

# HEINL RADIO BUSINESS LETTER

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## FCC WARNS AGAINST DIVULGING SHORT WAVE MESSAGES

Reports reaching the Federal Communications Commission indicate that in view of the large number of all-wave receiving sets in the hands of the public, listeners are increasingly intercepting police and other shortwave communications. Only in rare instances, it is believed, is this information abused. However, it was brought to the attention of the Commission that a young man in Baltimore intercepted a police call on a shortwave receiver in his home and notified law violaters that officers were coming to arrest them. The young man himself was taken into custody and found guilty in a police court for violating police regulations.

It has also come to the attention of the Commission that newspapers have published information obtained from intercepting police message, two-way conversations between ship and shore, etc. The publication of such information without permission is a violation of the Communications Act.

In order that the public may be fully informed concerning the protection provided for private radio messages, the Commission suggests that each purchaser of a combination broadcast and short-wave receiver be furnished by the salesman with the excerpts from the Communications Act concerning the secrecy of radio messages and the penalty for violations. It is also suggested that publishers of newspapers be very careful to observe the provisions of the Act.

Regarding the secrecy of certain radio messages and the heavy penalties provided for violations, the Communications Act of 1934 provides as follows:

"No person receiving or assisting in receiving, or transmitting, or assisting in transmitting, any interstate or foreign communication by wire or radio shall divulge or publish the existence, contents, substance, purpose, effect or meaning thereof, except through authorized channels of transmission or reception, to any person other than the addressee, his agent, or attorney, or to a person employed or authorized to forward such communication to its destination, or to proper accounting or distributing officers of the various communicating centers over which the communication may be passed, or to the master of a ship under whom he is serving, or in response to a subpoena issued by a court of competent jurisdiction, or on demand of other lawful authority; and no person not being authorized by the sender shall intercept any communication and

divulge or publish the existence, contents, substance, purport, effect, or meaning of such intercepted communication to any person; and no person not being entitled thereto shall receive or assist in receiving any interstate or foreign communication by wire or radio and use the same or any information therein contained for his own benefit or for the benefit of another not entitled thereto; and no person having received such intercepted communication or having become acquainted with the contents, substance, purport, effect, or meaning of the same or any part thereof, knowing that such information was so obtained, shall divulge or publish the existence, contents, substance, purport, effect or meaning of the same or any part thereof, or use the same or any information therein contained for his own benefit or for the benefit of another not entitled thereto; Provided That this section shall not apply to the receiving, divulging, publishing, or utilizing the contents of any radio communication broadcast, or transmitted by amateurs or others for the use of the general public, or relating to ships in distress."

The penalty is a fine of no more than \$10,000 or by imprisonment for a term of not more than two years or both.

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#### GERMANY SOON TO BROADCAST ON ULTRA- SHORT WAVES

The German Post Office has decided to erect a new ultra-short-wave broadcasting station, which is to operate on a wave-length of 6.98 meters. Regular programs are to be broadcast between 4:00 P.M. and midnight, Central European Time.

Most of the programs will be taken over from the regular German normal and short-wave stations, but the new station will occasionally broadcast programs of its own.

It is understood says C. T. Zawadski, Vice Consul, Consulate-General, Berlin, that the German radio industry has already commenced the production of radio sets to enable the reception of these ultra-short waves.

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## ED SPENCE GOES FROM WPG TO WBAL

Edwin M. Spence, whose name is almost synonymous with Station WPG at Atlantic City and who has been there for the past twelve years, has been appointed General Manager of Station WBAL in Baltimore. Mr. Spence succeeds Frederick R. Huber who was at WBAL about as long as Spence was at WPG. The Baltimore station was recently acquired by the Hearst interests at a price reported to have been somewhere around \$400,000.

Mr. Spence was Vice-President of WPG, Atlantic City's municipally owned station and there will no doubt be additional regret at his leaving the seashore resort due to the fact that he was also Chairman of the Atlantic City Convention Committee.

Mr. Spence is one of the best known figures in the National Association of Broadcasters for the reason that he has so successfully served as Chairman of their Convention Committees. This has become almost a permanent post and Mr. Spence has already been named as Chairman of the 1935 NAB Convention to be held at Colorado Springs in July.

WPG at Atlantic City is affiliated with Columbia but in Baltimore, Mr. Spence will become associated with the National Broadcasting Company since WBAL is a part of the WJZ-NBC network.

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## TEXAS PUBLISHER LINES UP FOR CLEAR CHANNEL BREAKDOWN

In what is regarded at the Communications Commission as another effort to force the Commission to establish a policy with regard to clear channels, Amon G. Carter, publisher of the Fort Worth Star-Telegram has applied for a construction permit to erect a new 5000 watt station at Fort Worth to operate on 970 kilocycles. This is a clear channel already occupied by Station WCFL, owned by the Chicago Federation of Labor, and KJR at KJR at Seattle.

