Lazar Weiner; Alexander D. Richardsor, organist; and Rabbi Jonah B. Wise, reader. The only regret was that the version presented was not the orchestral one.

For Rabbi Silver:

Thought you might like to see the above. Kindly retain for possible press work in May Bulletin and newspapers.

ARW

[February 1951]

# MAYO CLINIC DIET

2 weeks

(Repeat 2 months later)

Breakfast: Exactly the same every morning

Grapefruit                      2 eggs                      Coffee or tea

\*\*\*

Monday - Lunch                      2 eggs - tomatoes (preferably cooked) - coffee or tea

Dinner                      2 eggs - combination salad - piece dry toast - grapefruit - coffee  
or tea

\*\*\*

Tuesday - Lunch                      2 eggs - grapefruit - coffee or tea

Dinner -                      Tomatoes, lettuce, celery, cucumbers  
olives, - steak - coffee or tea

\*\*\*

Wednesday - Lunch                      2 eggs, tomatoes, spinach, coffee or tea

Dinner                      2 lamb chops, celery, cucumber, tomato - coffee or tea

\*\*\*

Thursday - Lunch                      Combination salad - grapefruit, coffee or tea

Dinner -                      2 eggs, cottage cheese, spinach, 1 piece dry toast, coffee or tea

\*\*\*

Friday - Lunch                      2 eggs, spinach, coffee or tea

Dinner                      Fish, combination salad, 1 piece dry toast, coffee or tea

\*\*\*

Saturday - Lunch                      Fresh fruit salad - nothing else

Dinner                      Plenty of steak - celery, tomatoes, cucumbers, coffee or tea

\*\*\*

Sunday - Lunch                      Cold chicken - tomatoes - grapefruit

Dinner                      Chicken, cooked cabbage

tomatoes, carrots, celery - (veg. soup) Grapefruit,  
coffee or tea

\*\*\*



[ February 1951 ]

Dr. A. H. Silver  
The Temple  
105th St. at Ansel Rd.  
Cleveland, Ohio

Mrs. Silver may thank me, you certainly  
not. It really isn't very hard though.

WILLIS  
© 330  
J. P. Marshall / *apay*

Substitutes - Follow this diet carefully for 2 weeks. only, not only abstaining from anything not included in it but also eating what is assigned rather than going without. Vegetables - without butter, Salads - without oil, Grapefruit - without sugar, plain tea or coffee, Lean parts of steak and chops.

For best results, start on a Monday. Weight loss may be from 10 to 20 lbs. in 2 weeks. Do not follow for more than 2 weeks. Repeat in two months. To keep from regaining, simply cut down on meals in general and starches and sweets in particular.

Canned grapefruit may be used if unsweetened.

\*\*\*\*



# ROSEN TOURS

1196 BROADWAY  
NEW YORK 1, N. Y.



PASSENGER DEPARTMENT

March 1st, 1951

Miss Elizabeth Rice  
Secretary to Dr. Silver  
The Temple  
East 105th Street at Ansel Road  
Cleveland, Ohio

Dear Miss Rice:

Thanks very much indeed for your letter dated February 27th in which you request reservations for Dr. and Mrs. Silver and their friends.

The "QUEEN MARY" is scheduled to sail from New York on June 29th and I believe that this is the sailing suitable for Dr. and Mrs. Silver. For your information I have immediately communicated with the management of the line and I have contracted for two outside rooms with private bath for the Doctor and his friends. *Friday*

I believe that the Doctor and his party are going to the Zionist Congress and the purpose of making this query is to find out approximately what their itinerary will be so that arrangements could be made for transportation from Paris to Israel. At the same time I would ask you to be good enough to find out from Dr. Silver approximately when he intends to return so that I can protect him with return passage from Europe.

I would like to take the opportunity to ask you to give Dr. and Mrs. Silver my best wishes and assure them that I am always happy to be at their service and at the same time I wish also to thank you for having me in mind from time to time.

Very truly yours,

ROSEN TOURS

*Asa Rosen*

March 2, 1951

Mr. Herman Passmaneck  
Y.M. & W.H.A.  
315 So. Bellefield  
Pittsburgh 13, Pa.

My dear Mr. Passmaneck:

I am very happy to learn that you and Mrs. Passmaneck intend to visit Israel over the Passover holidays. I am sure that you will greatly enjoy your visit and your holiday. I am pleased to enclose herewith two letters of introduction which I hope will be helpful to you.

With all good wishes for a very pleasant visit, I remain

Most cordially yours,

ABBA HILLEL SILVER

AHS:or  
Enc. 2

March 2, 1951

Miss Esther Herlitz  
Foreign Office  
Government of Israel  
Tel Aviv, Israel

My dear Miss Herlitz:

The bearer of this note, Mr. Herman Passamaneck, has recently celebrated his twenty-fifth anniversary as Executive Director of the Young Men's and Women's Hebrew Association of Pittsburgh. In honor of this occasion his Board is sending him and his wife for a period of rest and study in Israel. Mr. Passamaneck has been among the foremost leaders in the field of social service in the United States, and particularly in the field of the Y.M.H.A. movement and activities. His institution in Pittsburgh is one of the most representative in the United States. He has always been most cooperative in all matters pertaining to the upbuilding of the Jewish state.

Mr. Passamaneck would like to make his stay in Israel as profitable and as informative as possible. Every courtesy which you might extend to him and to Mrs. Passamaneck will be deeply appreciated.

With all good wishes, I remain

Most cordially yours,

ABBA HILLEL SILVER

ANS:er

March 2, 1951

Mr. I. Vinograd  
General Zionists of Israel  
33 King George Street  
Tel Aviv, Israel

My dear Mr. Vinograd:

The bearer of this note, Mr. Herman Passamaneck, has recently celebrated his twenty-fifth anniversary as Executive Director of the Young Men's and Women's Hebrew Association of Pittsburgh. In honor of this occasion his Board is sending him and his wife for a period of rest and study in Israel. Mr. Passamaneck has been among the foremost leaders in the field of social service in the United States, and particularly in the field of the Y.M.H.A. movement and activities. His institution in Pittsburgh is known as one of the most representative in the United States. He has always been most cooperative in all matters pertaining to the upbuilding of the Jewish state.

Mr. Passamaneck would like to make his stay in Israel as profitable and as informative as possible. Every courtesy which you might extend to him and to Mrs. Passamaneck will be deeply appreciated.

With all good wishes, I remain

Most cordially yours,

ABRA HILLEL SILVER

AHS:er



March 2, 1951

Mr. Adam Rosen  
1196 Broadway  
New York 1, New York

Dear Mr. Rosen:

Thank you for your letter of March 1st. Dr. Silver feels that June 29th is too late for them to sail. As I wrote you, he will be free to sail any time after June 24th. Is there a sailing of some other ship on June 25th or 26th - perhaps the America? I would appreciate your advising me at once of other possibilities.

The Zionist Congress is scheduled to open on July 11th and Dr. Silver would like to arrive there about a week ahead, so that if they could arrive in Paris early in the week of July 1st, they would remain there a couple of days and then fly to Israel. Incidentally, Mr. and Mrs. A. M. Luntz, the couple who is accompanying the Silvers, will not be flying from Paris so that you will only be making plane reservations for Dr. and Mrs. Silver. As soon as I hear from you again regarding sailing from New York, I shall advise Mr. Luntz to determine his plans.

I believe they will all want to stay at the Hotel Maurice in Paris. As for their return reservations, they are not yet certain when that will be.

With many thanks for your assistance, I am

Sincerely yours,

Secretary to Dr. Silver


Cleveland, Ohio  
Mar. 4, 1951

Rabbi A. H. Silver  
The Temple  
105 St. and Ansel Rd.


Dear Rabbi Silver,

I have just been listening to Dr. Vannevar Bush over the radio telling the pros and cons of defense and offense by means of death dealing weapons. It is, I know you agree, ferocious business. My own idea is that if we can draw upon the tremendous constructive and sacrificing lives of the past through works they have left to us we will not need to engage in overwhelming destruction of life and material resources in the present. You were so good as to say to me over the phone a few weeks ago that my Plain Dealer drawings were lovely. You were not then, I know, intending to say anything explicit, and perhaps would not rule out that my work has properties capable of dealing with great values - that I have referred to above. I think, too, as you did in your lecture of two or three weeks ago, of the outlook for young people. The effects upon them of technological developments as they whittle away their sense of values even those of Jewish life, as it does those of the whole human scene about us, does not, I am certain, escape you. The restoration of these values - the point I wish to make - can not be achieved without well-conceived effort being exerted to that end. Of course I mean to say that I believe my work to be that. I am sure that if you saw some advancement possible as resulting from my work in the way I present it, you would be disposed to further it. It seems to me that organizations working in behalf of Israel would readily understand the possible facilitation of their aims by means of an art adapted to their purpose. Do you think the Hadassah is such an organization? From having asked you this I do not wish you to think that I am mercurial and am less devoted to the Spanish idea than when I talked with you last.

Sincerely Yours

  
Blum H. Rosentaum

14914 Boston Ave  
Cleveland 10, Ohio

\* I mean this apart from your personal interest upon which I take it, there are demands enough.  




DR. MAXWELL SILVER

227 RIVERSIDE DRIVE

NEW YORK 25, N. Y.

March 4, 1951

Dr. Abba Hillel Silver  
The Temple  
Cleveland, Ohio.

My dear Abba:

You will no doubt be delighted to hear of the invitation extended to me by Nelson Glueck last week, first by telephone message and again by official letter, to deliver the Baccalaureate Address at the graduation exercises in New York of the HUC-JIR, on June 7th. In my letter of acceptance of this highly appreciated honor, I notified Nelson that the subject of my address will be: "Idols of this Adolescent Age, and the Challenge of the Prophetic Hebrew Tradition." The fact that Harold will be in that graduating class, will naturally enhance my pleasure at this honor. I was wondering, in connection with that HUC-JIR matter about which we corresponded some time ago, whether, among other things, your own influential and deft hand was not somehow involved in this glorious invitation: and whether, seeing that matters have already gone thus far, the other matter in question is not far behind. You have been silent on that matter to date. Perhaps you may have an encouraging hint on the same now.

Last Friday evening Jane and I attended the services at the Stephen Wise Free Synagogue, during which Rabbi Ed. Klein spoke on "The Way to God" before a large congregation. His sermon was well received, although it left much to be desired as to his full digestion of the book. It was nevertheless very, very gratifying to me. Incidentally, Rabbi Morton P. Berman forwarded me a few weeks ago a very appreciative letter and his temple bulletin, on the front page of which was announced that he was to speak that Friday evening on "The Way to God" - "With Reference to Maxwell Silver's Significant Book." And only last week I heard from Rabbi L. Fink of Buffalo, who wrote that very appreciative review of the book in the December issue of "Liberal Judaism," that he plans to deliver a sermon on the book very shortly before his congregation.

I trust all is well with you and yours. With my usual love to you and Virginia, and the boys, in which Jane and my little family join me, I am,

As ever,

Max.



THE NEW AMSTERDAM

EUKLID AT EAST 22<sup>nd</sup> ST  
CLEVELAND 15, OHIO

March 5<sup>th</sup> - 61

Dear Ratti Silber, -

In regard to the  
marriage certificate I gave you  
yesterday, would ask a favor of  
you. Will you please have a  
copy or rather a translation  
made for me. I never have had  
one and therefore do not  
know its contents.

Upon receipt of same will  
send you the names etc.

If persons mentioned there in,  
I would like to tell you  
how much Mr. Gellner



NEW AMSTERDAM

EUCLID AT EAST 22nd ST  
CLEVELAND 15, OHIO

and I think of you and  
respect you. I know you  
scarcely know me personally.  
Pardon me for taking  
up your valuable time.  
I hope you will overlook my  
terrible writing 'sorry' to say  
that my eyes have gone back  
on me. But I thank God for what  
I have. Once more, thank  
you. Sincerely your friend  
Belle Bloom Gellner,  
Mrs. Hugo Gellner

Property of

Mrs. Hugo Gelmer  
New Amsterdam Hotel.



March 6, 1951

Mr. David Tidhar  
Brierfield Hotel  
215 West 83rd Street  
New York, New York

My dear Friend:

I received your note of the 25th of February. I do not wish you to feel that I am ignoring you. You ask "what sin you have sinned against me." I assure you, none at all. It is simply a case where I cannot undertake to identify myself with every worthy project that comes to my attention. I just do not have the time nor the energy. This is no reflection at all, I assure you, upon your worthy project.

With all good wishes, I remain

Most cordially yours,

ABBA HILLEL SILVER

AHS:er



March 6, 1951

Mr. Bezalel Schatz  
200 East 20th Street  
New York, New York

My dear Mr. Schatz:

Thank you for your thoughtfulness in writing to me and for bringing to my attention the works of your father. At the moment we are not in position to acquire any of them.

With all good wishes to you and your family, I remain

Most cordially yours,

ABBA HILLEL SILVER

AHS:er

March 6, 1951

Mrs. Hugo Gellner  
The New Amsterdam  
Euclid at East 22 Street  
Cleveland 15, Ohio

My dear Friend:

Thank you for your letter of March 5th. The marriage certificate which you gave me is the standard prescribed marriage certificate, except for the date, the names of the bride and groom, the name of the officiating rabbi, and the witnesses. A translation of the marriage certificate, which is identical by and large with the one you gave me, you will find in the Jewish Encyclopedia, Vol. VII, page 472. If you will come to The Temple Library some morning, Miss Leikind will show you the text of the marriage certificate in translation.

The one you have is somewhat abbreviated although it has all the requisite items. The date on your marriage certificate is Wednesday, the 28th of the month of Nisan, the year 5014; i.e., 1854. The place is Cleveland. The name of the groom is Jacob, the son of Moses, and the name of the bride is Bela, the daughter of Zvi Levi. The rabbi who officiated is Rabbi Israel Kalisch, and the witnesses are Isaac, the name of whose father I cannot make out, and Eliezer, the name of whose father I cannot make out. I shall try to decipher these names more closely when I have a little more time.

With all good wishes, I remain

Most cordially yours,

ABBA HILLEL SILVER

ARS:er



March 7, 1951

Rabbi Chaim Bloch  
2050 Davidson Avenue  
Bronx 53, New York

My dear Rabbi Bloch:

Thank you for sending me a copy of your book, "The Golem", which I know I shall enjoy reading.

With all good wishes, I remain

Most cordially yours,

ABBA HILLEL SILVER

AHS:er  
Enc.

March 7, 1951

Dr. Abraham Granott  
Jewish National Fund  
Jerusalem, Israel

My dear Dr. Granott:

This letter will introduce to you a young friend of mine from Cleveland, Richard Haber. Mr. Haber is a lawyer by profession, as is his father, who is also a leading citizen in our community.

Mr. Haber is on a tour of study. He would like to get closely acquainted with the new life in Israel. He will tell you himself what he has in mind. Any courtesies which you can extend to him to make his stay in Israel informative and profitable will be greatly appreciated by him.

With warmest regards and hoping to see you soon in Israel, I remain

Most cordially yours,

ABBA HILLEL SILVER

AHS:er

March 7, 1951

Mr. I. Vinograd  
General Zionists Organization  
33 King George Street  
Tel-Aviv, Israel

My dear Mr. Vinograd:

I am happy to introduce to you a young friend of mine, Mr. Richard Haber, who plans to remain some time in Israel in order to familiarize himself with the country, its life, and its institutions. He will himself tell you what he has in mind as far as his studies in Israel are concerned.

Mr. Haber is an attorney associated with his father, who is a distinguished attorney and citizen in our community. I should be grateful to you for any courtesies which you may show Mr. Haber during his visit.

With warmest regards, I remain

Most cordially yours,

ABBA HILLEL SILVER

AHS:er

March 7, 1951

Dr. Nelson Glueck  
Hebrew Union College  
Cincinnati, Ohio

My dear Nelson;

This morning I received a letter from my brother Maxwell in which he informs me that you have invited him to deliver the Baccalaureate Address at the graduation exercises in New York on the occasion of the ordination of his son Harold. That is indeed a most gracious act on your part and one which I appreciate very much indeed.

Will you pardon a suggestion? While Maxwell has been out of the ministry for many years, he has pursued his Jewish studies with rare devotion. He has continued his studies in the field of Jewish scholarship and, as you know, has produced some volumes in the field of Jewish philosophy and ethics which have received widespread commendation. His latest book, "The Way to God", is being widely acclaimed as a penetrating study and a most welcome contribution to the field of Jewish theology which, as you know, has not been extensively cultivated in recent years. As a layman who has "set aside time for the study of the Torah", Maxwell has been quite unique on the American Jewish scene. I wonder whether it would not be a fine gesture all around if the College would bestow upon him an honorary degree on the ordination of his son?

