

# HEINL RADIO BUSINESS LETTER

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January 18, 1938

## MAE WEST SKIT BRINGS CENSORSHIP DEMAND; NBC REBUKE

Members of Congress late last week demanded on the House floor that the Federal Communications Commission invoke the "obscene" phrase clause of the Communications Act to censor radio programs while Chairman Frank R. McNinch was administering a rebuke to the National Broadcasting Company and affiliated stations that carried the Mae West skit.

Taking up the cudgel of his late brother, Representative Lawrence J. Connery (D.), of Massachusetts, renewed his demand for a Congressional inquiry of radio and the FCC but meanwhile suggested that the Commission "clean up the air", even to going outside the United States to reach the Mexican border stations by treaty.

While Representative Connery was criticizing the FCC for tardiness in acting on the Mae West broadcast, Chairman McNinch was holding a press conference and making public a rebuke administered to NBC for permitting the Mae West broadcast to be carried over its network.

Chairman McNinch said the complaints will be held against the 59 NBC-Red network stations when their licenses come up for renewal. Observers, however, were inclined to believe this threat will not endanger the existence of any of the stations involved. Chairman McNinch admitted that unless further complaints are made against the stations no further action will be taken by the FCC.

The FCC Chairman disclosed that the Commission plans to set up "standards of programs" for the benefit of broadcasting stations, but he stated that he did not advocate any law which would give the Commission power to censor programs.

Commissioner McNinch indicated he would have more to say about radio programs in an address he is to make at the National Association of Broadcasters' Convention in Washington February 14-16.

During Representative Connery's address in the House, Representative O'Malley (D.), of Wisconsin, suggested that the radio industry set up a Board, as in the motion picture industry, "to look over the material which goes on the air before it is broadcast."

Representative O'Malley expressed the opinion that "the majority of the people in the radio industry and the

advertisers are clean and decent-minded and that they themselves, as was the case in the motion-picture industry, would be best fitted to clean out the dirty-minded people in the business."

The Mexican border stations, operated by Americans, were brought into the discussion by Representative Patrick (D.) of Alabama.

"Is it the purpose of the gentlemen in cleaning house in this respect to cover treaty relations with neighboring countries so that we can have the matter cleared up?" he asked Representative Connery.

"For example, a doctor from Kansas or some other State may cross the line into Mexico."

The North American Treaty which was drawn up at the Inter-American Radio Conference at Havana provides for the elimination of the Mexican border stations by means of a reallocation of Mexico's facilities.

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#### HIGHLIGHTS OF FCC REBUKE TO NBC AND LOHR'S REPLY

Following are the most significant excerpts from the letter of Chairman Frank R. McNinch of the Federal Communications Commission, to Lenox R. Lohr, President of the National Broadcasting Company, with respect to the Mae West broadcast over the Chase and Sanborn Hour, together with a part of Major Lohr's reply:

"The Commission has carefully considered the transcript of the 'Adam and Eve' feature by Don Ameche and Mae West and the dialogue between Mae West and Charlie McCarthy, sponsored by Chase and Sanborn and broadcast by the National Broadcasting Company over twelve stations on Sunday night, December 12. It is our considered opinion that both of these features were far below even the minimum standards which should control in the selection and production of broadcast programs.

"We commend your company for having apologized over the radio and through the press for these features and again in your letter to the Commission. We are unable, however, to accept the view expressed in your letter that the broadcasting of these features was only 'a human error in judgment.' The care with which the public has a right to expect, and which is, we understand, the practice, in the writing and editing of the manuscripts and in the rehearsing of such features would seem to exclude the elements of accident and surprise.

"The admittedly objectionable character of these features is, in our opinion, attributable to the lack of a



proper conception of the high standards required for a broadcast program intended for reception in the homes, schools, automobiles, religious, social and economic institutions, as well as clubs, hotels, trains and other places, reaching in the aggregate a much larger number of people daily than any other means of communication and carrying its message to men, women and children of all ages. A clear recognition of the social, civic and moral responsibility for the effect upon listeners of all classes and ages requires such a high standard for programs as would insure against features that are suggestive, vulgar, immoral or of such other character as may be offensive to the great mass of right-thinking, clean-minded American citizens.