WBAP, at Fort Worth, owned by Carter and the Star-Telegram, and operating on 50,000 watts shares a clear channel with WFAA at Dallas.

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## PHILIPS LORD CLAIMS SOS CALLS JUSTIFIED

In a message from Philips H. Lord, skipper of the schooner "Seth Parker", in distress in the South Seas, to the National Broadcasting Company, he quoted the captain of the British cruiser "Australia" as saying that Lord's SOS was entirely justified.

The British captain, who had expressed himself critically with regard to the first S O S sent by the "Seth Parker" returned when the second SOS call was sent out and took nine members of the crew off the ship.

Lord, his pilot, radioman, and one other, however, stuck to the "Seth Parker". According to advices to the Navy Department in Washington the "Seth Parker" is enroute at this writing (Friday) to Tutuila in the Samoan Islands conveyed by an American Navy tug which was dispatched to the rescue from Samoa.

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## A. P. HAUPTMANN BLUNDER TO BLAME FOR ERRONEOUS BROADCASTS

A misunderstanding of code signals resulting in the Associated Press flashing an erroneous verdict in the Hauptmann case was to blame for the Press Radio Bureau sending out the faulty information to broadcasting stations of NBC and Columbia subscribing to the Press Radio service.

As explained by the A.P. in their transmitting the report, the decision was garbled and the first word to reach waiting newspapers was that the jury had found Hauptmann guilty, but with a recommendation for life sentence. The correct verdict was guilty, with the death penalty.

Short-wave transmission, employing code, was set up to cover the verdict. The staff had been cautioned not to confuse signals and to be certain that the signals received were from the Associated Press representative.

When word came from the court room that the jury was ready to report, however, the Associated Press man on the receiving end picked up the wrong code signal, resulting in the erroneous and premature flash.

The court room being closed, minutes passed before knowledge of the error was learned. The flash and bulletins were killed exactly 11 minutes after transmission of the erroneous report, but too late to catch some edition of newspapers which had issued extras or to stop the radio broadcasts.

In connection with the incident, Station WOR, Newark, a subscriber to the Trans-radio Press service issued the following statement:

"At 10:35 p.m. with a bulletin furnished by Trans-radio Press, WOR flashed to the radio audience the first authentic word that Bruno Richard Hauptmann had been found guilty of murder in the first degree without recommendation of mercy.

"As the hands of the clock touched 10:54 P.M. WOR announced that death sentence had been passed by Judge Trenchard on the convicted man."

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#### EIFFEL TOWER SHORTENS WAVE TO CUT INTERFERENCE

After months of negotiation between the Ministry of Posts, Telegraphs and Telephones and the War Ministry, plans have been made for the transformation of the Eiffel Tower wireless broadcasting station, Paris, from a long wavelength of 1,389 to a medium one, which is undetermined as yet. The change is expected to take place about the beginning of April, Lestrade Brown, Assistant Trade Commissioner, Paris, advises.

This will mean that interference from this station, which frequently has been spoiling the reception of various European programs, will be eliminated. The Eiffel Tower will now conform with the Lucerne agreement for preventing interference, an agreement to which this station did not adhere previously.

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#### BRITISH LISTENERS PAY OVER \$16,000,000 LICENSE FEES ANNUALLY

At the end of 1934 the number of broadcast receiving licenses in force in Great Britain was 6,780,570, an increase of 119,900 compared with the November total and of 806,420 licenses on the year, the U. S. Consul-General in London reports.

The revenue from 6,780,570 licenses is £3,390,285 (or about \$16,544,590 with the pound valued at \$4.88 as it is at this writing). The British Broadcasting Corporation a year ago calculated that it received 4s.7d. of the 10s. license duty. On this basis the corporation would receive £1,553,899 in 1935.

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## HOUSE COMMITTEES LOCK HORNS OVER COMMUNICATIONS JURISDICTION

Communications legislation developed as the focal point in a bitter quarrel in the House of Representatives over the jurisdiction of committees.

The controversy, involving some eight lower chamber committees, raged under cover. Jealousy between indignant members of the opposing groups was regarded as at the root of the trouble. Chairmen pulled wires frantically to win assignment of major measures to their committees.

Perhaps the most important of the several disputes found at sword points the Interstate and Foreign Commerce Committee, headed by Representative Rayburn (Democrat), Texas, and the Merchant Marine, Radio and Fisheries Committee, of which Representative Bland (Democrat), Virginia, is chairman.