You will pardon, I am sure, the brotherly pride which I take in Maxwell's achievement and which is responsible for this note to you.

With all good wishes, I remain

Most cordially yours,

ABRA HILLEL SILVER

AHS:er

Sky Mail

Seattle Mar 7th 1957

Esteemed Rabbi.

Introducing myself!

This man who dictates this letter addressed  
to you, is 81 year old Herman Behocker.  
Confined to his bedroom on account  
of faulty eye sight.

I am the oldest brother of Salomon Behocker  
of N.Y. Until a few years ago I was  
President of The Washington synagogue  
bureau, and a leading member of The  
Zionist organization of Seattle.

I had the pleasure of meeting you on your  
last visit to our City.

~~We~~ have been an ardent admirer of  
your Jewish & religious activities.  
I am addressing this letter to you, because  
I feel that we have the same views in  
both directions.

From recent articles published in  
The Jewish Post I see the stand you take  
in regard to the reception of The Chief  
Rabbi Marmon of Israel and I am in

full accord with your stand point  
During the last two years I have addressed  
many letters to Rabbi Beck whom I  
am well acquainted with from Germany  
and to the responsible heads of the Jewish  
Theological society of N.Y.

Ever since the establishment of the Home  
Land I have felt that a dream of so many  
old Zionists could & should be realized  
to bring some unity to the main  
Dogmas of our religion.

And I advocated the reestablishment  
of a Sanhedron in Jerusalem, where  
delegates from all religious viewpoints  
could meet and discuss this all important  
problem.

I felt that some clarification was nec-  
essary for World Jewry and that it was  
a burning question for our new state.  
All our leaders of both the Conservatives  
and Liberals agreed that it would be a  
fine thing to create such a Sanhedron  
but they all considered it an entirely  
hopeless task in face of the stubborn  
attitude of Orthodoxy.

I have spent the greater part of my life  
working and fighting for Zionism at  
a time when the greater part of our  
Western Jews considered the aims




 Sky Mail

and objects of Zionism  
a wild dream

As a member of the central board of  
German Jews. I had plenty of opportunity  
to be in violent discussion with our  
Orthodox brothers.

And learned to realize the stubbornness  
of their position.

But I certainly learned at the same time  
to respect them. and I know they can be  
convinced.

I know that you have  
given this matter a lot of thought and  
attention, and I would like to hear from  
you: what you think of the advisability  
of taking steps in this direction at this time

B For some months past I have considered  
the advisability of World Jewry making  
an attempt of joining the thousands of  
claims of Jewish War sufferers and all  
claims of all Jewish organizations into  
one hand. That hand being the new  
State of Israel.

I feel that in the  
course of time. The realization out of these  
claims could go a long way towards the  
building of our state. and toward

147  
rehabilitation of our War sufferers. I  
realize that it will be a great task to  
secure the payment over of all these  
claims, and it will probably be necessary  
to guarantee the ~~different~~ different  
claimants some small percentage  
of the value of their claims it will  
probably require no greater effort  
than will be necessary to place a  
bond issue of a billion dollars for our  
new State at this time.

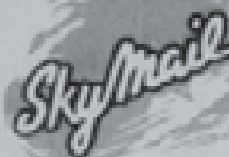
It will have the great advantage of not  
placing the back breaking responsibility  
of paying the big interest rates on our  
growing State.

Persons personally hundreds of claimants  
have given up all hope of realizing any  
thing on their claims large or small in  
their life time.

And they would be ready to make agree-  
ments on easy terms.

I see from recent papers that I receive  
from Israel that the question is not only  
on the discussion stage in Israel, but  
the first steps are being taken there now.




 Sky Mail

To carry this vital matter through to success it would be necessary to have the wholehearted support of all Jews of the Western Alliance. These are two great problems before the Jewish people of the World to day. Both are difficult problems. but not nearly as difficult and problematical as the question of the establishment that the Jewish Home Land near in our youth. I know that if more of your great ability and vital force will give it their support both objects can be realized.

With cordial fraternal greetings.

Hermann Schocken

ABBA HILLEL SILVER

ZIONIST ORGANIZATION OF AMERICA

DATE 3/7/51 No. 4685

NOTE: ACCEPTANCE AND ENDORSEMENT OF ATTACHED CHECK SHALL BE CONCLUSIVE EVIDENCE OF FULL PAYMENT OF THE FOLLOWING ITEMS.

EXPENSES INCURRED IN CONNECTION WITH THE CONGRESS AFFAIRS COMMITTEE MEETING 35.00

DETACH BEFORE DEPOSITING

490

התאחדות הציונית של ארצות הברית

# ZIONIST ORGANIZATION OF AMERICA

41 EAST 42nd STREET  
NEW YORK 17, N. Y.

March 8, 1951

Miss Elizabeth Rice  
The Temple  
East 105th Street at Ansel Road  
Cleveland 6, Ohio

Dear Miss Rice:

Following are the charges for Dr. Silver's travel for the period  
of June 12th, through December 19, 1950, amounting to..... \$395.01  
You have remitted payments..... 233.33  
leaving a balance due the Z. O. A..... \$161.68

In your letter of December 26, 1950, you mention that one of these  
trips was in connection with the Congress Affairs Committee. Would  
you kindly indicate on the copy of the enclosed statement the charges  
which apply to this committee and send us a check for the balance?

I should like to point out that our credit arrangements are made  
with T. W. A. and our bills come through this company, regardless  
of the airline used. Also, the dates indicated are not the actual  
flight dates, but the date of the ticket order.

May I also call your attention to the fact that your remittance of  
\$95.58 has been applied to the attached account. The charges, how-  
ever, have not yet come through on our bills, which would increase  
the indebtedness shown on the statement.

It would greatly facilitate our bookkeeping if you would be good  
enough to write us each time Dr. Silver uses the scrip-card, indicat-  
ing whether the charges are for the Congress Affairs Committee or  
whether Dr. Silver is to be billed.

Thank you for your courtesy and cooperation.

Sincerely yours,

ZIONIST ORGANIZATION OF AMERICA

*Julia Kirtz*  
Julia Kirtz  
Assistant Comptroller

JK:MG

# AMERICAN TORAH ASSOCIATION

## PRESIDENT

BENJAMIN G. BROWDY, Brooklyn, New York

## PAST PRESIDENTS—

DR. SOLOMON GOLDMAN, Chicago, Ill. • DR. ISRAEL GOLDSTEIN, New York, N. Y. • JUDGE LOUIS E. LEVINTHAL, Philadelphia, Pa. • LOUIS LIPSKY, New York, N. Y. • DR. EMANUEL NEUMANN, New York, N. Y. • DR. ABBA HILLEL SILVER, Cleveland, Ohio • ROBERT SZOLD, New Rochelle, N. Y.

## HONORARY VICE-PRESIDENTS—

ABRAHAM GOLDSTEIN, Hartford, Conn. • DR. HARRIS J. LEVINE, Bronx, N. Y. • CHARLES REISS, Mt. Vernon, N. Y. • ELIHU D. STONE, Boston, Mass.

## VICE-PRESIDENTS—

JUDGE HENRY ELLENBOGEN, Pittsburgh, Pa. • LOUIS A. FALK, Jersey City, N. J. • RABBI LEON FEUER, Toledo, Ohio • JOSEPH GOLDBERG, Worcester, Mass. • SAMUEL GOLDSTOCK, Pittsburgh, Pa. • ABRAHAM GOODMAN, New York, N. Y. • BENJAMIN R. HARRIS, Chicago, Ill. • DR. MARCUS LAVINSON, Houston, Texas • DR. SAMUEL MARCOWITZ, Bronx, N. Y. • RABBI IRVING MILLER, Woodmont, N. Y. • DAVID MOSKOWITZ, Bronx, N. Y. • ABRAHAM A. REDELMITZ, Brooklyn, N. Y. • EZRA Z. SHAPIRO, Cleveland, Ohio • MILTON J. SILBERMAN, Chicago, Ill. • DR. JACOB I. STEINBERG, Bronx, N. Y. • DEWEY D. STONE, Brockton, Mass. • WILLIAM H. SYLVE, Philadelphia, Pa.

## CHAIRMAN, NATIONAL ADMINISTRATIVE COUNCIL

RUDOLF G. SONNENEN, New York, N. Y.

## CHAIRMAN, NATIONAL EXECUTIVE COMMITTEE

MORTIMER MAY, Nashville, Tenn.

## VICE-CHAIRMEN—

DR. MORRIS J. ROSENBERG, New York, N. Y. • JACQUES TORCZYNER, New York, N. Y. • MAX BASSLER, Chicago, Ill.

## NATIONAL ADMINISTRATIVE COUNCIL

## SECRETARY, NATIONAL ADMINISTRATIVE COUNCIL

PAUL DUBOIS, Washington, D.C.

## TREASURERS—

FRED MENONSON, Boston, Mass. • JACQUES TORCZYNER, New York, N. Y.

## ASSOCIATE TREASURERS—

JOSEPH COHEN, Washington, D.C. • RABBI I. L. KAMINSKY, Flushing, N. Y.

## FINANCE COMMITTEE—

Chairman—PAUL KAMINSKY, New York, N. Y. • Associate Chairmen—I. J. CAPLAN, New York, N. Y. • HARRY TORCZYNER, New York, N. Y. • LOUIS DUBOIS, New York, N. Y. • Secretary—MARCUS ABRAMSON, N. Y. • N. Y.

## HONORARY GENERAL COUNSEL—

MILTON POLLACK, New York, N. Y.

## NATIONAL SECRETARY

DR. SIDNEY MARKS, New York, N. Y.

## NATIONAL EXECUTIVE COMMITTEE

ISAAC ABRAMSON, Shreveport, La.  
REV. MARTIN ADLER, Paterson, N. J.  
SOL P. BENAMY, Atlanta, Ga.  
SOL BIFERMAN, New York, N. Y.  
AARON J. BRONSTEIN, Boston, Mass.  
LOUIS E. BROWN, Malden, Mass.  
HARRY COHEN, Bronx, N. Y.  
LESTER B. COHEN, Uniontown, Pa.  
SOL COHEN, Richmond Hill, N. Y.  
SAMUEL DAROFF, Philadelphia, Pa.  
BENJAMIN J. DOTT, Lawrence, N. Y.  
DR. JOSEPH DUNN, Grinnell, Iowa  
MICHAEL H. EGAN, Philadelphia, Pa.  
SHOLOM EYTINGER, Indianapolis, Ind.  
MENDEL N. FISHER, New York, N. Y.  
BEN M. FRIEDMAN, Richmond Hill, N. Y.  
IRVING GAUT, New York, N. Y.  
ELLIS GOODMAN, Camden, N. J.  
I. R. GOODMAN, Miami Beach, Fla.  
JACOB GOODMAN, New York, N. Y.  
JUDGE EMANUEL GREENBERG, Brooklyn, N. Y.  
RABBI WILLIAM B. GREENFELD, Indianapolis, Ind.  
JOSEPH W. GREENLEAF, Mt. Vernon, N. Y.  
MICHAEL HANIN, Pottsville, Pa.  
EDWARD HART, Morristown, N. J.  
MORRIS M. JACOB, Detroit, Mich.  
SAMUEL F. JACOBSON, Chicago, Ill.  
MAX KABATZNIK, Boston, Mass.  
BERNARD KAPLAN, Pittsburgh, Pa.

ABE S. KAY, Washington, D.C.  
LEON KAY, Detroit, Mich.  
JUDGE JOSEPH E. KLAU, Hartford, Conn.  
EDMUND A. KOBLENZ, Albany, N. Y.  
MURRAY LANGBAUM, Forest Hills, N. Y.  
PHILIP LAROK, Brooklyn, N. Y.  
JACK LEONOWITZ, Bronx, N. Y.  
JACOB G. LUKASHOK, New Rochelle, N. Y.  
A. M. LUSTZ, Cleveland, Ohio  
MORRIS MARCUS, New York, N. Y.  
RABBI MAX NUSBAUM, Hollywood, Calif.  
HARRY A. PINE, Newark, N. J.  
PHILIP S. REINIKOV, Philadelphia, Pa.  
JUDGE SIMON H. RIFKIND, New York, N. Y.  
MOSES ROBINSON, Bronx, N. Y.  
ISIDORE I. RUBINSKY, Brooklyn, N. Y.  
B. G. RUDOLPH, Syracuse, N. Y.  
BERNARD SHULMAN, Chicago, Ill.  
ARCHIBALD SILVERMAN, Providence, R. I.  
MILTON SILVERSTEIN, Chicago, Ill.  
MOSES SPIERT, Baltimore, Md.  
THEODORE STRIMLING, Los Angeles, Calif.  
DR. JOSEPH TENENBAUM, New York, N. Y.  
I. S. TURCOT, Washington, D.C.  
JACK VERDI, San Francisco, Calif.  
MORRIS WEINBERG, New York, N. Y.  
BEN R. WENICK, Knoxville, Tenn.  
ALEXANDER WINNICK, New Haven, Conn.  
CHARLES WOLF, New York, N. Y.

March 9, 1951

Mr. Edgar Hahn  
National City Bldg.  
Cleveland, Ohio

My dear Edgar:

The parchment manuscript which you left here yesterday is a Megillah, the Book of Esther, from the Bible which is read in the synagogue on Purim. It was an honored custom among Jewish people to have a Megillah not only in the synagogue but a private Megillah in the home. Some of them were beautifully illuminated and encased in artistic containers of gold, silver, or ivory. We have a few such rare Megillah scrolls in our Museum. Yours will make a valued addition. It is in perfect condition. The script is beautiful and artistic. I shall try to trace down the country of origin and the approximate date. We shall be delighted to keep it in our Museum.

I do not know whether you have visited the new Temple Museum. If not, I should be very happy to show you around. We built a beautiful room which already contains many Jewish ceremonial objects of rare worth and beauty.

With all good wishes, I remain

Most cordially yours,

ABRA HILLEL SILVER

AHS:er

P.S. Should you desire to make a new case for the Megillah, it would help to preserve it.

March 12, 1951

Miss Julia Kirtz  
Zionist Organization of America  
41 East 42nd Street  
New York 17, New York

Dear Miss Kirtz:

Thank you for your letter of March 8th. I have checked the statement which you enclosed and find the following items chargeable to the Z.O.A.:

10/2/50	Norfolk to Newark - Z.O.A. meeting	\$ 25.36
10/5/50	Cleveland to N.Y. - Congress "	54.86
10/25/50	New York to Cleve.- Congress "	28.87
12/19/50	New York to Cleve.- Congress "	28.87
		<u>\$137.96</u>

I have deducted this amount from the \$161.68 indicated on your statement as balance due, and am herewith enclosing a check for \$23.72.

The items covered by our check of January 31st, \$95.58, cover transportation from Pittsburgh to Cleveland on January 16th, and Cleveland to Washington and return for Dr. and Mrs. Silver on January 21st.

Dr. Silver will be flying to New York on March 15th, returning on the 16th, to attend a Congress Affairs Committee. I shall advise you in the future, as you request, each time the scripboard is used.

Sincerely yours,

Secretary to Dr. Silver

Enc.



March 12, 1951

Rabbi Abba Hillel Silver  
The Temple  
Ansel Road & 105th Street  
Cleveland, Ohio

Dear Rabbi:

As I read this magnificent article by Supreme Court Justice, William O. Douglas, I was reminded of an article I read in the magazine "Jewish Life" about a series of lectures which you have given in your Temple in October of 1950 dealing with U.S. Foreign Policy.

I also read some excerpts of your speech on German rearmament which you delivered on March 4, 1951. It is indeed gratifying to know that men of your stature are taking such an intelligent and courageous stand in face of this unprecedented war hysteria.

As a German refugee I had occasion to witness a similar hysteria and experience the bitter consequences of it. That is why I feel such profound respect and gratitude towards men who stand up and call upon the American people to resist policies which will ultimately lead to war and fascism.

The minds and hearts of men of good will are with you, Rabbi Silver, Please keep up your great work.

Respectfully yours

  
*Kurt H. Gruen*  
Kurt H. Gruen

250 West 22nd Street  
Apt. 5D  
N.Y. 11, N.Y.

March 13, 1951

Mr. A. Lifshitz  
P.O.B. 454  
Jerusalem, Israel

My dear Friend:

Thank you for your kind letter of February 1st, and for your thoughtfulness in sending us a gift of fruit from Israel. While the fruit has not yet arrived, I want to assure you that it will be very welcome and deeply appreciated for the thought as well as for the gift.