"While the right to reap a reward or profit in the proper use of the license granted by the Government is clearly recognized, this right and all other considerations are entirely subordinate to the interest of the listening public; and, if the present system of licensing private agencies to broadcast is to ultimately win the favor and approval of the American public, this favor will be won chiefly through the excellence of the programs broadcast and their freedom from commercialization at the expense of propriety and quality.

"In our present system and the statute under which the Federal Communications Commission functions, the Commission has no power of censorship but this power and responsibility rests squarely and unavoidably upon the licensee. The right to continue operation under a license can be justified only so long as public convenience and necessity are served through programs broadcast to the listeners. Licenses are granted without any compensation by the licensee to the Government and solely for the purpose of serving the public interest and, hence, the broadcaster must accept, along with the privilege granted, a definite inescapable and high public trust in the use of the facilities licensed.

"It is believed that a true conception of this public trust would lift the general standards of programs to a higher level and would condemn as unworthy not only the features herein specifically referred to but other material which has been broadcast."

Mr. Lohr in a statement said that NBC's record of public service for more than a decade, showed clearly that the policies it has pursued "are fully in accord" with the principles laid down by the Commission. In order that the record of the correspondence between the Commission and the company might be complete, he made public the text of his letter to the Commission relative to the "Adam and Eve" broadcast.

The letter, addressed to Chairman McNinch on December 22nd was as follows:



"In response to your letter of December 18th, I submit herewith the material you requested in relation to the broadcast over our network Sunday night, December 12th.

"The public record of the maintenance of high standards and criteria of good taste by the National Broadcasting Company over the past eleven years and the whole-hearted cooperation of our company, both with the spirit and with the letter of the Communications Act, speak for themselves. In this period nearly one-half million (500,000) separate and distinct programs have been broadcast over our networks. Frequently, as many as one hundred and fifty different programs are broadcast over our networks in a single day. The standards by which these programs have been selected have made them welcome at the American fireside.

"In this instance, a human error in judgment was made and represents an exception which we promptly and publicly acknowledged. Neither the American public, nor the Commission, we believe, will wish to judge the question of good taste by a single exception to the high standards we have maintained and which, we assure you, we shall continue to maintain."

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#### EVENING STAR CONTRACTS TO BUY WMAL

The Washington Evening Star, one of the country's leading newspapers, has entered into a contract to purchase the stock of Station WMAL, Washington, it was learned this week. The contract is subject to approval by the Federal Communications Commission. Should the deal go through, WMAL will remain under lease to the National Broadcasting Company until February 1, 1941. The station is now owned by the heirs of M. A. Leese, former Washington optician.

All of Washington's newspapers have been trying unsuccessfully from time to time to obtain radio outlets in the National Capital, and they now have applications pending before the FCC. Hearst Radio, Inc., tried to force WMAL's owners to sell its facilities to it some months ago, when Hearst controlled the Herald and Times, now under lease to Mrs. Eleanor Patterson.

It is understood that when Mr. Leese died he stipulated in his will that if and when the station should be sold the Evening Star be given the first refusal because of its frequent use of the station. The purchase price of the stock has not been disclosed.

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## "WHAT IS IT?"

An announcement last Sunday night in the Zenith Radio Corporation broadcast that next Sunday night Zenith would make one of the most sensational announcements ever made over the radio, has caused considerable speculation. It was said the announcement would have to do with a new device which Zenith is to manufacture which utilizes radio but is not for entertainment purposes. The device, it was further said, had been secretly perfected behind guarded and locked doors in the Zenith laboratories in Chicago.

The secret has been so closely guarded that even Zenith distributors and dealers will get their first knowledge of exactly what it is in the Zenith broadcast over Columbia at 10 o'clock (EST) next Sunday night immediately following the Ford Hour.