At a secret session marked by the violent protests of an embattled minority the Rules Committee voted favorably on a resolution to change the rules of the House so the Merchant Marine, Radio and Fisheries Committee could handle all legislation involving "communications by wire, wireless, radio, telegraph, telephones and cables, and fisheries", as well as maritime matters.

The resolution also would change the name of the group to the merchant marine, communications and fisheries committee.

Should the rules committee report the resolution to the House, its opponents probably will force debate on the issue. They would insist transportation and communication matters are so closely allied they should be considered by the same group.

Commerce committee members are known to feel the Merchant Marine Committee has no real claim to communication jurisdiction. The Merchant Marine members based their claim on the fact that their committee for years considered radio bills. The Commerce members responded they handled the bill which established the present Federal Communications Commission.

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## PERSIA TRAILS

Although there are 10,000,000 people in Persia, only several hundred own radio sets.

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:::::INDUSTRY NOTES:::::  
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Sales data for November released by the Radio Manufacturers' Association of Canada indicate that the number of sales exceeded 29,000 units valued (at list prices) at \$3,073,597. In comparison with sales in October the value was one-sixth smaller, and unit sales dropped a little more than 10 percent.

Inventories at the end of the month were approximately 5,600 units higher than at the end of October, and a downward revision was made in projected production for the last month of 1934.

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The Pepsodent Company is reported as receiving 4,000,000 answers in the recent "Amos 'n' Andy" contest which required an empty carton or toothpaste box.

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The guest of honor at the Washington Indiana Society Lincoln's Birthday meeting was Thomas P. Littlepage, radio counsel, who not long ago received a medal for being the outstanding citizen of the District of Columbia. Representative Ludlow, of Indiana, presided.

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The American Society of Composers emerged the victor in its second indirect tilt with an act of the Louisiana State Legislature, which would attempt to tax representatives of "persons, firms, corporations" collecting royalties on "copyrighted music for mechanical reproduction or radio programs" the sum of \$5,000 for each parish (county) in which royalties are collected, and the faces of the legal minds that drafted the act must have been red, since the glaring defects of the law have been made to stand out and show that it could not be effective even if it were not thought unconstitutional. ASCAP would pay a \$320,000 tax.

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A bill has been introduced in the N. Y. State Legislature at Albany that would permit only a licensed physician or surgeon to broadcast.



"Not that it makes any particular difference, but your recent article is incorrect in stating that 'Wheelahan of WSMB is first State Chairman elected', writes Gordon Persons, President of the Montgomery, Alabama, Broadcasting Company.

"As a matter of information to you, I organized the Alabama State Committee of Broadcasters on July 29, 1934, and was elected President at that time. Alabama was, therefore, the first Southern State to be organized, but to go into the matter a little bit further, the State of New York has been organized for over a year.

"Our State Committee has been functioning successfully for over six months and has been instrumental in suppressing unfavorable radio legislation and fostering constructive legislation."

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The NBC has issued a list of its Network Broadcast Advertisers as of February 1, showing classification of clients according to National Advertising Records, client's name and address, program title and time, and client's agency.

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#### SENATE APPROVES \$750,000 FOR A. T. & T. INVESTIGATION

Without a record vote, the Senate passed the resolution authorizing the expenditure of \$750,000 for an investigation of the American Telephone & Telegraph Company, et al. Stating that he doubted the necessity of making the investigation, Senator King, Democrat, of Utah, declared he thought \$500,000 to be ample for the purpose. He said that a large sum had already been appropriated for the Federal Communications Commission and added:

"It has become a common practice for commissions and organizations of the Government to ask for additional appropriations even though generous grants of money have been made and it has constituted no little part of the work of Congress to pass measures calling for investigations, some of which were warranted but some of which, in my opinion, were unnecessary and not warranted.

"I believe we are creating entirely too many commissions. I expect to present to the Senate in a short time a statement showing the number of Federal bureaus, agencies, commissions, and other organizations. The total will run into hundreds, and yet we are multiplying such agencies and organizations and, of course, increasing the burden of taxes upon the people of the United States.

To this Senator Wheeler, Democrat, of Montana replied:

"I cannot accept the suggestion of the Senator from Utah for the reason that all the estimates which have been furnished us were to the effect that it would cost more than \$750,000 to complete the investigation. As a matter of fact when \$750,000 was suggested to me as the necessary amount, I was somewhat shocked, but I inquired of other Members of the Senate who have served on public service commissions and I was told that it has cost some of the States over a million dollars for an investigation merely with reference to the telephone situation in a particular State. Consequently this sum is looked upon by members of the committee, who have gone into the matter and are familiar with it, as being rather a small and inadequate amount."