I trust that you are well. It is some time since I have had the pleasure of seeing you. Mrs. Silver and I plan to attend the World Zionist Congress. Our present plans call for arriving in Israel around the 15th or 20th of July. We shall, of course, wish to stop at the Eden Hotel where we enjoyed so many of our stays in the past. I trust that you will be able to accommodate us for the duration of the Congress.

There is also a possibility that my son, Daniel, will visit Israel during the summer. He will probably arrive ahead of us. He will undoubtedly spend some time in Jerusalem and, of course, I should want him to stay with you.

Again thanking you for your kind gift, I remain

Most cordially yours,

ABBA HILLEL SILVER

AKS:er

13705 SHAKER BOULEVARD CLEVELAND 20

Dear Rabbi Silver:

In 1947 you sent a very generous contribution of \$25.00 for the work of the League of Women Voters. I cannot tell you how much it was appreciated because as you know the non-partisan work of the League of Women Voters depends to a very substantial extent upon special contributions to carry on its work.

We have a large membership now, over 739 leagues in 42 states as well as Leagues in Hawaii and Alaska but our local minimum dues are so very modest in order not to exclude any interested women who wish to work to improve governmental processes.

The League is a non-partisan organization and recently won an award with the Cleveland Advertising Club from among 700 organizations throughout the country for the excellent work we did in getting out a larger registration in this county.

I have been devoted to and continuously active in the League of Women Voters since we organized it after women received the suffrage and it is my personal opinion that the intelligent viewpoint with which women have approached governmental problems without partisanship has been a noteworthy contribution to our national life.

I realize of course, that you have a great many demands constantly being made upon you but I know you will not mind my writing this letter and if it is at all possible, you will send the League of Women Voters a contribution for the work which no organization in the country and in fact, in the world, is doing.

With cordial regards,

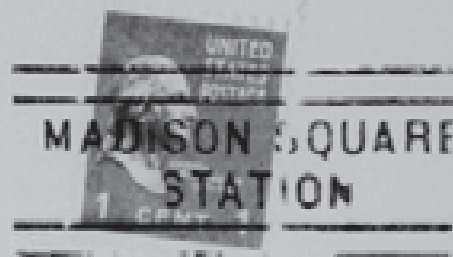
Cordially yours,

*Mrs. Malcolm L. McBride*

Mrs. Malcolm L. McBride

\$25  
3/19/51

Mar. 13, 1951



Dr. Abba Hella Selman  
The Temple  
Cleveland 6, Ohio

[March 14, 1951]

"ZUKUNFT"

Tel. ORegon 9-4198

67 LEXINGTON AVENUE

NEW YORK 10, N. Y.

"צוקונפט"

67 לעקסלינגטאן עוועניו

ניו-יאָרק 10, נ. י.

דעם 18 לטן 1951

השובער פריינד :

סיר האָבן דערשולטן אייער איינצאלונג פאר דער "צוקונפט".

דורך ע. ל. שולד פאר \$ 5.

סיר דאנקען אייך זייער פאר אייער פריינדלעכקייט און סיר האָפן, אז איר וועט אויך זען, אז אייערע פריינד וואָלן זיך אַכאַנירן אויפן ווערט.

די "צוקונפט", דער עלטסטער און חשובסטער יידישער ווערט, מוז זיך געפינען אין יעדער אינטעליגענטער יידישער היים.

אייער אַכאַניסענט איז איצט אָפגעצאלט ביי א. ל. שולד 1951.

מיט יידישן סולטור-גרוס,

"צוקונפט" פארוואלטונג

ה. נ. 118 א ק. פארוואלטער



March 18, 1951

Mr. Richard Kohn  
1600 East 55th Street  
Cleveland, Ohio

Dear Mr. Kohn:

On January 31st Rabbi Silver wrote to you and enclosed a small volume written by John Fiske. Inasmuch as we have not heard from you, I am wondering whether the book ever reached you.

Sincerely yours,

Secretary to Rabbi Silver



March 19, 1951

Mr. Herman Schocken  
c/o Herzl Congregation  
172 - 20th Avenue  
Seattle 22, Washington

My dear Mr. Schocken:

Thank you for your letter of March 11th and for the enclosure which I am herewith returning to you. The matter to which you refer should be referred to a national organization dealing with such matters, or perhaps through representation, to the government of Israel. Individuals can be of little service in such matters.

With all good wishes, I remain

Most cordially yours,

ADBA HILIEL SILVER

ANS:er  
Enc.

March 19, 1951

Mr. Herbert Bayard Swope  
745 Fifth Avenue  
New York, New York

My dear Mr. Swope:

I was in New York a few days ago and had a meeting with Dr. Israel S. Wechsler, who is acting head of the Board of the Hebrew University of Jerusalem now that Mr. Morgenthau has resigned (G.S.D.). Dr. Wechsler is, as you know, an eminent neurologist and a first-class person. He is eager to do what he can to acquaint people with one of the finest institutions which we have in Israel, the Hebrew University. He wishes an opportunity to talk to you and through you, perhaps to contact a few individuals in New York. Would you be free to meet him at your convenience?

I trust that you are well and looking forward with pleasure to seeing you in the near future, I am

Most cordially yours,

ABBA HILLEL SILVER

AHS:er

HERBERT BAYARD SWOPE  
745 FIFTH AVENUE  
NEW YORK 22, N.Y.

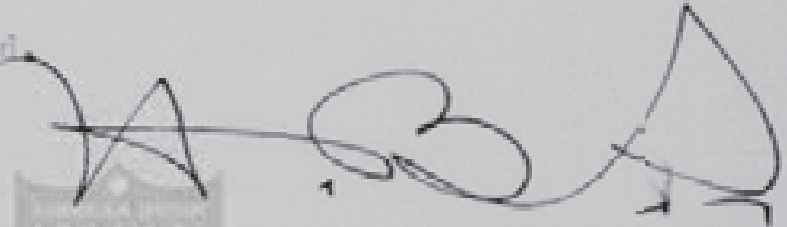

21 March 1951.

My dear Herr Doktor:-

I am always happy to see any friend  
of yours so, I shall be glad to see Dr. Horowitz.

I hope things go well with you.

My warm regards,

WRHS  
Dr. Abbe Miller Silver,  
The Temple,  
East 105th Street & Ansel Road,  
Cleveland 6, Ohio.

P.S. What decision did your boy reach?

March 21, 1951

Blackstone Studios, Inc.  
20 West 57th Street  
New York 19, New York

Gentlemen:

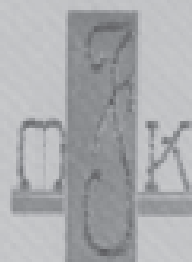
Will you please send us one dozen glossies of Dr. Silver - the same as you sent us in the fall of 1949 - at \$2.00 each. If you will check your file, I am sure you will be able to identify it in accordance with our letter of October 25, 1949.

Sincerely yours,

Secretary to Dr. Silver

Mar. 22, 1950.

[1951?]



Dear Rabbi Silver,

I find  
it difficult, indeed, to  
express, adequately, our  
deep gratitude for your  
great Kindness, and  
sympathetic understanding  
during our recent bereavement.

Never shall  
we forget your wonderful  
words of solace and  
wisdom. Their encouragement  
has been engraved in

our hearts<sup>2</sup>. We shall  
draw upon this as a  
source of comfort, each  
time the need arises.

My mother, and  
my brother, Leroy, join  
me in saying, once again,  
"Thank you for everything,  
dear Rabbi."

Sincerely,  
Mabelle Kendis Fine



March 23, 1951

Mrs. M. S. Fine  
2839 Winthrop Road  
Cleveland, Ohio

My dear Friend:

I received your gracious note and I am happy that I was able to be of some slight service to you and your beloved family. I know how deep has been your sense of loss, and I hope that time will bring you and your dear ones a large measure of comfort and strengthening.

I appreciate very much the generous gift which you enclosed with your letter. In keeping with my practice, I shall place it in a charity fund which I use from time to time.

With warmest regards to all, I remain

Most cordially yours,

ABRA HILLEL SILVER

AHS:er

March 26, 1951

Mr. Leon Ilutovich  
Zionist Organization of America  
41 East 42nd Street  
New York 17, New York

My dear Mr. Ilutovich;

I am enclosing herewith the documents which I should like to have translated into Hebrew. I should welcome a free translation and not a stilted, literal one. I would appreciate if I were to receive the translations in duplicate and double spaced, and if possible, I should like to receive them before April 15th. If necessary, you may have more than one translator working on these documents.

With many thanks for your offer of cooperation, I remain

Most cordially yours,

ABBA HILLEL SILVER

AHS:er  
Encs.

Importers of  
Old and New Hebrew Books  
Large Selection of  
Rare Hebraica Bible,  
Talmud, Commentaries,  
Responsa, Philosophy  
and Kabbala

We Supply  
Libraries and Collectors

Catalogue Sent Upon Request

# J. BIEGELEISEN HEBREW BOOKS

בית מסחר ספרים חדשים ועתיקים

1427-53rd STREET

BROOKLYN 19, N. Y.



OUR NEW ADDRESS

152 E. BROADWAY, N. Y. 2, N.Y.

TEL. BEekman 3-6729

בבית מסחרי נמצאים  
ספרים שונים  
בכל סקציות התורה  
הרבה יקרי המציאות  
תנ"ך תלמוד ופוסקים  
שאלות ותשובות ספרים  
ראשונים ואחרונים  
דרוש, סוטר, קבלה,  
חסידות ומקרא.

רשימה לכל דרוש

March 26th, 1951

Dr. Abba H. Silver  
c/o The Temple  
E. 105 Street & Ansel Road  
Cleveland, Ohio

Dear Dr. Silver:

Upon the Suggestion of Dr. S. R. Freehof

we are taking the liberty of sending you a list of Hebraica dealing with the Kabbalah. We only have one copy of each book listed, and therefore we would greatly appreciate your immediate attention to this list, since we are holding these books in reserve for you.

Dr. Freehof has probably told you of his dealings with us. We are sure that he has recommended us highly. We trust that you too will be highly satisfied with your future business with us.

Sincerely yours,

*J. Biegeleisen*  
J. Biegeleisen

רשימה מספרי קבלה

✓400	1	אדם ישר ל' יצחק לוריא	קראקא תרמ"ה ז'	-
125	2	אוצר הכבוד ל' טודרס הלוי	סאטמר תרפ"ו ז'	-
✓3500	3	אור החמה ל' אברהם אצולאי	ג' כרכים פרמסלא תרנ"ז ז'	-
200	4	אור ישראל ל' ישראל מקאזניץ	על תקוניזהר ששענאויץ תרנ"ב	-
100	5	אותות ומופדים פ' עלם יצירה	בידיוב תרס"ד	-
65	6	אותות דל' עקיבא	ורשה תרפ"ז	-
200	7	אמונת חכמים ר' אביעזר שרשום	פניגור לקבלה יאהאניסברג תרי"ט	-
200	8	אורי אבא ל' אבא מסיגעט	מאמרי קבלה סיגעט תרפ"ו ז'	-
200	9	אורי בינה ל' צבי ארי	על שיר השירים ע"י קבלה סיגעט תרנ"ט	-
225	10	אבוע מאות שקל נספ' ל' חיים ויטאל	קראקא תרמ"ו ז'	-
350	11	אשכולות הגפן ל' לאנדמן	על בראשית ע"י קבלה פרמסלא תרנ"ז	-
200	12	אשל אברהם ר' מרדכי אשכנזי	על הזהר פיוטא תס"א ז'	-
750	13	בית חננה ל' ישעיה	על שיר השירים ע"י קבלה פאדגווא תרנ"ט	-
150	14	ברית מנחה ל' אברהם הספרדי	ורשה	-
750	15	בת מלך ישראל אבאיוב	מונקאטש תרנ"ד	-
50	16	גלגול נשמות ל' משה מפאנו	לביב תרי"ט	-
60	17	הגלגלים ל' יצחק לוריא	פרמסלא תרנ"ה	-
300	18	דעת ותבונה ל' יוסף חיים סט.	מאמרי קבלה ירושלים תרע"א ז'	-
400	19	דרך אמונה ל' מאיר	גבאי ברלין תר"י	-
150	20	היכלות הזהר	עם באור הגר"א קרטיקסברג תרי"ז ז'	-
300	21	דחשב לו הנהן לאברהם מלאסק	כתבי אבות ע"י קבלה פיוטא תרנ"ד ז'	-
200	22	דשד הנהן הנ"ל	פיוטא תרנ"ד ז'	-
800	23	הזהר ל' שמעון בן יוחאי	ג' בראשית תרנ"א	-
250	24	זהר חדש	זאלקווא תקס"ד ז'	-
250	25	זהר ח' ל' יצחק יהודה מקמירנא	על הזהר דל' פרמסלא תרנ"ח ז'	-
250	26	זכרון אהרן	ראשית שו"ת דוקח צביב תקצ"ב	-
200	27	זכרון מנחם ר' אבידוק	על התקוני זהר לביב תרנ"ה	-
50	28	זכר קדש מצבתה ר' אשה	ב"ל מנחם פיעטיקב תר"ז	-
50	29	זכר נביאים	קבלה ורשה תרנ"ב	-
400	30	חדושי מהיצא	ע"ה חטטה מל"ע פ' היצא פיעטק מקמירנא ז' עם יצירה קבלה פרמסלא תרמ"ו ז'	-
300	31	חן מרדכי דר"י חן ומרדכי עבאד	וראלטר הנהן ע"ה קבלה פרמסלא תרנ"א ז'	-
225	32	חסד לאברהם ל' אצולאי	קבלה ורנא תרנ"א ז'	-
300	33	סוד חיים זכר אהרן	שלמה אהרן פ' על עץ חיים ת"א ירושלים תרפ"ד ז'	-
150	34	ס' יצירה מיוחס לאברהם אצולאי	ע"ה עם פיוטא לביב תרנ"ב ז'	-
350	35	לחם מן השמים	בית מדרשו הגדול האר"י מונקאטש תרס"ה	-
100	36	למודי אצולאי	לביב תרנ"ה	-
150	37	לקוטי הש"ס	מהארי"ל קראקא תרנ"ו	-
150	38	מדינת הש"ס	מהארי"ל קראקא תרנ"ו	-
100	39	מצין החננה ל' אשר	מקאזניץ ע"ה קבלה פאדגווא תרנ"ט	-
200	40	מצין גנים ל' משה מפאנו	מונקאטש תרס"ב	-
150	41	מצית שדה האכפלה	רבט משה ניו יורק תר"ע	-
300	42	מצשה חושב	ר' עמנואל ח' הוקו קבלה פרמסלא תרנ"א ז'	-
75	43	משנת חסידים	הנ"ל לביב תר"ח	-
250	44	נגיד ומצוה	ר' יעקב חיים צאנז	-
75	45	נשמת שבת	הנ"ל פאדגווא תרנ"ט	-



46	סמינים לעולם ומענדל קבלה על משניות לבב תרס"א - 150	150
47	ספרא דאגדתא דנ"ש ליבאויץ אגדות הזהר פילדלפיה תרצ"ד - 100	100
48	עולת שבת י' חיים יעקב קבלה פרמסלא תרל"ב - 400	400
49	עץ חיים ל' חיים וויטאל קאכעץ תקל"ד - 1000	1000
50	פרדס רמונים רמק מונקאטש תרס"ז לאימקצב טוב	600
51	פרי עץ חיים רח ויטאל קאכעץ תקל"ד	1200
52	פרקי הנאזר ר' אליעזר עת שחטה עס' קבלה	250
53	ציונים לדברי הקבלה ר' אהרן קאנינעלד פראג תר"ט	150
54	ציוני רמחם ציוני עה"ת קבלה לבוב תרל"ב	300
55	שער גן עדן ר' יעקב קאפיל קבלה לבוב תר"ט	400
56	שערי אורה ר' יוסף ליקטלה לבוב	400
57	שער היחודים ל' יצחק לוריא לבוב תר"ט	350
58	שער השגות ראברהם אריה חבוא אל קבלת הציו וישה ארנד	200
59	שורי צדק ר' יוסף קינטל קראקא תרמ"א	100
60	שרף פרי עץ חיים רמשה דן על עץ חיים טשערניאץ תרנ"ד	600
61	תולדות הקבלה והחסידות גאטליבער זיטגאיי גול	400
62	התמונה לקדמן קבלה לבוב תרנ"ב	300
63	תפארת החנוכי ר' גישון הענין ליינער על הזהר ורשה	600
64	תקוני הזהר בכרך תנ"ל	200
65	מצת שמורים ר' נתן שפירא זאלקווא תרנ"ח	200
66	ערכי הכנויים ר' יחיאל הלפרין מאינסק	200
	קנקידנציה לקבלה דיהינבורט תקנ"ז	800

J. BIEGELEISEN  
 HEBREW BOOK DEALER  
 152 E. BROADWAY, N. Y. 2, N. Y.  
 Tel. BEekman 3-6729



JEWISH COMMUNITY SERVICE ASSOCIATION  
JEWISH COMMUNITY CENTER  
OF TOLEDO

Albert M. Brown,  
Executive Director

1900 LINWOOD AVENUE  
TOLEDO 2, OHIO

ADam: 9231

March 26, 1951

Rabbi Abba Hillel Silver  
The Temple  
Cleveland, Ohio

Dear Rabbi Silver:

A friend of mine, Chaim Newman, Editor of a Canadian newspaper and special correspondent in Israel, is coming to Cleveland soon to speak on a subject most near and dear to his heart. He wants to contact the "right" people in Cleveland and I have taken the liberty of suggesting your name.