One man in the industry who claims to know what the new device is, said:

"I believe this device, which as far as I know is entirely novel, will sweep the country. Whether Zenith will have the exclusive right to manufacture it, or whether others can also manufacture it, I do not know.

"In any case, it seems to me that Commander McDonald is far ahead of the procession as he has been in other innovations. I shall be very much surprised if this does not prove to be the biggest thing he has ever done."

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## RADIO CELEBS JOIN ALFALFA JESTERS

Maj. Gen. James G. Harbord, Chairman of the Board of the Radio Corporation of America, Federal Communications Commissioners Craven, Case, Sykes, and Thomas P. Littlepage, radio counselor and past Alfalfa President, joined the famous Alfalfa Club in its annual dinner in Washington last Saturday night. Gene Buck, President of the American Society of Composers, as usual, was in charge of the entertainment.

Others present from the radio industry were Col. Manton Davis of the Radio Corporation of America; Harry C. Butcher, Vice-President, Columbia Broadcasting System, Washington; John W. Guider, radio counselor, John M. and Thomas P. Littlepage, Jr., radio counselors; Kurt Sell, German Broadcasting Company; Donald Flamm, President, Knickerbocker Broadcasting Company (WMCA); Frank C. Page, Vice-President, I. T. & T., and Frank W. Wozencraft, Radio Corporation of America.

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## LOCAL MONOPOLY OF RADIO HIT IN WSMB DENIAL

Chairman Frank R. McNinch late last week announced a new policy of the Federal Communications Commission with respect to local ownership of radio stations in disclosing that the Commission had rejected the application of Station WSMB, of New Orleans, for authority to construct a second broadcasting outlet.

Chairman McNinch stated that the policy of the FCC would be against authorizing more than one station to a licensee in a community unless "it is clearly shown" that the grant would be in the public interest.

There is no immediate prospect of a review of allocations, however, to ferret out licensees which control more than one station in a community, Chairman McNinch said.

He likewise admitted the possibility, at a press conference, that a newspaper might own two stations if there were no other worthy applicant for the facilities and the area needed a second outlet.

"The available frequencies in the broadcast band are limited", the FCC report stated, "and the Commission is loathe to grant facilities for an additional broadcast station to one who already holds a license for a station in the same community unless it is clearly shown that the public convenience, interest, or necessity would be served thereby. Other things being equal, it would appear that if there were a need for an additional local broadcast station in a community and if there were a frequency available for this service, the facilities should be granted to someone who does not already hold a broadcast license for an unlimited time station in that community."

The decision, Mr McNinch asserted, "looks in the direction of fostering wholesome local competition " He added, however, that second stations conceivably could be granted where a need is shown beyond doubt, and where no other qualified applicant appears, but that there would be an "additional burden" upon the existing licensee seeking the second station in the same community.

The action, he added, can be regarded as a step in the direction of development of policy against establishment of monopolies in radio in particular communities, through avoidance of a concentration of licenses in the same hands.

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## S.W. PROPAGANDA NOT FOR AMERICANS, SAYS G.E. OFFICIAL

Discounting short-wave propaganda as un-American and a business which this country should keep out of, Boyd W. Bullock, Assistant Manager of Broadcasting, General Electric Company, speaking from Schenectady, addressing listeners in the four quarters of the globe, over short-wave stations W2XAD and W2XAF, told of some of the difficulties of selecting radio programs for everybody in the world.

"American short-wave programs have as their primary purpose the building of good will between the United States and other countries", Mr Bullock declared. "Short-wave programs in this country are void of propaganda, as Americans are not attempting to make over the citizens of other countries. All we wish to do is to have peoples of other countries know us as we are. We think that if they know us, they will like us. The average American is honest, hard-working, and relatively plain-minded. He couldn't be a successful propagandist if he tried. Effective propaganda from a real democracy is as impossible as it is undesirable.