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#### FCC ISSUES NEW TELEGRAPH FRANK RULES

New rules, effective April 1, governing the issuance of telegraph franks, were adopted Wednesday, February 13th as subsequent to a hearing held a month ago:

"Franks valid for the transmission of interstate or foreign telegraph messages may be issued to or used by, and free telegraph service may be rendered to, only the following persons and in accordance with the following rules:

"Franks may be issued, at the discretion of the issuing carrier, to the full-time officers, agents and employees of the carriers set forth in paragraph 2 hereof, and to their families, but to no other persons.

"Common carriers not subject to the Communications Act of 1934, whose officers, agents and employees may receive franks at the discretion of the issuing carrier from telegraph carriers subject to the Communications Act of 1934, are the following, but no others:

- Railroad companies
- Merchantship companies
- Motor bus companies
- Air transport companies
- Telephone companies
- Telegraph companies
- Sleeping car companies
- Express companies
- Pipe line companies

"Each frank shall name the individual to whom it is issued and shall be good only for messages sent by that individual

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"Free telegraph service may be rendered only pursuant to a frank issued by a duly authorized officer of the carrier performing the service.

"No frank or franks shall be issued by any carrier purporting to authorize any person to send messages the published charges on which in the aggregate would exceed \$50.00 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 the published rates, would exceed \$50.00 in any calendar year.

"The term 'family' as used herein means the wife, minor children, and other dependents of the officer, employee or agent permitted to receive and use a frank, but no other person.

"The terms 'officer', 'agent' and 'employee' as used herein include furloughed, pensioned, and superannuated officers, agents and employees.

"The name and address of every person to whom any telegraph carrier subject to the Act issues a frank shall be publicly posted in the main office of such carrier to which the public has access in every city, town or village in the United States in which any holder of a frank issued by that carrier resides.

"Every telegraph carrier subject to the Act shall make a special quarterly report to the Federal Communications Commission with respect to all franked messages sent during the quarter by each frank holder.....The first report to be filed under these rules shall cover the quarter ending June 30, 1935, and shall be filed not later than August 1, 1935.

"Where the frank is in the form of stamps, the total value of stamps issued to each frank holder shall be added to the information to be reported to the Federal Communications Commission as provided in paragraph 9. As the stamps are used, reports shall be filed as in the case of the use of other franks.

"No frank shall be issued to any person forbidden by law or by these rules to receive it.

"All outstanding franks which do not conform to these rules are hereby declared void."

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APPLICATIONS GRANTED BY FCC

BROADCAST DIVISION - WJMS, WJMS, Inc., Ironwood, Mich., C.P. to move transmitter locally in Ironwood; WREC, WREC, Inc., Memphis, Tenn., C.P. to make changes in equipment; New, Milwaukee, Broadcasting Co., Milwaukee, Wis., (site to be determined), C.P. for new station to operate on 1310 kc., 100 watts, daytime; WMFD, Richard Austin Dunlea, Wilmington, N. C., modification of C.P. to extend completion date from 2/11/35 to 4/11/35; KIUJ, J. H. Speck, Santa Fe., New Mexico, modification of C.P. for approval of transmitter site and change studio to same location, also extend commencement date to within 10 days after this date; WFI, WFI Broadcasting Co., Philadelphia, Pa., modification of license to change hours of operation from sharing with WLIT to unlimited, and change call letters; WAGF, d/b as Dothan Broadcasting Co., Dothan, Ala., C.P. to make changes in equipment, increase day power from 100 to 250 watts, and change hours of operation from daytime and specified hours Sunday to daytime only;

Also, WHEF, The Attala Broadcasting Corp., Kosciusko, Miss., C.P. to move transmitter locally 200 feet from present location; WKRC, WKRC, Inc., Cincinnati, Ohio, extension of special exp. authority to operate with 1 KW day and night for period ending Sept. 1, 1935, freq. 550 kc., unlimited; W9XEJ, Perkins Bros. Co., Portable-Mobile, Sioux City, Ia., license to cover C.P. 31100 to 40-4600 kc., 2.7 watts; W6XAI, Pioneer Mercantile Co., Bakersfield, Cal. license to cover C.P. (Exp. broadcast), 1550 kc., 1 KW, unlimited; W9XAL, First National Television Corp., Kansas City, Mo., modification of license for an additional transmitter; New, E. R. Irey and F. M. Bowles, Portable (Calif.), C.P. (Exp. broadcast pickup) freqs. 31100, 34600, 37600 and 40600 kc., 30 watts; WHDF, The Upper Mich. Broadcasting Co., Calumet, Mich., special temp. authorization to operate from 7:15 to 9:15 P.-M. CST Feb. 15, in order to broadcast local election results.

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