Anything you can do for him will be greatly appreciated.

Sincerely yours,

*Albert M. Brown*  
Albert M. Brown  
Executive Director

AMB:bn



Member Agency of the  
National Jewish Welfare Board



A Red Feather Service of the  
Toledo Community Chest





TELEGR. ADDRESS: EDENHOTEL, JERUSALEM  
PHONE 4494/5 מלון עדן

# מלון עדן EDEN HOTEL

*Jerusalem*

26.3.51.

ירושלים

P. O. Box 454 ת.ד. 454

Rabbi

Abba Hillel Silver  
Cleveland / Ohio

Dear Rabbi Silver,

many thanks for your letter of March 13th.  
Your kind appreciation of the gift-box embarrasses me  
considerably and this is the reason:

I ordered a box of fruit for you from the  
Pardess Syndicate and, when in due course my order was  
acknowledged by them, I wrote to you to announce the arrival  
of the fruit. Then, much later, I received a letter from  
"Pardess" advising me - as well as many others - that all  
despatches of gift-boxes of citrus fruit have been officially  
cancelled and up to this day it has not been possible to  
send fruit from here. I am very sorry about this and want  
to assure you that a box of fruit will come to you as soon  
as it is possible to get one off.

As to your coming, I shall be delighted  
to accommodate you and Mrs. Silver with the best I have, but  
do again write, a few weeks prior to your arrival, and let  
me know the exact dates of your stay, and the same goes  
for your son Daniel.

I am looking forward to your visit with  
great pleasure and will do everything in my power to make  
your stay an enjoyable one.

Very Sincerely Yours

מלון עדן ירושלים  
אברהם הילל סילבר  
בית דן

RICHARD H. KOHN  
1000 EAST 55TH ST.  
CLEVELAND

Dr. Abba Hillel Silver,  
The Temple,  
East 105th Street at Ansel Road,  
Cleveland 6, Ohio.

March 27, 1951.

Dear Rabbi:

Appreciated very much your thought of me in sending on the work of John Fiske. It happened to arrive after I had left on a short vacation and upon my return the accumulation has had me both wearied and worried so that I have doubts whether vacations are worthwhile. At any rate, this is my poor excuse for a belated acknowledgment.

I floundered through the book and found most of it interesting reading. However, in spite of my years, I must still be in that plastic intermediate period of youth, for a lot of it was just beyond my comprehension. I am sorry.

The book is being returned under separate cover - and with cordial regards, I am,

Sincerely yours,

*Richard H. Kohn*

March 27, 1951

Miss Julia Kirts  
Zionist Organization of America  
41 East 42nd Street  
New York 17, New York

Dear Miss Kirts:

In accordance with our agreement, I am herewith advising you of the trips which Dr. Silver is making currently and using his air travel credit cards:

March 27 - Chicago to Kansas City - TWA	\$ 28.92
March 28 - Chicago to Cleveland - United	21.85
March 30 - Washington to Cleveland - PCA	22.77
	<u>\$ 73.54</u>

You will find enclosed check for reimbursement.

Sincerely yours,

Secretary to Dr. Silver

Enc.

ההסתדרות הציונית של ארצות הברית

# ZIONIST ORGANIZATION OF AMERICA

41 EAST 42<sup>nd</sup> STREET  
NEW YORK 17, N. Y.

March 27, 1951

Miss Elizabeth Rice  
The Temple  
East 105th Street at Ansel Road  
Cleveland 5, Ohio

Dear Miss Rice:

Since my letter of March 12th we have been billed for the following transportation charges incurred by Dr. Silver:

<u>Date</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
1/21/51	Cleveland	D. C.	\$22.77
1/21/51	Cleveland	D. C.	22.77
1/22/51	D. C.	Cleveland	22.77
1/22/51	D. C.	Cleveland	<u>11.44</u>
			Total..\$79.75

In accordance with the statement mailed you we have applied your payment of \$95.55 to the charges already on our books for which you remitted the balance of \$23.72.

A check covering the \$79.75 will bring the account in balance to date.

Sincerely yours,

ZIONIST ORGANIZATION OF AMERICA

*Julia Kirtz*  
Julia Kirtz  
Assistant Comptroller

JK:MG

*Check for 79.75 enclosed with letter of 3/27 to Miss Kirtz*

SOLOMON COHEN  
ACCOUNTANT AND AUDITOR  
11 WEST 42ND STREET  
NEW YORK CITY  
PHONE LONGACRE 5-6660

March 27, 1951

My dear Abba:

Enclosed you will find a very interesting article about you in yesterday's Morning Journal in connection with Ben Gurion's refusal to invite you as a guest of the Israeli government.

I happened to meet Ambassador yesterday and he told me that they received word that Ben Gurion denies it all. When this letter reaches you, the denial will already appear in the Press. Evidently the pressure was too strong.

Kindest regards to Virginia and the boys. Anna wishes to be remembered.

As ever yours,

P.S. Am also enclosing article by M. J. Grant.



SOLOMON COHEN  
ACCOUNTANT AND AUDITOR  
11 WEST 42ND STREET  
NEW YORK CITY  
PHONE LONGACRE 5-6880

March 3, 1951

My dear Abba:-

Enclosed you will find my reply to the outrageous article of Mr. Rugg in last Monday's "Forward". I only hope they will print the letter.

I saw Emanuel Neumann this week and he told me that you plan to go to Israel this April. Ben Gurion's denial, - forced out of him, - left me cold. It did not read like an invitation as the Government's guest. Is the Prime Minister afraid of your visit?

I trust I will see you before you sail. Is Virginia going?

Kindest regards from Anne.

As ever yours,

Sol.

P.S. The letter to the "Forward" was of course written on one side of each sheet.



**SOLOMON COHEN**  
**ACCOUNTANT AND AUDITOR**  
**11 West 42ND STREET**  
**NEW YORK CITY**  
**PHONE LONGACRE 5-5880**

1951, 652/10, 1003,

11. 2. 1971

[illegible]

②. 13  $\frac{1}{7}$  1/2, 1/3, 1/4, 1/5, 1/6, 1/7.

[illegible][illegible][illegible]

[illegible][illegible][illegible]



PHONE LONGACRE 5-6880

[illegible]

קאמפאניע  
3/3/51

חשוב'ער דר. אבא הלל סילדער:

דערלויבט מיר צו מאכן א פאר באמערקונגען העגן אייער היכטיגער דערלערונג אין

„טאג“ וואס איז דערשינען דעם 29סטן מערץ.

(1) עס איז א טעות צו אויסמישן, אז דער אָנפאל פון טרויעריגן פאָרזעטס נעגן אייערע היסטארישע ארויסטרעמונגען נעגן די כחות פון מלחמה און פאשיזם, וואס האט געמאכט א סימן אינדרוק אין אלע טיילן פון דער וועלט איז א פרינציפיעלער „אליטישער אָנפאל“ זייער צאָרן נעגן איין קומט נאך פון דער צייט ווען איר זינט ארויסגעטראָסן מיט א רעדע אין קליינלאנד ביי א פארזאמלונג מיט די צוויי שלוחים פון סאָוועטן פארבאנד אין 1943 מיכאעלס און סעמער. אייער רעדע איז געווען די איינציגע פון אמעריקע, וואס איז דאן איבערגעדורקט געוואָרן אין דער „איזנעסטייט“ אין מאַסקווע. זייער צאָרן איז געוואָרן שטארקער ווען איר האט געגעבן אייער מוסיגן שאל רוף פאר פולער דעמאָקראטישער אייניגקייט פון אלע שיכטן פון אידישן פאָלק „אונגעשלאסן די אידישע קאָמוניסטן אין א אינטערנאציאנאלן דער מאָרגן פרייהיים“ צום שרייבער פון די שורות אין יאָר 1943. פונקט אזוי האָבן זיי געזיידלט דעם פארשטאנדענעם רעפובליקאנער ווילקי נאָר דערפאר האט ווילקי האט נאך זיין ריזע איבער דער וועלט און זיין באזוך אין סאָוועטן פארבאנד געטריבן אז קאָמוניזם און קאפיטאליזם קאָנען הויזן צוזאמען פאר א לאנגער צייט. מיט א באזונדערער רציחה האָבן זיי געזיידלט ווילקי ווען ער האט צורטיילט אין סופרים קאָלירט דעם קאָמוניסטישן פירער פון קאליפאָרניע וויליאם שטידערמאן.

(2) עס איז א טעות צו אויסמישן, אז אין דעם טרויעריגן אָנפאל נעגן איין מצד דעם פאָרזעטס איז דער פאָרזעטס „אזוי צו זאָגן, אליין“ אין די קולארן פון אלע אידישע רעדאקציעס אין ניו יאָרק איז גוט באהאנדלט, אז נעגן איין הערט אונגעפירט א מיאוסע העצע (א שטילע) נצד די טרויעריגע יודנראטלער פון קאָנאסיל אָו דזשו-דאאיזם און דער אמעריקאן וואָוואיש קאָמיטע ווי אויך אייניגע אינפלוסירטע שותלנים פון די לעיכטער זיאָניסטן זייטן זיי אייניגע אין קליינלאנד, אָס די טרויעריגע פחדנים און שותלנים, וואס האָבן באשטימט די גאנצע געשיכטע פון אידישן פאָלק אין צע אלע חקמות מיט די ביינער און בלוט פון די אידישע פאָלקס מאסן און זינען די טרויעריגע פאייאצן פון די נאָרמעליסטן אין האָל סטריט, האָבן זיך דערשראָקן (ניס דעם ערשטן מאל) פאר אייער געכטיגער שטייט פון אפאָזיציע נעגן דער הערשונג קליקע אין וואשינגטאָן וואס נאָרמיכטעט מיט טויט און בלוט א פאָלק אין קארייב? אָס די טרויעריגע יודנראטלער העפעס קאלעגן אין אמאליגן רייטשלאנד זינען געקראָכן אויף אלע פיר פאר דעם קייזער און שפעטער פאר היטלער, קאָנען ניס דולדן א אידישן פירער מיט א וועלט סטאזש ווי איר זינט, וואס שטעלט זיך אזוי מוסיג אין פאר פרידן און פאר דער קאָנצענטראַציע פון צוויי געגנענעצטע געגנענעצטע און פאליטישע סימאָנעווען דער פאָרזעטס „אין שוין פון לאנג א שותף צו אָס דער טרויעריגער אליאנץ פון די ראָזענבלאט'ס און באַסנעווער'ס“ אין זיין איצטיגן אָנפאל אויף איין פירט דער „פאָרזעטס“ דורך די כחות פון די געשיכטע מיט די טרויעריגע יודנראטלער?

אלט פון סען  
WRHS  
0000

(4) פון דעם דערמאנטן איז שוין קלאר אז דא האנדלט זיך נישט נאר מען דעם אידיאלאגישן קאמף צווישן צוויי ארגאנען - דער „פארווערטס“ און די „מארגן פרייהייט“ --- דער „פארווערטס“ האלט אָנגעפאלן אויף יעדן אנדער ארגאן וואס האלט געהאנגען באריכטן אייערע היסטארישע ארויסטערמונגען. לאנג יאריגע וואונדערליכע וועלן איך באשטעטיגן אז אין די לעצטע דריי צענדליג יאר איז דער „פארווערטס“ אָנגעפאלן אויף צייטונגען און וואונדערליכע פון קאמיטאליסטישן לאגער און פון סטאליסטישן לאגער נאר דערפאר וואס אין יעדע צייטונגען זינען געדרוקט געהארגן ארטיקלען און באריכטן פון א אָביעקטיוון און פריינשטעלעכן כאראקטער צו דעם סאמעם פארבאנד. ערשט אין 1946 האט דער „פארווערטס“ געשריבן אז דר. רוזנבלאט איז איינער פון די גרעסטע גייסטער פון אונזער צייט (דער גענערשער געלערנטער) מיט צוויי צוריק האבן זיי אים באטיטלט אלס אן אענט פון מאסקווע נאר דערפאר וואס ער האט זיך ארויסגעזאגט גענוג דער פאליטיק פון מלחמה און דער מעגלעכקייט פון דער קא-עקזיסטענץ פון ביידע סיסטעמען אויף דעם באדן פון פריידן איך בין דערפאר דערשטוינט געהארגן צו לייענען אין אייער דערקלערונג אין „מאג“ אז די ארטיקלען אין „פארווערטס“ זינען אויך אינסתירירט געהארגן פון דער מלחמה צווישן דעם „פארווערטס“ און דער „פרייהייט“.



...אויב נישט נאך ערנער..

ען אים -- מחמת ער האט צושט  
 א פון <sup>לויט</sup> ~~לויט~~ <sup>לויט</sup> אײַנע נאך  
 אזא פארט ערנסטער אלעמײַס

5) עס איז געווען דער סאָמערס פון „פּאַרדערסט“ אז מיט זייער בליץ אטאקע אויף אייך זאלן זיי אייך באהירקן צו פארשונדלעט ווערן אין א פחדן און זיך בויגן פאר דעם דרוק פון די אידישע סעקארענ'ס און סעקארטי'ס. זיי האָבן געהאדט אז איר זאלט אָפליינקענען אייער היסטאָריען שאל-רוף פאר פרידן און פאר פעלקער פריינטשאפט. ווען דאָס וואָלט חלילה פאסירט וואָלט דאָס געווען א שרעקלעכע טראגעדיע און א גאנצ־נאָלער אומגליק. קיינמאָל איז אונזער פאָלק נישט געווען אזוי אַרעם אין מוסיגע פירער. מיט אייער ווירדיגער און שטאַלצער דערקלערונג אין טאָג האָט איר קלאָר געמאכט אז איר זאָגט זיך אָפּ צו בויגן

פאר די טרויעריגע און פארשאלטענע מוסרים און פאיאצן פון די האשינגסאנער מלחמה  
העצער. מיט אייער דערקלערונג אין סאג האט איר געגעבן א שווערן קלאפ אָס די אלע  
העצער און דפּקּר מענטשן האָט זיי וועלן לאנג געדיינקען.  
(6) אלס דער קאָרעספּאָדענט פון דער „מאָרגן פּרייז" האָט ב'געחאט די דאנקבארע  
אויסגאבע צו בריינגען פאר דער אידישער עפנטלעכקייט די באריכטן פון אייערע  
מוסיגע ארויסטרעטונגען. איך שרייב מיט דער „לאנגער" האנט און קאָניס קיין ספענא -  
גראפיע און האָט אויך געמוזט איבערדורקן פון ענגליש אויף אידיש. ב'האָט זיך  
געווענדעט עטלעכע מאל צו אייער סעקרעטארשע פאר די סעקסטן פון אייערע רעדעס. ליידער  
איז מיר איבערגעגעבן געוואָרן אז אזעלעכע סעקסטן זינען גיט פאראן. דערפאר גיב  
איך איבער די באריכטן אין א קאָדענצירטער פאָרמע. איך געס אריין די אלע הויכע  
פונקטן וואָס גיבן איבער דעם קרעפטיגן אינהאלט און דעם עצם חוץ פון דעם געגעבענעם  
רעפערענצן דערביי ווך איך צו זיין אזוי גאָנצן און פינקטלעך ווי עס איז פיזיש מעגלעך.  
אין מינע אלגעמיינע אָפּשאצונגען וועגן אייערע ארויסטרעטונגען (אזעלעכע האָט ב'געחאט  
אין צוויי ליינגערע ארטיקלען אין דער „מ.פ.") האָט ב'אויך באמערקט וועגן א צאל  
וידערשטרעכונגען אין אייערע רעפערענצן. דאָס איז אָבער גיט דער עיקר דער עיקר איז  
אייער מוטיגער אַזויסאריט געגן יענע כחות וואָס פירן די וועלט צו א נייער קאמאנדא -  
פאלער מלחמה דער עיקר איז וואָס איז דער אטמאָספערע פון א שוועלעכער היסטאריע  
וואָס איר דעם מוט צו ~~ווערענען~~ וואָרענען דאָס פאָל. געגן די פאליטישע שווינדלער וואָס  
וילן פארזעבן זייערע פאליטישן פאזיצן און מלחמה דער עיקר איז וואָס איר  
וואגט אַזויסצוזאגן א ריי היסטאריע און אייביגע אמת'ן!