"Even though we have been working to develop short-wave programs for many years, the subject still offers many difficult problems. Most of these problems are gradually being worked out. Our listeners tell us that the quality of the programs has constantly improved. We shall continue to seek, with your cooperation, the programs which appeal to you. We hope to broadcast more and more programs in the languages of the countries to which the programs are directed and at the same time, we shall continue to further develop the technical aspects of short-wave broadcasting.

"We shall also continue to give you only programs which give a true picture of us Americans. Our hope is that you bear with us in our short-comings and that you will continue to give us your helpful comments so that during 1938 and the years to follow we may be able to give you even better service in the future than we have in the past.

Mr Boyd reported progress on the building of the powerful new General Electric short-wave station now being built near San Francisco.

"Late this year we shall have our Pacific Coast station in operation, and from midnight until six o'clock in the morning, Pacific Coast time, we shall broadcast to the Orient", the General Electric official said. "These programs, many of which will be announced in Japanese and Chinese, we hope will be interesting not only to the people in the countries for which they are primarily intended, but will include many features that will be interesting in DX'ers in many parts of the world."



Mr. Boyd said it is difficult enough to produce a program that will be pleasing to any one group of people, say those in one schoolroom or in any one audience that might gather because they are interested in one particular subject.

"Of course, in these cases, everyone in the room would understand and speak one language and, by and large, would be living about the same kind of life, in the same city and in the same country", the speaker continued. "If the program were liked by a large majority of people in either of these two rooms you would say that the program was a success, but even then there would be some who would like it much less than others, and some who would probably dislike it.

"Contrast this with attempting to devise programs for peoples in several different countries whose environment and points of view are widely different and whose customs as well as the languages which they speak are different from each other. Some might say that the solution is simple - that music is an international language. On the other hand, what kind of music is international - symphonic, grand opera, folksongs, jazz or dance music? The answer I believe is obvious - that there is no one type of music that everyone, every place wants to hear - at least wants to hear all of the time. Someone else says the radio should educate people, and the natural question then is "What is education?" Education to some who do not have the information, of course, would be boring to others who do. Another question is that programs should be cultural. What that means to one who actually tries to devise a program is almost anyone's guess.

"And those are just some of the problems confronting the short-wave broadcaster. What is the solution? Since there is no one type of program that meets all the requirements, the solution, we think, is a variety of programs planned for and directed to specific countries at times when they can be best received and enjoyed."

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#### WMCA TO CONDUCT SURVEY OF JUVENILE TASTE

To determine a standard for juvenile radio programs, Stations WMCA, New York, in cooperation with the Child Guidance Clinic of the Heckscher Foundation and other public as well as private educational institutions, will distribute a questionnaire to more than 10,000 grade-school children, according to an announcement by Donald Flamm, president of the station. Jacob S. List, Director of the Child Guidance Clinic, will direct the inquiry. Included in the survey will be a rating of radio programs by the children, who will be asked to list their preferences in radio fare in several categories.

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## NETS ADD 1,000 MUSICIANS AS CONTRACTS TAKE EFFECT

Broadcasting stations affiliated with NBC, CBS, and the Mutual network have contracted with local musicians' unions for the employment of more than 1,000 additional musicians and for a \$2,000,000 increase in the yearly musical wage budget, it was disclosed this week as contracts became effective all over the country.

Joseph N. Weber, President of the American Federation of Musicians, made the announcement in New York as key stations in the city signed two-year contracts covering the musical staffs.

About 90 per cent of the 273 independent stations in the three networks have entered into similar contracts with the A. F. of L. union and the others are expected to follow within a few weeks, according to Emile J. Gough, formerly vice-president of Hearst Radio, Inc., and a member of the national negotiating committee of the Independent Radio Networks Affiliates.

Negotiations began last August, when the union threatened a national strike if employment of musicians on radio programs was not spread more widely. Under the quota plan worked out with the representatives of the independents and key stations, Mr. Webb said, 100 stations which have had no musical staffs will provide jobs for musicians. In no case will the outlay for musicians' wages be reduced, he added.

