

HEINL RADIO BUSINESS LETTER

2400 CALIFORNIA STREET

WASHINGTON, D. C.

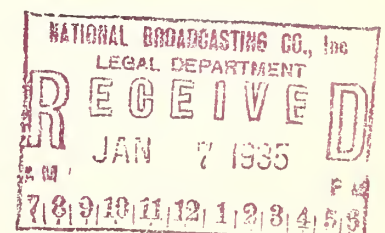
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JUDGE SYKES TELLS OF STUDIES BY FCC

With three separate divisions, each operating independently, the Federal Communications Commission is functioning these days as a tri-parite body, with each division having its "hands full," Chairman E.O. Sykes, of the FCC, declared in an interview over a nationwide NBC-WEAF network.

Defining the scope of the FCC's work and the reasons which prompted the administration in bringing about its creation, Judge Sykes declared in response to Mr. Codel's questioning, that the creation of this new agency "was not dictated by any political considerations." He asserted that it was "a natural sequel to the growth and expansion of communications services that the government should regulate them in the interests of the public whom both the FCC and the companies serve."

Judge Sykes enumerated the current investigations being conducted by the three separate divisions. Apropos of the Broadcast Division, he said:

"The Broadcast Division, as you know, is expected to report to Congress by Feb. 1 on the proposal that a fixed percentage of the broadcasting facilities be allocated to particular types of non-profit activities. In addition to its routine work, the Broadcast Division has also begun a survey of the wave lengths, with particular attention to clear channels, to determine whether our present system of allocations is the most efficient in the light of recent advances in radio engineering."

Paying high tribute to the work of the FCC staff, Judge Sykes said the "teamwork being displayed" could be justly attributed to the leadership of the six other members of the FCC, whom he described as "public servants of the very highest calibre." The feeling of the entire organization, he asserted, is that "we will contribute something real and lasting to the American radio listener and the American user of the telephone and telegraph services."

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WJSV's EQUIPMENT SOLD TO COLUMBIA

Purchase of the broadcasting equipment of Radio Station WJSV, Alexandria, Va., was announced by the Old Dominion Broadcasting Co., a subsidiary of the Columbia Broadcasting System.

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Though officials of the purchasing company declined to make public the purchase price, it was understood the equipment was sold for \$250,000.

Inasmuch as the Old Dominion Broadcasting Co., has been operating WJSV equipment under lease from WJSV, Inc., no change in operation or control of the station will result, officials pointed out.

Although the transmitter of WJSV is located at Alexandria, across the Potomac from the National Capital, it is the key station of Columbia for covering Washington, D.C.

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FIRST LADY DENIES AIDING SOCIALIST STATION

Mrs Roosevelt disclaimed any responsibility for, or connection with any increase by the Federal Communications Commission of the power from 500 to 1,000 watts of the Socialist Radio Station WEVD, in New York. She added that to the best of her knowledge no speech of hers ever had been broadcast by that station.

She made the statement in answer to a question concerning an assertion in a new issue of "Who's Who in Radicalism for Patriots," in which the biography previously included under her name in its "blacklist" is enlarged by the allegation that Mrs Roosevelt and Secretary Perkins had donated their services in broadcasting over WEVD "for the benefit of the International Ladies Garment Workers Union," and made the suggestion that "this official cooperation might explain why the Federal Communications Commission had lately granted this Socialist radio station an increase in wave length."

Mrs Roosevelt did not recognize the name of the station, of which she said she had never heard. She was sure that all her commercial broadcasts had been made over the major National networks, and that she had never knowingly spoken over any others.

Miss Perkins also, it was said at her office, had never spoken over other than the two major networks, the Columbia System and the National Broadcasting Company, and knew nothing whatever of the facilities enjoyed by WEVD, which is a memorial to the late Eugene V. Debs, former Socialist candidate for president.