מיר וועלן זיכער אויך ווייטער האָבן ערנסטע מיינונג פארשיידנהייטן אויף די אָדער  
אנדערע אישוס און פראַבלעמען. די אישו פון פרידן פון פאראייניגן אלע שיכטן פון  
פאָלק און אלע פעלקער. אין א אטמאָספערע פון קריג וועלן מיר אלע אָפּגערישט ווערן צוזאמען  
מיט אונזערע מיינונגס פארשיידנהייטן. דערפאר האָבן אייערע היסטארישע ארויסטרעטונגען  
פאר פרידן אזוי סוף גערייט דעם לאנגער פון פרידן וואָס ציילט איצט 700 מיליאָן מענטשן  
אין אלע סיילן פון דער וועלט

מיט דרך ארץ

אייער  
Shad. S.  
אברהם שטראוס

ג. 1. 4. 1941  
אין פאראייניגטן קעניגרייך  
אין פאראייניגטן קעניגרייך  
אין פאראייניגטן קעניגרייך

{ 3511 East 147 St  
Cleveland, O. 20.

DANIEL SHERBY

1030 LEADER BUILDING  
CLEVELAND

March 31, 1951

Rabbi Abba Hillel Silver  
The Temple  
Ansel Road and East 105 Street  
Cleveland, Ohio

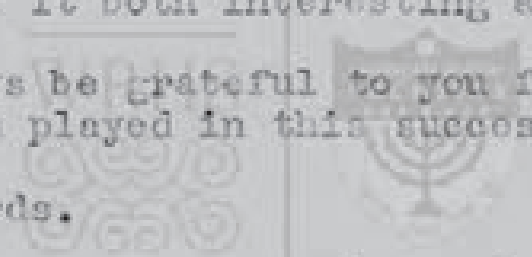
Dear Rabbi Silver:

Enclosed you will please find a copy of Examiner  
Resnick's report on the WMIE case. I am sure  
you will find it both interesting and gratifying.

I shall always be grateful to you for the important  
part that you played in this successful outcome.

Kindest regards.

Sincerely,

  
*Dan Sherby*  
Dan Sherby

HH  
Encl.

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington 25, D. C.

61215

FCC 51D-20

In the Matter of

LINCOLN OPERATING COMPANY, as Trustee  
for Sun Coast Broadcasting Corporation  
(Assignor)

SUN COAST BROADCASTING CORPORATION  
(Assignee)

For Assignment of Construction Permit  
of Standard Broadcast Station WMIE,  
Miami, Florida

DOCKET NO. 9112  
FILE NO. BAP-72

Appearances

Paul M. Segal and David E. Tolman, Esqs., on behalf  
of Sun Coast Broadcasting Corporation; Paul M. Segal and  
David E. Tolman, Esqs., on behalf of the Lincoln Operating  
Company at the June 27 and 28, 1949 sessions of the hearing,  
and no appearance thereafter on behalf of Lincoln Operating  
Company; A. Harry Becker, Esq., on behalf of the Federal  
Communications Commission.

INITIAL DECISION

Preliminary Statement

1. On May 9, 1946, Lincoln Operating Company,<sup>1/</sup> a  
corporation engaged primarily in the operation of a motion-  
picture theater at Miami, Florida, filed an application for a  
construction permit for a new standard broadcast station at  
Miami, to operate on 1170 kc with 5 kw power, unlimited time.  
On January 30, 1947, in order to remove a conflict with a  
pending application for a station at Montgomery, Alabama,  
Lincoln petitioned for leave to amend its application to  
specify 1140 kc with 10 kw power daytime and 5 kw power night-  
time; this petition was granted and the amendment accepted by  
Commission Order of February 7, 1947. On February 6, 1947,  
Sun Coast Broadcasting Corporation<sup>2/</sup> filed its application  
for a construction permit for a new standard broadcasting

---

<sup>1/</sup>Hereinafter sometimes referred to as Lincoln.

<sup>2/</sup>Hereinafter sometimes referred to as Sun Coast.

station at Coral Gables, Florida, to operate on 1130 kc with 1 kw power, daytime only. These two applications were in conflict and were designated by the Commission on February 27, 1947, for a comparative hearing.

2. On April 29, 1947, the two applicants filed a joint memorandum, pointing out that they had decided to consolidate their interests, and requesting that a grant be made to Lincoln Operating Company as trustee for Sun Coast Broadcasting Corporation, for a standard broadcast station in Miami, to operate unlimited time on 1140 kc with 5 kw, 10 kw-LS. This memorandum was accompanied by a motion by Sun Coast Broadcasting Corporation for leave to withdraw its application, a motion by Lincoln Operating Company for leave to amend its application, and a motion by Lincoln Operating Company for reconsideration and grant of its application, as amended. At the time the memorandum and motion papers were filed, there was in effect at the Commission, a temporary expediting procedure, under which, according to Public Notice No. 2421, dated January 8, 1947, new applications and amendments affecting certain engineering matters, were temporarily placed in a pending file. Lincoln and Sun Coast considered the facilities applied for by Lincoln, to wit, full-time operation with 5 kw, 10 kw-LS, more desirable than the 1 kw daytime-only facilities applied for by Sun Coast, but a merger of Sun Coast into Lincoln was considered impracticable because Lincoln was primarily engaged in the motion-picture business which it did not desire to share with Sun Coast and in which Sun Coast did not desire to participate. On the other hand, a merger by Lincoln into Sun Coast would leave the parties with an application for a daytime-only station with 1 kw power, on 1130 kc, which could not be amended to request full-time operation on 1140 kc with 5 kw, 10 kw-LS, until after the expiration of the "temporary expediting procedure". Accordingly, Lincoln and Sun Coast requested a grant of full-time facilities on 1140 kc to Lincoln Operating Company as trustee for Sun Coast Broadcasting Corporation, and stated that an application for transfer to Sun Coast Broadcasting Corporation would subsequently be filed.

3. By order dated July 10, 1947, the Commission stated that upon consideration of the application of Lincoln Operating Company and the amendment submitted by it on April 29, 1947, it was satisfied as to the qualifications of the applicant and the operation proposed, and was satisfied that a grant of the application, as amended, of Lincoln Operating Company would be in the public interest. The Commission dismissed the application of Sun Coast Broadcasting Corporation, accepted the amendment to the application of Lincoln Operating Company, removed from the hearing docket the application of Lincoln Operating Company as trustee for Sun Coast Broadcasting Corporation, and granted this application.



4. On December 3, 1947, an application was filed by Lincoln, as trustee for Sun Coast, for consent to assignment of the construction permit to Sun Coast Broadcasting Corporation. This application was designated for hearing by Commission Order of July 30, 1948, upon the following issues:

1. To determine whether the proposed assignee is legally, technically, financially, and otherwise qualified to own or control and to operate radio station WMIE, Miami, Florida.

2. To determine the full contract arrangements or agreement of sale either presently made or to be made by the proposed assignee with the present permittee, including the price and the manner of payment and the properties to be received therefor.

3. To secure full information as to the plans of the proposed assignee for staffing the station, its plans with respect to the station's programming, and all other plans or arrangements for operating the station.

4. To determine whether the finances, stock distribution, stockholders, and ownership and control of station WMIE are in fact as they were represented they would be by Lincoln Operating Company and Sun Coast Broadcasting Corporation in their mutual application for construction permit (BP-4903, Docket 7874) for station WMIE which application was granted by the Commission on July 11, 1947.

5. To determine whether a grant of the above application would be in the public interest.

5. On August 13, 1948, Lincoln as trustee for Sun Coast filed a petition for leave to amend its application so as to show a photostat of the amended charter and various changes in stock ownership, and this petition was granted and the amendment accepted by the Commission on August 20, 1948.

6. On August 13, 1948, Sun Coast filed a petition for reconsideration and grant of the application for assignment of the construction permit. This petition was denied on May 16, 1949, and on May 20, 1949, the Commission scheduled the hearing for June 27, 1949, at Washington, D. C. On June 10, 1949, the Commission ordered that the hearing be held at Miami, Florida, on June 27, 1949, and thereafter, at Cleveland, Ohio. On June 15, 1949, the Commission, having under consideration a request for clarification of Issue No. 1 in the Order of July 30, 1948, amended that issue to read:



To determine whether Arthur B. McBride and Daniel Sherby, stockholders in the proposed assignee, are legally, financially and otherwise qualified to be stockholders in a radio broadcast station.

7. On June 22, 1949, counsel for the applicants filed a statement indicating that the applicants preferred to present testimony on their behalf at Washington, D. C. rather than at Cleveland, and requesting that the Commission's Order of June 10, 1949, be amended. On the same day, action was taken on this request, and it was ordered that after adducing the necessary testimony at Miami, the hearing be adjourned and transferred to Washington, D. C.

8. The first stage of the hearing took place at the Federal Building in Miami, Florida, on June 27 and 28, 1949. At the commencement of the hearing on June 27, 1949, the Hearing Examiner stated that the hearing was public and that anyone who had any testimony to give on the issues in the case might come to see him to arrange for the proper time for testimony. No one availed himself of that opportunity. Prior to the adjournment of the hearing on June 28, 1949, Commission Counsel stated, in substance, that the first stage of the hearing was held in Miami for the convenience of witnesses and also to enable persons living in the area to testify. He invited anyone who had not yet testified to come forward and offer testimony with respect to the qualifications of two stockholders in Sun Coast Broadcasting Corporation, namely, Arthur B. McBride and Daniel Sherby. He then made the statement that since no one had come forward, he had no further witnesses to offer at this stage of the proceedings. The Hearing Examiner thereupon adjourned the hearing to Washington, D. C. and stated that the date for the hearing in Washington, D. C. would be established by subsequent order.

9. On July 14, 1949, Lincoln and Sun Coast filed a Second Motion for Reconsideration and Grant. By order dated January 18, 1950, the Commission denied this motion and ordered that the proceeding be reconvened for the purpose of taking further testimony at Miami on February 14, 1950. On January 24, 1950, a petition for a continuance was filed by Sun Coast, to which no opposition was received. The petition for continuance was granted and the hearing continued to April 11, 1950.

10. The second stage of the hearing took place in Miami, Florida on April 11 and 12, 1950; the third and final stage of the hearing took place in Washington, D. C. on June 5 and 6, 1950. On June 6, 1950 the hearing was concluded except that the record was held open for certain depositions, which were received on the record on July 31, 1950, at which time the record was closed. The Hearing Examiner did not require the filing of proposed findings and conclusions. Counsel for Sun Coast elected to file them and did so on August 21, 1950; Commission Counsel reserved the right to file them but did not do so.

Findings of Fact

The Legal, Financial and Other Qualifications  
of Arthur B. McBride and Daniel Sherby, Stock-  
holders in the Proposed Assignee, to be Stock-  
holders in a Radio Broadcast Station

11. Both Arthur B. McBride and Daniel Sherby are citizens of the United States and are not subject to any legal disqualification.

12. Mr. McBride has paid in full for the 795 $\frac{1}{2}$  shares of preferred and the 795 $\frac{1}{2}$  shares of common stock which he owns in Sun Coast; the total amount paid is \$79,550. During the period from July 31, 1948 until May 1, 1950, Mr. McBride has made loans to Sun Coast from time to time, totaling \$117,250. His total investment in Sun Coast is therefore \$196,800. Mr. Sherby has paid in full for the 745 $\frac{1}{2}$  shares of preferred and the 745 $\frac{1}{2}$  shares of common stock which he owns in Sun Coast; the total amount paid is \$74,550. On July 31, 1948 he loaned Sun Coast the sum of \$39,000 and on November 8, 1948 he loaned Sun Coast the sum of \$25,000. His total investment in Sun Coast is therefore \$138,550.

13. Station WMIE began operation on program tests in September, 1948 and lost money during the fiscal year ending June 30, 1949. During the fiscal year beginning July 1, 1949, Station WMIE began to operate at a profit; the profit during the 1950 fiscal year by the end of April, 1950, amounted to approximately \$15,000. Neither Mr. McBride nor Mr. Sherby are aware of any need to provide Sun Coast with any additional money either by way of stock purchase or loan.

14. Arthur B. McBride is a resident of Cleveland, Ohio. He was born in Chicago, Illinois on May 20, 1888. He attended school to the fifth grade and then sold newspapers. He then drove a wagon for a newspaper and later became a newspaper's representative in a particular district. In 1909 he went to California with the Los Angeles Examiner, in 1910 to San Francisco, and in 1911 to Boston with the Boston American. He then returned to Chicago and worked until 1913 for the Chicago American. On January 1, 1913 he became circulation manager for the Cleveland News, leaving this position October 1, 1930. In September, 1931, he went into the taxicab business in Cleveland and is presently chairman of the Board of both the Yellow Cab Company and the Zone Cab Corporation of Cleveland, Ohio. He is also President of High Level Motors, Inc. (an automobile dealership in Cleveland), President of the Ft. Meyers Broadcasting Company, licensee of WINK at Ft. Meyers, Florida, Chairman of the Board of Sun Coast Broadcasting Corporation, and

President of the Cleveland Browns professional football club. He has real estate interests in Cleveland and vicinity and in Miami, Florida. He is a member of the Campaign Committee of St. Vincents Charity Hospital in Cleveland. His interests in Continental Press Service are discussed in Paragraphs 26 through 30.

15. Daniel Sherby is a resident of Shaker Heights and maintains his office in Cleveland, Ohio. He was born in Bridgeton, New Jersey on July 23, 1908; his family moved to Washington, D. C. a few weeks later, and he went to grammar school and high school in Washington, D. C. He received his Bachelor of Arts Degree from Washington and Lee University in 1931. In 1930 he was employed by the Zone Cab Corporation in Cleveland, Ohio, a corporation in which his father owned stock. In September, 1931, Arthur B. McBride, who had no previous connection with the taxicab business, became a stockholder in the Zone Cab Corporation; Daniel Sherby first became a stockholder in 1941. Daniel Sherby is an officer and stockholder of the Zone Cab Corporation and an officer of the Yellow Cab Company, Highlevel Motors, Inc., Cleveland Browns professional football club, Continental Bank in Cleveland, Ohio, American Conference of the National Football League, Sun Coast Broadcasting Corporation, the Universal Cab Company of Cleveland Heights, Ohio, The Wesley Cab Service Company of Lakewood, Ohio, Cab Research Bureau, Inc., and Ft. Meyers Broadcasting Company (licensee of Station WINK). He is also a partner in Castle Theaters and a partner in Fairwick, a real estate holding company. He is a member or officer of the following civic and charitable organizations in Cleveland, Ohio: Jewish Welfare Federation, Jewish Welfare Fund, Mount Sinai Hospital, the Cleveland Zoo, the City Club, and the Cleveland Chamber of Commerce. He has been the president of the National Association of Taxicab Owners, Consultant to the Office of Defense Transportation, member of the Welfare Federation of Cleveland, member of the President's Highway Safety Conference, and member of the National Advisory Police Committee to the Federal Security Administrator.

#### The Broadcasting of Race Results by Station WMIE

16. Station WMIE has been broadcasting race results since September 20, 1948, its second day on program tests, in conjunction with other sports events, on an afternoon program called "Sports Jamboree" which has participating announcements from a scratch-sheet publication called The Harvey A. Jr. Sports Digest as well as announcements from restaurants and a variety of other businesses. There is also a nightly summary of the race results from tracks all over the country. The broadcasts give both the names of the horses and their numbers as set

forth in The Harvey A. Jr. Sports Digest, but there is no pre-race information provided. The management of Station WMIE takes the position that pre-race information might be conducive to betting and therefore all information about a race is provided by WMIE some time after the race has been concluded. WMIE secures its racing news from Trans Radio Press. The station's announcements with respect to race results constitute part of the station's coverage of sporting events. During 1949 there were broadcasts of 600 separate sports events, some play-by-play and others, reconstructions of Western Union reports. Race results are dropped on certain Saturday afternoons during the football season and are dropped on other afternoons when major league baseball is being played. On the occasion of major golf tournaments in Miami, live pickups concerning these tournaments are made, delaying the broadcast of race results from 45 minutes to an hour.