Mr. Gough and Samuel R. Rosenbaum, president of the WFIL Broadcasting Company of Philadelphia, who carried on the negotiations for the independents, notified the member stations that Monday had been set by the union as the deadline for final acceptance of the national plan of settlement, but that "a short period of grace" had been arranged to permit the stations still outside the contract field to sign agreements with locals of the American Federation of Musicians.

All contracts signed within this period must be made retroactive to Jan. 17.

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The would-be radio broadcaster can now learn various phases of his trade in 266 colleges of the United States and Canada, according to a recent survey made by Professor Waldo Abbot of the University of Michigan. Though instruction in the field is only four or five years old, courses in radio speech are reported in 90 institutions, radio writing in 57, radio dramatics in 53, radio production in 43, radio music in 21, radio advertising in 19, television in 13 and radio law in 5.

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## CONGRESSMAN RAPS "QST" AD; ADVERTISER EXPLAINS

Representative Phillips (D ), of Connecticut, on last Saturday placed in the Congressional Record some correspondence he had in connection with the scurrilous reference to President Roosevelt which appeared in the January issue of QST, a monthly magazine for radio amateurs

The reference, identified only by magnifying glasses, alluded to the President as "The God Damned President of the United States". It had been inserted in an advertisement of the Hygrade Sylvania Corporation.

The work was traced to a free lance artist, Edward du Souchet, of Tenafly, N. J., who had been hired by Cecil, Warwick & Legler, of New York. The artist said he did not recall writing the sentence although he said it might have evolved from "hen-tracks" he made in connection with the drawing. No prosecution is contemplated.

Hygrade Sylvania in a statement published in the Record by Representative Phillips said, in part:

"A recent advertisement of the Sylvania Radio Tube Division of the Hygrade Sylvania Corporation, which appeared in a number of radio-trade publications, has been the matter of much comment. Entirely without our knowledge, intent, or purpose, there appeared in this advertisement, in a semi-concealed state certain coarse and offensive phrases . . .

"No one who subsequently handled this advertisement as it went through the various stages of engraving, proving, and final printing of the publications noticed that the supposedly illegible type, when placed under a magnifying glass revealed the questionable material referred to.

"To our thousands of friends and acquaintances in the industry it is unthinkable that our company could have possibly had any conscious part in such a deplorable incident, and we hope that this explanation will make the whole situation clear in the mind of any one whom it reaches.

"The matter has already been called to the attention of the inspector in charge of the general post office in New York City, who now has all the circumstances under investigation.

"We realize, in making this statement, that we may be bringing the matter to the attention of many who otherwise would not have been advised of it; however, we feel that complete candidness is called for and we feel confident that our good faith will be unquestioned and our good-will unimpaired."

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## CBS ADULT EDUCATION BOARD ANNOUNCES PLANS

The Columbia Broadcasting System's Adult Education Board yesterday made specific recommendations for increasing radio's service in the field of education through programs which would dramatize the processes of learning; give the American radio audience a comprehensive picture of the nation at work; and provide a testing ground for development of new ideas in the whole field of education.

The Board, made up of leading educators and publicists from every section of the country, with Lyman Bryson of Teachers' College of Columbia University as its Chairman, made public its conclusions after an all-day meeting at the CBS network headquarters at 485 Madison Avenue.

Immediately following the meeting, William S. Paley, CBS president, announced that plans would be formulated at once to carry out the Board's recommendations and that evening broadcast periods have been withdrawn from sale in order that the recommended programs might reach a maximum audience of grown men and women.

The Board's recommendations were:

1. The establishment of a series of half-hour evening programs dramatizing the processes of learning.
2. The establishment of a series of dramatic studies of "America at work" - radio portraits employing to the full the average American's curiosity in what his neighbor is doing - in art, business, industry, research, science, government services, religion, music and all the pattern of active life that constitutes American democracy today.
3. The continuous use of evening periods withdrawn from the commercial schedule and definitely reserved for experimental broadcasts in the educational field. These programs would be designed to win listeners and appeal to the radio audience in direct competition with commercial entertainment. These periods will be employed to try out a variety of suggestions made by members of the Board.

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