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BEFORE AND AFTER

Herewith listed some radio-stage names, along with their pre-radio and post-radio salaries, vouched for by Variety. Figures given are the tops drawn by each named. All boosts are directly attributable to radio.

	Pre-radio	Post-radio
Joe Penner	\$ 850	\$ 7,500
Ben Bernie, Orch	2,000	7,500
Fred Waring, Orch	3,500	10,000
Eddie Cantor.....	7,500	12,000
Jack Benny	2,000	4,500
Phil Baker	2,000	5,000
Burns & Allen	850	5,000
Kate Smith	850	6,500
Morton Downey.....	1,500	4,500
Block & Sully.....	750	2,500
Jane Froman	400	2,000
James Melton	300	1,500
Jack Pearl	2,000	8,500
Ed Wynn	5,000	15,000
Dave Rubinoff	400	2,500

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WESTERN RADIO NEWS JUDGE WAS DILL APPOINTEE

Describing him as a protege of former Senator Dill of Washington, Raymond Clapper, well known Washington correspondent has the following to say about Judge Bowen who decided that radio stations are entitled to broadcast news printed in newspapers:

"One of the newer Federal judges on the far away Pacific coast John C. Bowen, of Seattle, is becoming the center of wide interest through a pioneering decision growing out of a clash between newspapers and radio.

"His decision, which was a shock to newspaper publishers, hold that radio station KVOB, of Bellingham, Wash., was entitled to pick up and broadcast Associated Press dispatches as soon as they appeared in newspapers of the vicinity. On behalf of the Associated Press, it was contended that the news had been collected at great expense for newspaper publication and that its property right in this news was infringed when a radio station took the news fresh from the presses and broadcast it free to the public.

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" Judge Bowen's decision giving radio a full right of way in picking up news gathered by newspapers, came almost simultaneously with a similar case in South Dakota in which a Federal court enjoined such practice on the ground that the property right of the Associated Press in its news continued for 24 hours after publication.

"Little known in the east, Judge Bowen has been prominent for some years in Washington State, where he has been a protege of Senator Clarence C. Dill, who was his client at one time. Later Bowen became internal revenue collector and finally with Dill's recommendation, was appointed Federal judge.

"A coincidence is that both Judge Bowen and Senator Dill are pioneering in their respective capacities, in the field of radio as a news disseminator.

"Judge Bowen has in his decision attempted to establish radio's prompt access to news information gathered by newspaper staffs. Senator Dill not only has pioneered in radio legislation, but he is returning this week to open a law office here through which he will take an active interest in legal questions that arise in relation to radio and the public. He also has been working on a plan to build up a Nation-wide and later a world-wide radio news service.

"Judge Bowen came East to spend the holidays with his father in Tennessee and is expected to visit Senator Dill here in Washington within the next few days."

It is believed the KVOS case will reach the Supreme Court and be bitterly fought all the way by both sides, as newspapers contend their future may be jeopardized by this decision.

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GARY RESIGNS TO MAKE WAY FOR PRALL

With the expiration of his term as a member of the House of Representatives, Anning S. Prall, Democrat, of New York, personal friend of Senator Bob Wagner of New York and President Roosevelt, is all set for appointment as a member of the Federal Communications Commission.

Representative Prall succeeds Hampson Gary who had held the position at the request of the President until such time as Mr. Prall could assume the post.

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An appointment to the Federal Radio Commission was offered to Mr. Prall last year but he did not accept before the Commission was supplanted by the Communications Commission.

Under the law Mr. Prall could not have accepted a place on the Federal Communications Commission before the opening of the new Congress -January 3, as he was a member of the Congress which created the commission.

A complication arose which threatened to prevent Mr. Prall's serving on the Communications Commission in the nature of an unfortunate automobile accident. Senator Wagner and Representative Wagner last summer were enroute to a fishing camp but collided with a truck in the vicinity of Westport, N.Y. Mr. Prall, the more seriously injured of the two, suffered a broken leg and was removed to a hospital at his home on Staten Island where he has been convalescing. Mr. Prall, who is 64 years old, was still on crutches when he arrived in Washington to take up his new duties, and the chances are he will walk with their aid for sometime to come.