17. Horse racing and pari-mutuel betting at race tracks are legal under the laws of the State of Florida; off track betting is not legal. Chapter 550, Florida Statutes, 1949.

18. During the 1948-1949 horse-racing season, Station WMIE complied with the request of the Florida State Racing Commission to delay the broadcasts of race results at least 25 minutes. However, before the opening of the 1949-50 racing season, a policy was adopted by Station WMIE to delay the broadcast of race results for 15 minutes. This change in policy was made for the reasons that the WMIE management reached the conclusion, after investigation, that bookies would not pay off on the basis of radio broadcasts, the Florida State Racing Commission was allowing at least one radio station to make simultaneous broadcasts of at least one race from a track, the station management considered that the Federal Communications Commission had exonerated the Capital Broadcasting Company which had been delaying broadcasts of race results 10 to 15 minutes (4 RR 21), and, finally, WMIE's reputation as a sports station depended upon the rapidity with which it delivered news. Of the 119 races broadcast during the week of December 9 through the 15th, 1949, only 2 were broadcast with intervals less than the 15-minute minimum established as station policy and the average time interval was 22.7 minutes. There was a delay of 8½ minutes for the 7th race on December 9 and 13 minutes for the first race on December 14. By letter dated December 10, 1949, the Chairman of the Florida State Racing Commission, Mr. Leo Edwards, informed the Federal Communications Commission that Station WMIE was broadcasting the results of each race run at Tropical Park within 12 to 16 minutes after the results were official and had refused to comply with the Racing Commission's request to delay results for 25 minutes. The letter states that this broadcast is of great benefit to bookmakers and has furnished them a valuable source of information that has been



necessary for them to conduct their illegal business. In conclusion the letter states that we "would appreciate your cooperation in requiring this radio station to comply with our request". The Racing Commission has not written to the FCC with respect to any of the other broadcast stations in the area. Other radio stations in the area broadcast instantaneous results of races whereas WMIE has not done so; at its 1949 session, the Legislature of the State of Florida passed House Memorial No. 1422, petitioning the Federal Communications Commission to investigate the use of radio stations in the State of Florida and particularly in the Miami area in giving instantaneous broadcasts with respect to horse and dog races. Other radio stations in the area have broadcast pre-race information such as "scratches", track conditions, jockey changes, the varying odds, and the views of private handicappers as to which horses are likely to win, whereas WMIE has not done so and has a policy prohibiting such broadcasts for the reason that it regards such information as more conducive to off-track betting than the announcements of race results. More specifically, Station WKAT has given instantaneous broadcasts of races from Gulfstream Park, Tropical Park, and Hialeah; Station WINZ has given instantaneous broadcasts from Tropical Park and Gulfstream Park. These instantaneous broadcasts are not for all the races run on a particular day but apparently only for the feature race. Station WMIE applied to the management of Tropical Park, Gulfstream Park and Hialeah for permission to make instantaneous broadcasts. A letter from the Racing Commission dated December 10, 1948 to Station WMIE stated that the Racing Commission would not approve simultaneous broadcasting from a track from more than one radio station at a time. However, the Racing Commission, acting under a chairman who took office on January 4, 1949, changed this policy prior to the commencement of the racing season in November, 1949, at a time when Tropical Park asked for permission to allow both WINZ and WKAT to broadcast the feature race. Station WMIE was not notified of this change in policy. More specifically with respect to pre-race information, such information is broadcast by Stations WIOD and WKAT for tracks both in and outside of Florida. A program broadcast by "Jockey" J. Scott over Station WKAT contains information on track conditions and "scratches" for races all over the country and contains his selections of the three horses most likely to run well or win. This program was offered to Station WMIE prior to its being broadcast on WKAT but was rejected by WMIE because it is contrary to Station WMIE's policy to broadcast pre-race information.

19. The management of WMIE, after undertaking such research as it could, came to the conclusion that the broadcast of race results was not an aid to bookies. No member of the local police department or sheriff's office or attorney general's office or anyone else has ever informed Robert Venn, WMIE's general manager, that "bookies" were using WMIE's broadcasts of race results to pay off on bets. The only indication

on the record that "beokies" pay off on the basis of broadcasts, is a statement by Mr. Leo Edwards, Chairman of the Florida State Racing Commission, that reports to his office show that they do, but he has never seen any such "payoff", was unable to provide the name of any person who could testify as to any such "pay off", and did not respond directly to a request for the name of the person who made the aforementioned reports.

#### Station WMIE's Rejection of the Crime Commission Programs

20. The Crime Commission of Greater Miami is a voluntary organization made up of individuals, business firms, and civic and patriotic organizations, which was formed in March, 1948. It has 1,150 paid members, including 131 sponsoring organizations. Its program is to foster a respect for law, to ascertain the causes for any breakdown in law enforcement, and to make the causes known to the public. It has a staff of four employees, with Daniel P. Sullivan as Operating Director. The President of the Commission is Mr. Jack R. Younger, a retired Army Colonel; he has been a member of the Crime Commission since its organization and, at the time of the first stage of the hearing in Miami, had been President for two weeks. In carrying out its program, the Crime Commission has investigated the infiltration of gangsters into Dade County, collected information concerning the unlawful activities of persons in the area, turned information over to law enforcement agencies, sent speakers to civic groups, and sponsored radio broadcasts which were carried by all of the broadcast stations in the area except Station WMIE and one other station.

21. Robert Vonn, WMIE's station manager, testified that WMIE was requested to carry the Crime Commission programs on the Thursday night prior to the Saturday night on which the programs would commence, and he did not want to carry the programs until he knew something about them. After hearing the programs, he decided that they should not be carried because he considered them to be "un-American". He so characterized the programs because the programs he heard placed a "spotlight" on the past records of persons who had either been apprehended for alleged evasion of the law and then released or arrested, convicted, and released, and he contended that persons who have paid their debts to society and have been reinstated as members of society, should be left alone. Mr. Vonn also testified that the Crime Commission has put on programs bringing to the public attention that certain ex-convicts, ex-bootleggers, ex-hoodlums or perhaps current hoodlums, identified by name and residence and by current occupations in Miami if known, have moved into the Miami area. Mr. Vonn later admitted that these programs also brought out certain illegal activities of the persons mentioned.



The Barry Gray Program on Station WMIE

22. Barry Gray, whose full name is Bernard Sherman Gray, has for several years been a radio commentator, interviewer and master of ceremonies. His broadcasts in Miami Beach were first carried on Station WKAT and then on Station WMIE, beginning in April, 1949. His broadcasts on Station WMIE originate at a night club called The Five O'Clock Club, and take place from 11:30 p.m. to 1:30 a.m. On his programs, Barry Gray discusses varying matters of public interest such as Jim Crowism, veterans' housing, anti-communism, and gambling. In the expression of his views, he is free from interference or direction by the management and ownership of Station WMIE. He does not know what the views of Station WMIE's owners are with respect to gambling or legalized gambling.

23. Barry Gray is in favor of legalized gambling and has voiced this opinion over both Stations WKAT and WMIE. He favors legislation which would require persons accepting bets to be licensed and expressed the opinion that the character requirement for obtaining a license would eliminate practically everyone presently engaged in illegal bookmaking. Barry Gray permits people who disagree with him to use his microphone to discuss issues within the bounds of good taste. During the week prior to Barry Gray's testimony on June 27, 1949, Grant Stockdale, the legislator from the Miami District, appeared on Gray's program at Gray's invitation and indicated his opposition to legalizing off-track betting.

24. Colonel Younger, President of the Crime Commission, testified that Barry Gray had ridiculed people who advocated enforcing the law against off-track betting, and had referred to such people as "Crime Busters". He was unable to remember anything further as to Gray's specific language. Colonel Younger pointed out that the Crime Commission has not advocated or opposed legalized gambling but has concerned itself with law enforcement; members of the Crime Commission may have diverse opinions on the question of legalized gambling.

25. Barry Gray believes that the Crime Commission has attacked men whose crimes against society have been in the past and who have paid their debt to society, and he disagrees with these attacks. He denied ridiculing law enforcement agencies and pointed out that he has had on his program many members of law enforcement agencies, specifically naming the Chief of the Miami Police Department.

The Relationship of Arthur B. McBride and His Son  
Edward J. McBride, to Continental Press Service<sup>3/</sup>

26. Prior to the middle of November, 1939, there had been in operation a news service called Nation-wide News, which had sold horse racing news directly to bookmakers. Arthur B. McBride's brother-in-law, Thomas Kelley, had been working for Nation-wide News in Chicago and telephoned McBride in Cleveland,

---

<sup>3/</sup> The relationship of the McBrides to Continental Press Service was developed by Commission Counsel in his cross examination of Arthur B. McBride and direct examination of Joseph M. Lebit in Washington, D. C. on June 6, 1950 and in his direct examination of Edward J. McBride in Miami, Florida on April 11, 1950. Questions by Commission Counsel in Miami, Florida on June 26, 1949, on direct examination of Daniel P. Sullivan (Operating Director of the Greater Miami Crime Commission), with respect to the ownership of Continental Press Service were withdrawn after the Hearing Examiner sustained objections to certain questions and after it appeared that Mr. Sullivan had no direct knowledge of the ownership of Continental Press Service. Shortly after these questions were withdrawn and direct examination was concluded, Mr. Sullivan, upon cross examination by counsel for the applicants, volunteered a lengthy statement about the information which he had submitted to the Federal Communications Commission as to Arthur B. McBride, his interests in Continental Press, and his alleged associations with persons of criminal records. Upon the completion of this lengthy statement, counsel for the applicants moved to strike the statement on the ground that it was not responsive to any question asked the witness, on the ground that it was hearsay and on the ground that the witness's testimony with respect to the contents of a written document was not the best evidence. Decision on the motion to strike was reserved. At a subsequent session of the hearing, the Hearing Examiner granted the motion to strike on the ground that the lengthy statement was not responsive to any question asked and secondly, on the ground that the statement was almost entirely hearsay and of a type of hearsay which has so little evidentiary value that it serves no useful purpose in the record. The Hearing Examiner also sustained objections to certain portions of a prepared statement by Mr. Richard W. Ervin, Attorney General of the State of Florida, being read into the record on April 11, 1950, by Mr. George Owen, Assistant Attorney General, particularly his summary of facts with respect to the ownership and operation of Continental Press, developed at hearings before the Florida Railroad and Public Utilities Commission.

informing him that the service was to be discontinued and asking him to come up to Chicago to see what he could do. After discussing the matter with Mr. Kelley and with Mr. James Ragen, Sr., who had also been an employee of Nation-wide News and whom McBride had known for many years in the circulation end of the newspaper business, McBride invested \$20,000 and began operation of what was called the Continental Press Service on November 20, 1939. Unlike Nation-wide News, Continental Press Service did not provide news directly to bookmakers but distributed racing news to six customers each of them the publisher of a racing scratch sheet. The record contains no detailed information concerning the operations of Continental Press.

27. James Ragen, Sr. did not immediately go into the Continental Press venture with McBride because probation prohibited him from such enterprises or "something like that" (T-684). When he organized Continental Press, Arthur McBride did not promise James Ragen, Sr. a part in the business, but McBride had in mind at all times that if the Ragens wanted the business, they could have it. On December 31, 1939, James Ragen, Jr. who had been working with Continental Press, purchased an interest in it from Arthur McBride, applying his unpaid back salary toward part or all of the purchase price. On August 22, 1942, Arthur McBride disposed of the remainder of his interest in Continental Press to James Ragen, Sr. Arthur McBride told Ragen that he (McBride) was doing all right without Continental Press, that he had enough trouble without it, and that he wanted to run his cab business.

28. On October 31, 1943, an interest in Continental Press was purchased for Arthur McBride's son, Edward J. McBride, who was then 19 or 20 years old. It appears from testimony by Arthur McBride and by Joseph M. Lebit (an accountant working part-time for Continental Press) that Arthur McBride advanced the money to purchase this interest for Edward J. McBride in return for a promissory note from Edward McBride, that this note was subsequently paid off, that the transaction was handled by Tom Kelley, that after the death of James Ragen, Sr., in March, 1947, the balance of the Ragen interest in Continental Press was purchased by Edward McBride, that Arthur McBride has had no connection with Continental Press since 1942, has given no orders concerning it or participated in its management, and that management functions for Continental Press are conducted in Chicago by Tom Kelley with only the books kept in Cleveland.

29. Edward J. McBride testified in Miami on April 11, 1950, that he was 26 years old and expected to graduate from the University of Miami Law School in February, 1951. He purchased a one-third interest in the Continental Press Service in 1943 and the remaining two-thirds interest some time later from the estate of James Ragen, Sr. He does not know the terms

of the purchases, who paid the money, or how it was paid, whether there were any written agreements, or who acted for him in acquiring these interests. He has played no part in the operation of Continental Press and leaves its operation entirely in the hands of his uncle, Tom Kelley, in Chicago. He owns no stock in Sun Coast Broadcasting Corporation and has nothing to do with Station WMIE.

30. About 1940, Arthur B. McBride and others were indicted in Chicago in connection with the operation of Continental Press. A demurrer to the indictment was sustained on the ground that it did not charge the defendants with the commission of a crime. United States v Regan et al, 39 F. Supp. 309 (N.D. Ill. 1940). Our attention has not been called to any conviction of Arthur B. McBride or of Continental Press on criminal charges and no finding can be made on this record that Continental Press acts in violation of any State or Federal law.<sup>4/</sup>

McBride's Alleged Intervention on Behalf of Al Capone

31. James M. Cox, former Governor of the State of Ohio and owner of newspapers and broadcast stations in Miami and other cities, testified that on a train trip to Miami, McBride had introduced himself to Cox as a taxi man from Cleveland and a half-hour conversation ensued; that on a subsequent occasion, in the midst of a newspaper "exposure" of Al Capone, which took place in Miami in the 30's on the occasion of Capone's taking residence in Miami, McBride came up to Cox on a golf course in Miami, either the Bay Shore or the Miami, at which a tournament was being held, and said (T-312): "You are all wrong about Capone. He is a fine fellow. I would like to bring him here. I would like to come to your office."; that Cox said: "Now, you get out of here and never speak to me again." and that Cox has never had any dealings or conversations with McBride since. Mr. Cox testified further that Capone's conviction in the income-tax case came long after the aforementioned "exposure".

---

<sup>4/</sup>Cf. McBride v. Western Union Tel. Co., 171 F. 2d 1 (9th Cir. 1948) in which the court affirmed an order denying a preliminary injunction to compel restoration of telegraph wire service by Western Union to Edward J. McBride, doing business as Continental Press Service. In considering the appeal, the Court made the following statement: "For the purposes of this appeal, we assume that, so far as concerns McBride, he was engaged in a legitimate business in sending the race track news from the eastern tracks and that Consolidated Publishing Company in its participating in its transmission committed no wrongful act."



32. Mr. McBride testified at the Washington hearing that he never made the statement attributed to him by Mr. Cox or anything remotely resembling it, that he had never known Al Capone, that the first time he visited Florida was in early 1934, that the first time he spoke to Mr. Cox was aboard a train going to Miami in 1935, and that he did converse with Mr. Cox at a golf course but that was in 1938 and dealt, not with Capone, but with Moe Annenberg and his ownership and sale of the Miami Tribune. Mr. McBride's testimony that his first trip to Florida occurred in 1934 and that he was not absent from his position with the Cleveland News for more than a day during the period January 1 to October 1, 1930 is corroborated by the testimony of Joseph Laumer, one of McBride's employees and close associates. There is also detailed testimony buttressed by elaborate documentary evidence to show that Mr. McBride's trip to Miami early in 1934 was actually his first trip there. Mr. McBride's testimony that he, as Circulation Manager, initialed, in Cleveland, the weekly payrolls for the Circulation Department of the Cleveland News for the first nine months of 1930, is substantiated by photostats of the significant portions of those payrolls which were received on the record and also by the testimony of Edward J. Tomeik, who was auditor for the Cleveland News during 1930.

33. It appears from the records of the Bureau of Internal Revenue that Al Capone was indicted twice, in March and June, 1931, that his trial on charges of evading the Federal Income Tax laws occurred in October, 1931, that he was sentenced on October 24, 1931, that his sentence included 10 years in a Federal Penitentiary, that he entered a Federal Penitentiary May 1, 1932, and that he served until November 19, 1939, at which time he was released. It also appears that the "exposure" of Al Capone in Miami, referred to by Mr. Cox, must have occurred in April, May and June, 1930, during which months a petition was filed to padlock Capone's estate on Palm Island, Miami Beach, the Dade County Grand Jury denounced Al Capone, Al Capone was jailed twice in Miami and twice released through habeas corpus proceedings, Al Capone instituted action against certain city officials and others on the charge of conspiracy, and Al Capone was charged with perjury.

The Conduct of their Taxicab Business by Messrs.  
McBride and Sherby

34. All of the 586 taxicabs licensed by the City of Cleveland are licensed to the two companies controlled by Messrs. McBride and Sherby. No proceedings have been instituted against these two companies or against Messrs. McBride and Sherby either in the state or federal courts on the grounds of monopoly. These two companies have opposed other



applicants for certificates of convenience and necessity and have testified as to the adequacy of present service. When he receives information that someone is operating a taxicab without a license, Daniel Sherby advises the authorities and uses diligence to see that the ordinance is enforced. Mr. Sherby referred to what he called "bootleg" taxicabs in Cleveland and stated that some of them had been operated by a Mr. James Testa, Sr.

35. James Donnelly, President of the Cleveland City Council and a member for seven years, testified that the management of the taxicab companies in Cleveland was excellent, that it was a wonderful improvement over the old days, and that people were perfectly safe. Ray T. Miller, former Mayor of Cleveland, testified that while some people call the taxicab service run by Messrs. McBride and Sherby a "monopoly", he regards it as the finest monopoly because it gives the best service in the country and has lower rates. He further testified that you cannot ask a taxicab driver to take you to a house of ill fame or a gambling house because he will not take you; he stated further that he would permit his daughters to come in any hour if he knew they were coming in a Cleveland taxicab.

36. Commission Counsel stated on the record that a telephone call had been received that day (June 6, 1950) asking that the hearing be held open to permit James Testa, Sr. to come to Washington to testify in opposition to a grant to a corporation controlled by Messrs. McBride and Sherby. Commission Counsel referred to Mr. Testa's record of many arrests and conviction for violation of the narcotics laws and counterfeiting laws, admitted by Testa's own statement, expressed the opinion that the record should not be cluttered up with testimony which not only had no weight but which could not be given too much credence, and concluded that the record could be closed except for some pending motion by counsel for the applicants to take depositions.

The Associations and Reputations of Messrs. McBride and Sherby

37. It appears from the testimony of Arthur B. McBride that he has had good and bad publicity, that the circulation end of the newspaper business when he got in it was a pretty tough business, that he hired a lot of young men or boys, and that some of these "are judges and some are hoodlums" (T-675). When he was with the Cleveland News, McBride had employed a newsboy by the name of Morris ("Mushy") Wexler and he occasionally sees him now. Wexler runs a restaurant in Cleveland and is also interested in the Empire Service Company which sells sporting news. Arthur McBride had been friendly for a long period of

years with James Ragen, Sr.<sup>5/</sup> Arthur McBride signed a note at one time for James Dunn, who is now working in Las Vegas in the scratch sheet business. Mr. McBride first met Alfred Polizzi about 35 years ago when the latter was a newsboy. His only business transaction or association with Mr. Polizzi was in connection with the purchase of certain real estate at Coral Gables. James Allen Brown, a real estate agent, and President of Sun Coast Broadcasting Corporation, offered Mr. Polizzi a half interest in certain real estate which Mr. McBride was buying, acting on the mistaken assumption that Mr. McBride was interested in acquiring only a half interest. When Mr. Polizzi informed Mr. McBride that the real estate agent had promised him a half interest, Mr. McBride agreed to honor the agent's commitment and the property was accordingly purchased jointly in 1946 by Messrs. McBride and Polizzi. This property has been resold. Mr. Brown testified that Alfred Polizzi has a very good reputation locally (Miami) for "integrity, honesty, decency, and you can name anything else you want" (T-232). He has seen some allusions to the contrary in the newspapers but does not recall them specifically. Frank Katzentine, President and sole stockholder of WKAT, Inc., licensee of WKAT at Miami Beach, testified that the newspapers and people in Miami have described Albert or Alfred Polizzi as a hoodlum. Mr. Katzentine was unable to state whether the Polizzi who was in a real estate transaction with Mr. McBride was the same Polizzi referred to in the newspapers. Mr. McBride testified that the Alfred Polizzi with whom he had this real estate transaction was, he thinks, once arrested or convicted for a liquor license violation of some kind and for bootlegging. Mr. Katzentine testified that he did not know Mr. McBride personally nor his reputation for truth and veracity, morality, or reputation with respect to personal associations. He testified that he did not attempt to investigate Mr. McBride's background and character and general reputation in other communities in which he has lived and has not delegated anyone to do that for him. He knows nothing about Mr. McBride's associates other than his association in a real estate transaction with Mr. Polizzi.

38. Arthur McBride replied in the negative when questioned as to whether he has ever been friendly knowingly with the "Capone mob", as to whether he associates with anyone who had a bad reputation for having been in the "Capone mob", as to whether he associates with anyone who has a bad reputation for being a holdup man, a pandorer, a dealer in the sale of unlicensed liquor or anything of that kind, or as to whether he associates or has ever knowingly associated with hoodlums. Mr. McBride has been arrested for speeding; other than that, the only time he remembers being arrested was in 1925, at a time when he was circulation manager for the Cleveland News, and that was on a charge of operating a gambling house. This charge, which he attributes to a personal grievance, was dismissed.

---

<sup>5/</sup> His association with Ragen is referred to in paragraphs 26 through 29, supra.

39. Seventeen witnesses testified as to the reputations of Messrs. McBride or Sherby or both for honesty and integrity, truthfulness and veracity, respectability and abidance with law, candor and openness, good associations, fairness, comprehension of public duty, public spirit and personal diligence in management. The witnesses have known Mr. McBride or Mr. Sherby for periods of time ranging from 8 to over 30 years and characterized their reputations with respect to the aforementioned qualities as "excellent" or "very good" or "of the highest", or used language to the same general effect. Sixteen of these witnesses were civic, religious, business, and professional leaders from Cleveland, Ohio and one from Washington, D. C. Fourteen of these witnesses came to the hearing in Washington, D. C. on June 5 and 6, 1950 to testify. Depositions of three witnesses in Cleveland were authorized and received in evidence.

40. The following witnesses testified as to the reputations of both Mr. McBride and Mr. Sherby:

Dave R. Jones, officer or director of a number of manufacturing companies in Cleveland and other cities, active in fund-raising for welfare organizations, formerly chairman of the Civil Service Commission and a long-time member thereof, as well as a member of the Zoning Board of Cleveland.

A. L. De Maiores, president, general manager and chairman of the Board of Cleveland Home Brewing Company, member of the Board of Cleveland Broadcasting Company (licensee of Station WERE) chairman of the Republican County Executive Committee of Cuyahoga County, for twenty years a member of the Cleveland City Council and for eight years president of it, formerly a member of the Board of Trustees of Alca House, a social settlement house, and active in Red Cross and the Community Fund.

Ray T. Miller, chairman of the Democratic County Central Committee of Cuyahoga County, chairman of the Cuyahoga County Executive Committee of the Democratic Party, member of the Board of Trustees of the Catholic Charities Corporation and the Board of Trustees of St. Ann's Maternity Hospital, president of Cleveland Broadcasting Company (licensee of Station WERE), for two terms prosecuting attorney of Cleveland, former mayor of Cleveland, former Special Assistant to the Attorney General of the United States, former district deputy, former state deputy and former member of the Supreme Board of Directors of the Knights of Columbus. During his political career Mr. Miller had at one time found himself in strong opposition to Mr. McBride and when Mr. Miller was Prosecuting Attorney, he sought diligently any possible adverse material, but was unable to find any.

Samuel H. Deutsch, president of the Radolph Deutsch Company, president of the American Legion Club, formerly head of the Forty and Eight and County Commander of the American Legion and District Commander for northern Ohio, foreman of the Grand Jury in the 1930's and again during the most recent term of the Grand Jury.

41. The following witnesses testified as to the reputation of Arthur B. McBride:

Thomas Coughlin, president of the Bank of Ohio of Cleveland, chairman of St. Alexis Hospital, treasurer of the Cleveland Hospital Service Association, trustee and chairman of the Finance Committee of the Catholic Charities Corporation, trustee of the Community Fund, and a former member of the Cleveland City Council and the Ohio Legislature.

John F. Burns, president of the Cleveland Federation of Labor, consisting of 210 organizations with a membership exceeding 230,000, member of the Advisory Council of the Bureau of Unemployment Compensation of Ohio, and a member of several welfare organizations in Cleveland.

Honorable James C. Connell, judge of the Common Pleas Court of Cuyahoga County, former member of the staff of the Public Prosecutor and of the staff of the County Prosecutor.

Honorable Adrian C. Newcomb, judge of the Common Pleas Court of Cuyahoga County for eleven years.

James Donnelly, president of the Cleveland City Council and member of it for seven years from the 33rd ward, in which Mr. McBride resides, organizer and former commander of the West Park-Gilbert O'Neill Post of the Veterans of Foreign Wars, honorary member of the Come-To-Cleveland Committee and member of the Speakers Bureau of the Cleveland Catholic Charities Association.

Father Linus (Reverend Linus Loenemund), for forty-six years a priest and member of the Franciscan Order, pastor of Our Lady of the Angels parish for twenty-six years, during which time Mr. McBride has been a resident of the parish and a communicant of the church.

Monsignor Albert J. Murphy of St. Ignatius Church, former Diocesan Director of Catholic Charities, a former committee member of the National Conference of Social Work, formerly associated with the Attorney General's Office in prison chaplain work and member of the United States Commission for the care of European children and a number of other committees dealing with displaced persons.

Dan W. Duffy, vice-chairman of the Democratic County Executive Committee, member of the Board of Elections of Cuyahoga County, member of the Corporations Committee of the Catholic Charities Corporation, formerly a judge in Cleveland, formerly an Assistant County Prosecutor, formerly Recreation Commissioner of the City of Cleveland.

Rev. Armin A. Kitterer, administrator of the Evangelical Deaconess Hospital of the Evangelical and Reformed Church, and a graduate clergyman.



42. The following witnesses testified as to the reputation of Daniel Sherby:

Alfred A. Benesch, for 25 years a member of the Cleveland Board of Education and President thereof for three terms, member of the County Hospital Commission, former member at large of the Cleveland City Council and Director of Public Safety, former director of commerce of the State of Ohio, former Area Rent Director under OPA, a trustee or officer of the Cleveland Orphans Home, the National Jewish Hospital of Denver, Colorado, Mount Sinai Hospital of Cleveland, the Cleveland Temple, the Jewish Family Service Association, the Bureau of Jewish Education and the Educational League, and a director of a savings and loan company and an industrial organization.

Abba Hillel Silver, Rabbi for thirty-three years of the Temple at Cleveland, the largest liberal Jewish congregation in the United States, former president of the Central Conference of American Rabbis, for a number of years chairman of the Jewish Welfare Fund, active for years in the Family Welfare Agency of Cleveland, organizer of the Bureau of Jewish Education in Cleveland, author, and lecturer at colleges and universities throughout the United States.

Harry F. Affelder, president of the Wolf Envelope Company of Cleveland and the Wolf Envelope Company of Detroit, director of the Union Bank of Commerce at Cleveland, and an officer or trustee of various non-sectarian and Jewish welfare organizations, a former member of industry advisory committees to Federal agencies, and a trustee of Case Institute of Technology of Cleveland.

Ralph L. Goldsmith, of Washington, D. C., vice-president and general manager of Lansburgh's Department Store, president of the Washington Better Business Bureau, and formerly co-chairman of the United Jewish Appeal.

Contract Arrangements Between Lincoln and Sun Coast

43. The original understanding between Lincoln and Sun Coast was that Lincoln had expended approximately \$15,000 on behalf of its own application and that it would therefore receive \$15,000 in stock of Sun Coast, \$5,000 to come from Mr. Sherby's holdings and \$10,000 from Mr. McBride's holdings. It thereafter appeared that Lincoln's expenditures were approximately \$20,000 instead of \$15,000, and Mr. McBride wanted Lincoln to be reimbursed adequately and fully, and agreed to give Lincoln the extra \$5,000 in stock. The minority stockholders of Sun Coast recommended that the \$20,000 in stock should not come out of the holdings of Mr. McBride and Mr. Sherby, because the arrangement with Lincoln inured to the benefit of all of Sun Coast's stockholders, and it was agreed that Sun Coast



would issue \$20,000 of its stock to Lincoln. Twenty thousand dollars in stock of Sun Coast, consisting of 200 shares of \$100 preferred stock and 200 shares of no-par common stock, was issued to Lincoln and its receipt acknowledged by Lincoln in the Trust agreement between Lincoln and Sun Coast, dated October 27, 1947, and attached as Exhibit B to the application involved in this proceeding.

Sun Coast's Plans for Staffing, Programming and  
Otherwise Operating Station WMIE

44. At the time this application for assignment of construction permit was filed, to wit, December 3, 1947, construction of Station WMIE had not yet begun; however, by the time the application was designated for hearing, to wit, July 30, 1948, Sun Coast had practically completed the construction of WMIE and it received authorization to operate on equipment tests on July 29, 1948 and on program tests starting with September 17, 1948 and continuing to date. Station WMIE is operated entirely by Sun Coast through its board of directors, consisting of Arthur B. McBride, Daniel Sherby, James Allen Brown, Otis Spencer and Robert Venn. Robert Venn, in addition to being vice-president and a director of Sun Coast and vice-president of Lincoln, is general manager of Station WMIE. Lincoln does not operate Station WMIE and does not desire to do so. Its participation is simply as a small minority stockholder in Sun Coast.

45. There is nothing in the record to indicate that Sun Coast plans to change its staffing or programming of Station WMIE, should the present application be granted.

---

6/ At the beginning of the hearing on June 27, 1949, counsel for applicants asked Commission Counsel to stipulate that the plans of the proposed assignee for staffing the station, the plans with respect to programming and other plans and arrangements are as represented in the original application for construction permit filed by Lincoln Operating Company on May 9, 1946, as supplemented June 27, 1946, as amended January 30, 1947, as amended March 14, 1947, as amended April 29, 1947, as amplified by the pleadings filed on behalf of Lincoln Operating Company and Sun Coast Broadcasting Corporation on April 29, 1947 in Dockets 7374 and 8155, as modified September 2, 1947 and are in accordance with the proof of performance and application for license pursuant to construction permit, filed September 15, 1948, and also as amended and enlarged by the verified statement submitted as a petition for reconsideration and grant in Docket 9112 on August 13, 1948. Commission Counsel agreed to this stipulation conditioned only upon his examination of Robert Venn, the general manager of Station WMIE, and Barry Gray, with respect to programming. This condition was thereafter satisfied by the examination of Messrs. Venn and Gray.

46. Station WMIE's staff consists of six engineers, eleven employees in the program department, in addition to a number of independent contractors, including disc jockeys, commentators and a home economist, eleven employees in the advertising sales department, and eight in the general and administrative department. The payroll for the month of March, 1950, was in excess of \$20,000.

47. An analysis of WMIE's composite week of 1949 shows the following percentages of operating time devoted to the following program sources:

Network sustaining	0
Network commercial	0
Recorded commercial	33.4%
Recorded sustaining	22.5%
Wire commercial	2.2%
Wire sustaining	4.7%
Live commercial	28.4%
Live sustaining	8.8%
Total Commercial	64%
Total Sustaining	36%

During this composite week, WMIE broadcast 436 spot announcements and 88 non-commercial spot announcements.

48. Findings with respect to the broadcasts of race results by Station WMIE are contained in paragraphs 16 through 19, supra; findings with respect to Station WMIE's rejection of the Crime Commission programs are contained in paragraphs 20 and 21, supra; findings with respect to the Barry Gray program on Station WMIE are contained in paragraphs 22 through 25, supra.