The big task facing Mr. Prall, as head of the Broadcast Division, is the report which the Division is preparing and which must be made to Congress by the Commission, February 1st, as to whether or not additional radio facilities shall be allocated to educational and religious stations. Lengthy hearings were held upon this subject and although Mr. Gary worked overtime because of the voluminous nature of the testimony, he was not able to complete the report before January 1st.

There are those who believe former Representative Prall may have some ideas of his own on the subject due to the fact that his appointment was sponsored by Senator Wagner, at whose request the entire educational and religious matter was gone into.

At the request of Rev. J.B. Harney, Superior General of the Paulist Fathers in New York, owners of station WLWL, Senator Wagner introduced a bill which would allocate 25 per cent of all broadcasting facilities to educational and religious stations. A compromise was reached, however, to have the Federal Communications Commission study the subject and make appropriate recommendations to the new Congress.

Mr. Prall, a native of Staten Island attended the public schools of New York. He was vice president of Cosgrove & Co. of New York City and served as president of the New York Board of Education and also as a commissioner of taxes and assessments. He was a member of the Sixty-eighth to Seventy third Congresses. 1923 - 1935.

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There was evidence of genuine regret on the part of everyone at the departure of Mr. Gary who had made a splendid record for himself. Mr. Gary received a splendid letter from the White House thanking him for his services and in addition to this the President commended him personally, which strengthens the general assumption that Mr. Gary is slated for another important Administration position, perhaps in the foreign service where he served with distinction in Egypt and Switzerland in the Wilson Administration.

The Federal Communications Commission passed the following resolution:

"Whereas the Hon. Hampson Gary has by resignation terminated his membership in the FCC

"therefore it is resolved that the remaining members of the body assembled this date en banc desire to place themselves on record as deeply appreciative of the great value to this Commission of Mr. Gary's services as manifested by the wisdom of his counsel, the intelligent helpfulness of his inspiration and the consistent earnestness of his devotion to the work of the Commission.

"Resolved that in conveying individual and collective regrets at his departure from this field of activity, his late colleagues do assure him of their continued interest in his welfare and they hope that opportunity will be afforded for the exercise of his talents in some worthwhile avenue of public service, and, finally be it resolved, that these resolutions be spread upon the records of this Commission and copy thereof be transmitted to Mr. Gary."

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EXPECT COURT ACTION IN WLW CUT

Court action is expected if other expedients fail if station WLW at Cincinnati is obliged to cut its nighttime power from 500,000 watts to 50,000 watts. As it stands now, unless WLW is not able to reduce interference with CFRB, a 10,000 watt Toronto station, the Cincinnati station will not be able to secure a renewal of its 500,000 watt license February 1st.

WLW has been given the alternative of reducing the interference by means of a directional antenna or of cutting

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its present power down to 50 000 watts, at least during the remaining winter months. Although no one involved in the case would talk for publication, it was the impression in Washington that, if necessary, the Crosley Corporation would resort to injunction proceedings and fight the matter out in the courts. Lieutenant Governor Sawyer is counsel for the Crosley Corporation.

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G. O. P. FAVORS RADIO FREEDOM

The concluding point in the 20-point G. O. P. Program outlined by Representative Bertrand H. Snell, of New York, Republican leader is as follows:

"We believe in freedom of speech and in freedom of the radio for the discussion of national questions "

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TRADE BODY DOESN'T DESIRE TO DICTATE TO BROADCASTERS

Setting forth that the Federal Trade Commission does not undertake to dictate what the advertiser shall say but rather what he must not say, a report from the Commission follows:

The Commission on May 16, 1934, requested all networks, transcription companies and individual broadcasting stations to file with it duplicate copies of their advertising continuities. To this request all of the 10 networks, all of the 596 broadcasting stations, and practically all of the transcription companies which make commercial continuities have responded. This cooperation has been most gratifying.