Finances, Stock Distribution, Stockholders and Ownership  
and Control of WMIE

49. In the mutual application for construction permit (BP-4903, Docket 7874), filed by Lincoln and Sun Coast, the stockholders of Sun Coast and their holdings were as shown in Column 1 below. Thereafter, stock was issued to Lincoln as explained fully in paragraph 43, supra; aside from this, only very minor changes occurred in the stock distribution in Sun Coast up to the time (September 30, 1947) a new list was prepared and attached to the application for assignment of construction permit which is the subject of this proceeding. The stock distribution, as of September 30, 1947, is shown in Column 2. A few other very minor changes thereafter occurred and were reported to the Commission on FCC Form No. 323 and placed in the record of this proceeding. The stock distribution shown on Form 323 is the present status and is set forth in Column 3 below.

<u>Stockholder</u>	<u>Percentage of Stock</u>		
	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
Brown	1.0	1.0	0.5
Spencer	1.0	1.0	0.5
Lucchesi	0.5	0.25	0.25
Sparks	0.5	0.25	0.25
Phillips	0.5	0.25	0.25
Lowry	0.5	0.5	0.5
Hoover	1.0	0.5	0.5
Thomas	1.0	1.0	1.0
Roig	1.0	1.0	1.0
Bowman	1.0	0.5	0.5
Sperow	0.5	0.25	0.25
Hester	0.5	0.25	-
Rosco	0.5	0.25	-
H. Ward	0.5	0.25	0.25
W. Ward	0.5	0.25	0.25
Mason	0.5	0.25	0.25
Miller	1.0	0.5	0.5
Holly	1.0	0.5	0.5
Breeding	1.0	1.0	1.0
Anderson	0.5	0.25	0.25
McBride	40.	39.25	39.775
Sherby	40.	39.25	37.275
Unassigned	5.5	-	2.95
Lincoln Operating	-	10.0	10.0
Lopez	-	1.0	1.0
McCrea	-	0.25	0.25
Thouvenelle	-	0.25	0.25
	100%	100%	100%

50. The holdings of Messrs. McBride and Sherby in Sun Coast, percentagewise, have remained fairly constant and are presently 39.775% and 37.275% respectively. Aside from the holdings of McBride and Sherby, 10% of the stock of Sun Coast is held by Lincoln and the balance is distributed among a substantial number of persons.

51. While the relative holdings of Messrs. McBride and Sherby in Sun Coast have remained fairly constant, the amount of stock authorized has been doubled since the filing of the mutual application for construction permit by Lincoln and Sun Coast. The original authorization was for 1,000 shares of \$100 preferred stock and 1,000 shares of no-par common stock, and Messrs. McBride and Sherby had each subscribed to 400 shares of each class of stock. In August, 1947, Sun Coast's charter was amended to authorize the issuance of 2,000 shares of \$100 preferred stock and 2,000 shares of no-par common stock; thereafter Messrs. McBride and Sherby increased their subscriptions to stock almost 100%. At the present time Mr. McBride holds 795½ shares of each class of stock and Mr. Sherby holds 745½ shares of each class of stock.

### Conclusions

1. This proceeding involves an application by Lincoln Operating Company as trustee for Sun Coast Broadcasting Corporation to assign to Sun Coast the construction permit for Station WMIE, Miami, Florida, which has been operating on program tests since September 17, 1948. This trust relationship and the present application which seeks to discharge the trust by assigning the permit, developed out of an agreement in April, 1947 between Lincoln and Sun Coast, who were then competing applicants for conflicting facilities, to consolidate their interests. To effectuate this consolidation, one approach would have been to merge Sun Coast into Lincoln, but this was rejected as impracticable because Lincoln was primarily engaged in the motion picture business which it did not desire to share with Sun Coast and in which Sun Coast did not desire to participate. Another method would have been for Lincoln to merge into Sun Coast but that would have left the parties with Sun Coast's application for a daytime-only station which could not be amended to request full-time operation until after the expiration of the "temporary expediting procedure" then in effect at the Commission and more fully described in paragraph 2 of the Preliminary Statement. The parties therefore adopted the procedure of requesting that the full time facilities applied for by Lincoln be granted to Lincoln as trustee for Sun Coast and stated that an application for transfer to Sun Coast would subsequently be filed. This request for a grant to Lincoln as trustee for Sun Coast was granted by the Commission on July 10, 1947.

2. The application for assignment of construction permit was filed on December 3, 1947, prior to the commencement of construction. However, at the time this application was designated for hearing on July 30, 1948, Sun Coast had practically completed the construction of WMIE and the station had been authorized to operate on equipment tests. Beginning with September 17, 1948, Sun Coast has been operating Station WMIE on program tests with Commission authorization.

3. Issues 2, 3 and 4 (set out in full in paragraph 4 of the Preliminary Statement) and the findings with respect thereto (contained in paragraphs 43 through 51, supra) require no elaborate consideration. Sun Coast constructed Station WMIE and has operated it on program tests pending action by the Commission on the application by Lincoln to discharge its trust by assigning the construction permit to Sun Coast. Its programming and staffing are therefore no longer in the planning stage but have been placed into effect, as shown



in the findings. The contract arrangements between Lincoln and Sun Coast, calling for the issuance to Lincoln of sufficient stock in Sun Coast to repay Lincoln for its expenditures in connection with its own application, were carried into effect by October, 1947. Although originally Lincoln was to receive \$15,000 in stock (\$5,000 to come from Mr. Sherby's holdings and \$10,000 from Mr. McBride's holdings), when it appeared that Lincoln's expenditures were approximately \$20,000 instead of \$15,000, the arrangement was made for Lincoln to receive \$20,000 in stock directly from Sun Coast and not out of the holdings of Messrs. McBride and Sherby. This modification was made upon the recommendation of minority stockholders of Sun Coast on the basis that the merger with Lincoln inured to the benefit of all of Sun Coast's stockholders. The relative distribution of stock in Sun Coast has remained substantially unchanged although the amount of stock originally authorized and subscribed has practically doubled. Messrs. McBride and Sherby together originally subscribed for 80% of the originally authorized stock and presently hold 78% of the authorized stock. Lincoln holds 10% of Sun Coast's stock and the balance is distributed among a number of stockholders, each holding a very minor interest.

4. We come now to the principal question in the proceeding, namely, the legal, financial and other qualifications of Arthur B. McBride and Daniel Sherby to be stockholders in a radio broadcast station. Their legal and financial qualifications have been clearly established; the major question remaining is with respect to their "other qualifications", more specifically such matters as character and behavior, as they have been explored on this record.<sup>1/</sup> One of the principal matters explored to show the character of Messrs. McBride and Sherby was the actual operation of Station WMIE, with particular reference to the broadcasting of race results, the failure to carry radio programs sponsored by the Greater Miami Crime Commission, and the Barry Gray program. With respect to Arthur B. McBride, there was an inquiry into his alleged intervention on behalf of Al Capone and into his relationship to Continental Press Service. There was also an inquiry into Arthur B. McBride's associations and an inquiry with respect to the character of both McBride and Sherby as shown by testimony with respect to their reputations. Some question was also raised with respect to conduct of their taxicab business in Cleveland.

---

<sup>1/</sup>Section 7(d) of the Administrative Procedure Act provides: "The transcript of testimony and exhibits, together with all papers and requests filed in the proceeding, shall constitute the exclusive record for decision \* \* \*". Section 1.859 of the Commission's Rules contains an identical provision.



5. The manner in which Station WMIE broadcasts information concerning horse races does not reflect unfavorably upon the character of its management or of the stockholders of Sun Coast. WMIE, unlike one or two other stations in the Miami area, does not broadcast pre-race information such as "scratches", track conditions, jockey changes, the varying odds, and the views of private handicappers. Its announcements of horse race results are part of its general coverage of sporting events, and spot announcements on its "Sports Jamboree" relate not solely to the scratch sheet publication called "The Harvey A. Jr. Sports Digest" but to restaurants and a variety of other businesses. It has a policy of delaying its announcements of race results for at least 15 minutes and such evidence as the record contains shows an actual average delay of 22.7 minutes for 119 races for the week of December 9 - 15, 1949, with only two broadcasts of the 119 occurring in less than 15 minutes. In the most significant aspects of its horse race broadcasts, WMIE appears to follow or exceed the standards of Station WADC, whose application for renewal of license was granted on January 29, 1948 (In re application of Capital Broadcasting Company, 4 RR 21) and to avoid the method of operation followed by Station WTUX, whose application for renewal of license was denied on October 11, 1950 (In re application of Port Frore Broadcasting Company, Inc., 5 RR 1137). Such evidence as is contained in the record does not demonstrate that "bookies" use or have used WMIE's broadcasts of race results to pay off on bets.

6. Station WMIE's failure to carry programs of the Greater Miami Crime Commission and its broadcasting of the Barry Gray program do not reflect unfavorably upon the character of the management of WMIE or of the stockholders of Sun Coast. The advocacy of legalized gambling by Barry Gray, a commentator and master of ceremonies on WMIE, together with his policy and practice of permitting opposing views on controversial topics such as legalized gambling, cannot be regarded in any way adverse to this application. The failure of WMIE to carry the Crime Commission programs and Barry Gray's belittling of these programs is explained as being based upon a conviction that men who have paid their debt to society or who have been apprehended for alleged illegal activities and released, should not be "spotlighted" or hounded. Without regard to the persuasiveness of this point of view, it is clear that this failure to cooperate with a single civic organization is too remotely related to the character of the management of WMIE or of the stockholders of Sun Coast to warrant any unfavorable conclusion.

7. The charge by James M. Cox, former Governor of Ohio, that Arthur B. McBride had characterized Al Capone as a "fine fellow" and had attempted to intervene with him (Cox) on Capone's behalf, during the newspaper "exposure" of Capone in Miami and prior to his conviction for violation of the Federal income tax laws, has been refuted by elaborate and persuasive testimony and documentary evidence. We are convinced that Arthur McBride was not in Florida at the time of his alleged intervention on behalf of Al Capone; that his first visit to Florida did not occur until some years later, after Al Capone had been convicted of violation of income tax laws and was serving time in a Federal penitentiary; and that he did not intervene with Governor Cox on Al Capone's behalf. We can only conclude that Governor Cox was mistaken as to the time and subject matter of the conversations which he had with Mr. McBride.

8. We now come to the question of Arthur B. McBride's relationship to the Continental Press Service. However, before stating our conclusions on the basis of the record with respect to this matter, it might be well to comment briefly on the nature of this proceeding. This is not a legislative or investigative proceeding in which the initiative for questioning witnesses and issuance of subpoenas is sometimes taken by the presiding officer. It is rather an adjudicatory proceeding subject to the Administrative Procedure Act and, more particularly, an adversary proceeding in which counsel for the applicant organizes and presents the evidence favorable to the applicant and in which Commission Counsel is primarily responsible for such preliminary investigation as may be made and for the organization and presentation of evidence which might be regarded as unfavorable to the applicant. The distinction between the responsibility of the Hearing Examiner and that of Commission Counsel<sup>2/</sup> was referred to by the Hearing

<sup>2/</sup> The importance of making a distinction between investigating and deciding was referred to in the opinion of the Supreme Court in the case of Wong Yang Sung v McGrath, 70 Sup.Ct. 445 (1950). In reviewing the legislative history of the Administrative Procedure Act, the Court quoted as follows from the Final report of the Attorney General's Committee on Administrative Procedure: "These types of commingling of functions of investigation or advocacy with the function of deciding are thus plainly undesirable. But they are also avoidable and should be avoided by appropriate internal division of labor. For the disqualifications produced by investigation or advocacy are personal psychological ones which result from engaging in those types of activity; and the problem is simply one of isolating those who engage in the activity. Creation of independent hearing commissioners insulated from all phases of a case other than hearing and deciding will, the Committee believes, go far toward solving this problem at the level of the initial hearing provided the proper safeguards are established to assure the insulation." \* \* \* This distinction between the functions of investigating and developing a case, and deciding the case is recognized in the Administrative Procedure Act and in the Rules and Regulations of the FCC.

Examiner at Page 302 of the transcript, in commenting upon the request, included in a statement submitted on behalf of the Attorney General of the State of Florida, that the records of Continental Press Service be subpoenaed. The Hearing Examiner there stated his view that it is the function of Commission Counsel to request the issuance of subpoenas and the function of the Examiner to act upon such requests. No request that the records of Continental Press Service be subpoenaed was made by Commission Counsel. However, other requests for subpoenas were made and were granted. In addition to the witnesses appearing on behalf of the applicant and on behalf of the Commission, there was an invitation extended in Miami, Florida, by both the Commission Counsel and the Hearing Examiner, for so-called "public" witnesses to come forward and testify, but no one did so.

9. This record does not contain detailed information concerning the operations of Continental Press.<sup>2/</sup> It does appear that Continental Press supplies horse-racing news to its customers and that Arthur B. McBride placed it in operation on November 20, 1939, a few days after Nation-Wide News discontinued its services. Unlike Nation-Wide News, which sold racing news to bookmakers, Continental Press did not sell news to bookmakers but to six customers each of whom was the publisher of a racing "scratch" sheet. Our attention has not been called to any conviction of Arthur B. McBride or of Continental Press on criminal charges and the record does not show that Continental Press operates in violation of any State or Federal law; an indictment in 1940 against Mr. McBride and others in connection with the operation of Continental Press was dismissed on the ground that the indictment did not charge the defendants with the commission of a crime. But, in any event, whatever effect the ownership of Continental Press might have upon the qualifications of a person to be a stockholder in a radio station, we cannot overlook the fact that Arthur B. McBride disposed of his interests in Continental Press in 1942 to the Ragons and, on the basis of this record, has not owned or participated in its management since that time.<sup>3/</sup> Its present owner, Edward J. McBride (Arthur McBride's son) has no interests in WMIE or Sun Coast Broadcasting Corporation. Edward J. McBride knows practically nothing about the operations of Continental Press but leaves its operation and management entirely in the hands of his uncle, Tom Kelley, who has been with Continental Press since its formation in 1939 and

---

<sup>2/</sup> On February, 1951, subsequent to the closing of the record in this case, the Special Committee to Investigate Organized Crime in Interstate Commerce released its Second Interim Report. Neither this Report nor the evidence upon which it is based are on the record of this proceeding and therefore cannot be used for the purposes of this Initial Decision.

who was instrumental in persuading Arthur B. McBride to establish the service. We are unable to reach the conclusion on this record that Arthur B. McBride's past ownership and operation of Continental Press disqualifies him from being a stockholder in a radio broadcast station.

10. The inquiry into the taxicab operations of Messrs. McBride and Sherby, more fully referred to in paragraphs 34 to 36 of the findings, did not produce any information reflecting unfavorably upon McBride or Sherby. All of the 586 taxicabs licensed by the City of Cleveland are licensed to their two companies but no proceedings on the grounds of monopoly have been instituted against them and the service rendered by their taxicabs was described as excellent by both the President of the Cleveland City Council and by a former Mayor of Cleveland.

11. A number of "characters" whom Arthur B. McBride knows, such as Alfred Polizzi, were newsboys working for Mr. McBride when he was employed in the circulation departments of newspapers over twenty years ago. This was a "pretty tough business", and some of the boys, to employ McBride's language, "are now judges and some are hoodlums". There is nothing in the record to show that he is presently associated with hoodlums. On the contrary, his reputation in Cleveland, according to the testimony of thirteen leaders in the civic, political, religious, business and professional life of Cleveland, who have known him from eight to over thirty years, is excellent for good associations as well as for such other qualities as honesty and integrity, truthfulness and veracity, respectability and abidance with law, candor and openness, fairness, comprehension of public duty, public spirit and personal diligence in management. Similarly, the reputation of Daniel Sherby in Cleveland, according to the testimony of seven leaders in the civic, religious, political, business and professional life of Cleveland who have known him for substantial periods of time, is excellent for honesty and integrity, truthfulness and veracity, respectability and abidance with law, candor and openness, good associations, fairness, comprehension of public duty, public spirit and personal diligence in management.

12. Upon consideration of the evidence adduced on this record with respect to the various matters referred to above, and considering these matters both separately and collectively, we cannot conclude that Messrs. McBride and Sherby are not "otherwise qualified" to be stockholders or controlling stockholders in the permittee or licensee of a radio broadcast station.



13. On the basis of the record in this proceeding, it is concluded that Arthur B. McBride and Daniel Sherby are legally, financially and otherwise qualified to be stockholders in a radio broadcast station and that a grant of the application for assignment of construction permit would be in the public interest, and IT IS ORDERED this 13th day of March, 1951 that this application BE and IT IS HEREBY GRANTED.

FEDERAL COMMUNICATIONS COMMISSION

*Leo Resnick*

Leo Resnick  
Hearing Examiner

Released March 14, 1951  
and effective 40 days  
thereafter subject to  
Section 1.853 of the  
Commission's Rules.