The Commission has already received approximately 180,000 continuities, of which it has made preliminary detailed examination of almost 150,000. Of the latter number more than 125,000 were found unobjectionable and filed without further action, while about 21,000 were distributed among members of the special board of investigation for further checking.

"There remained approximately 33,000 continuities to be examined. In all cases where false and misleading advertising is found the Commission is applying substantially the same procedure as is followed in cases of false and misleading advertising in newspapers and periodicals.

"This scrutiny of radio advertising is being conducted with a minimum of expense to the government as well as to the industry because of the co-operation of members of the industry and the system of procedure developed.

"In its examination of the radio continuities, as well as of newspaper and periodical advertising, the Commission's sole purpose is to curb unlawful abuses of the freedom of expression guaranteed by the Constitution.

"It does not undertake to dictate what an advertiser shall say, but rather indicates what he may not say. Jurisdiction is limited to cases which have a public interest as distinguished from a mere private controversy, and which involve practices held to be unfair to competitors in interstate commerce."

PHILADELPHIA STATION DENIED COMPOSERS DATA

In a decision handed down by Judge Mack in the New York Federal Court, recently, the Pennsylvania Broadcasting Co., operators of WIP, Philadelphia, was denied the right to inside information about the American Society of Composers, Authors and Publishers. WIP is suing for a permanent injunction restraining ASCAP from trying to collect a license fee, on the ground that the performing rights outfit is a monopoly.

Judge Mack's ruling denies WIP's request for an accounting showing the salaries paid the president, secretary and general manager of ASCAP from 1927 to 1933, the operating expenses of the Society for the same period, and the fees that it has paid during this stretch to attorneys.

The court ordered held in abeyance other points of information demanded by WIP. These included material about ASCAP's income from picture houses, hotels, restaurants, canarets and broadcasting stations for a number of years down to 1933, a list of all station licensees, an accounting of the gross payments made by the Society to its writer and publisher members for each of the years between 1917 and 1933.

ASCAP counsel objected to revealing the latter on the ground that it might tend to incriminate the defendants named in the action, Gene Buck, Louis Bernstein, Jerome Kern and E.C. Mills.

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MCCOSKER DENIAL ON QUITTING WOR

The numerous reports that Alfred McCosker would shortly be out of WOR as president, which crystallized in publication last week, was absolutely denied by Mr. McCosker. Mr. McCosker stated that he expected to be with the station for years to come and that there wasn't "a scintilla of truth" to the published story.

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ABS ADDS TWO MORE MAKING TWENTY-FOUR

The American Broadcasting System January 1st, extended its network to Cleveland and Little Rock, thus adding their twenty-third and twenty-fourth stations.

Station WJAY founded in 1927, transmitting on a frequency of 610 kilocycles with 500 watts power is the new Ohio outlet. It is owned and operated by the Cleveland Radio Broadcasting Corporation, of which M.F. Rubin is president.

KARK, with 250 watts power on 890 Kilocycles, is the Arkansas station. It is owned and operated by the Arkansas Radio and Equipment Company. Col. T.H Barton, president of the Lion Oil Company, is the principal stock holder. Howard A Shuman, formerly associated with the operation of radio properties in Nebraska, is the manager.

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WOR ANNOUNCER, EDWARD J. POWELL, DIES

Edward J. Powell, considered by WOR executives to be one of the station's most brilliant production men and announcers, died last week at the Rockefeller Institute, of acute uremic poisoning, following an illness of six weeks. He was 31 years old.

Upon his graduation from Yale where he became interested in the theater as a pupil in Dr. Baker's Workshop, Powell came to New York and entered theatrical activities appearing in "Zeppelin", "Ladies of the Jury", "The Family Blues" and as stage manager for Mrs Minnie Maddern Fisk on her last road tour. When he returned to New York he entered radio as an announcer with WMCA, and came to WOR three and one-half years ago, where he was especially well-known for his excellent production work. Raymond Knight and John S. Young of NBC were classmates of Powell at Yale.

Surviving are his mother, Mrs Edward Damron, and a sister, Charlotte Damron, who reside in Columbus, Ohio, where Powell spent many years of his life.

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 ::::INDUSTRY NOTES::::
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Bob Trout, presidential announcer is leaving Washington and WJSV soon to join CBS headquarters staff in New York, assisting in the handling of special events broadcasts. The exact date of his departure has not been decided but he is expected to leave within a week or ten days.

Trout won the New York promotion through the outstanding work he has done as Columbia's announcer at the White House. Mr. Trout has travelled with President Roosevelt on many of the latter's trips and was well liked by the President. Likewise Trout was one of the most popular men about the White House and leaves Washington with the best wishes of all his associates.

 The 1935 Institute of Radio Service Men's Convention and Trade Show will be held in Chicago March 22, 23 and 24th.

 Samuel S. Gossard, former corset manufacturer and one-time operator of the Gossard Radio and Wire Co., was found dead at his home at Belleville, Ill from a revolver bullet through his head. Authorities said his death was suicide.

 First radio announcer elected to Congress, Karl Stefan, formerly of Station WJAG, Norfolk, Neb., was a speaker over the American Broadcasting System-WMCA network on the broadcast of the ceremonies of the opening of Congress on Thursday January 3.

 Adolph Phillipp, playwright and composer filed a suit for damages in Federal Court against Rudy Vallee, the National Broadcasting Co., the Columbia Broadcasting Co. Gene Buck president of the American Society of Composers Authors and Publishers; Jerome H. Remick & Co. and the Remick Music Co. Mr. Phillipp charged the defendants had exceeded their rights in connection with his "Dramatic-Musical Composition, "Alma Wo Wohnst Du?" and a song from it called "Alma".

PAUL RINGGOLD, RADIOMARINE OFFICIAL, DIES

Paul C. Ringgold, Assistant General Superintendent and Assistant Secretary of the Radiomarine Corporation in New York City died at Lynbrook, L.I., Wednesday. Mr. Ringgold contracted pneumonia from his son who he helped to nurse. The boy recovered but the father succumbed.

Mr. Ringgold was about 40 years old and is survived by his widow. He was David Sarnoff's stenographer when the latter was with the Marconi Company.

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FCC DRAFTS FRANKING CURB ORDER

A proposed order limiting the amount of free telegraphic service granted to any one person by any telegraph company to \$10 in a calendar year was made public by the Federal Communications Commission. The order is in the form of an amendment to franking regulations on which a hearing will be held Jan 14. The proposed amendment reads as follows:

"No frank or franks shall be issued by any carrier purporting to authorize any person to send messages the regular charges on which in the aggregate would exceed \$10 in any calendar year; nor shall any person use or attempt to use in any calendar year any frank or franks issued by one carrier for the sending of messages the aggregate charges on which at regular rates would exceed \$10 in any calendar year."

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CANADIAN MADE NBC STATION RELATIONS MANAGER

R.M. Brophy, former Canadian radio executive, has been appointed manager of stations relations for the National Broadcasting Company, replacing Donald Withycomb, who becomes general manager of one of NBC's associated stations in Philadelphia.

Brophy has been active in the Dominion radio field for more than 15 years. During that time he advanced from a workbench in the Canadian Marconi Co. factory in Montreal to the position of assistant general manager of the company, which post he resigned last year to join the National Broadcasting Company in New York. In his new position he will maintain the close contacts with the Canadian Radio Broadcasting Commission which he established while active in the Dominion.

He will act as liaison officer between the Radio City headquarters and the individual stations of the two big NBC networks.