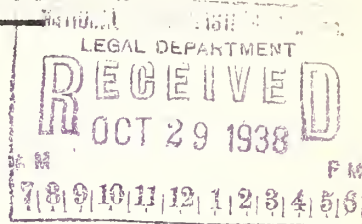


# HEINL RADIO BUSINESS LETTER

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## FCC AVOIDS CENSORSHIP BY RENEWING WTCN LICENSE

The Federal Communications Commission this week got out from under multiple charges of attempted censorship by renewing without a hearing the license of Station WTCN, of Minneapolis, which had been called on the carpet for broadcasting profanity in Eugene O'Neill's play, "Beyond the Horizon".

The FCC had set the application for renewal for hearing because of a complaint against the broadcasting of "damn", "hell", and "for God's sake" in the play, which was carried over the NBC network.

A week later, under a barrage of criticism in the press, the Commission backed down and ordered the hearing order held in abeyance until all members of the Commission could be present.

This week it voted unanimously to grant the license renewal without a hearing.

The press was practically unanimous in its attacks on the Commission for the first move to hold up the station's license. It branded the action as censorship and interference with free speech. Columnists pointed out that the O'Neill play had won the Pulitzer prize in 1920 and that it had been presented recently by another Federal agency - the Federal Theater of the WPA - without arousing any protests.

The National Association of Broadcasters viewed the case with alarm in its weekly bulletin and recalled the words of its new President, Neville Miller, when he took office:

"Any threat to gather the freedom of radio unto the bosom of the Government, of a bureaucracy, or of a monopoly must be resisted."

There were varied versions of the previous stands of several Commissioners on the vote to set the WTCN case for hearing. One was that Commdr. T.A.M. Craven voted for the original motion and then sought to change his vote. At any rate he and Judge Eugene O. Sykes later took the lead in seeking to reverse the action.

Rumors have been current since Chairman Frank R. McNinch assumed office that he sought to exercise a censorship over some of the anti-New Deal commentators, such as Boake Carter.

This charge he emphatically denied, however, at a recent press conference.

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The famed Mae West-Charlie McCarthy episode, which brought an FCC reproof on the National Broadcasting Company, was widely criticized although even the critics deplored the "taste" of the program.

The FCC on the whole has left program censorship to the judgment of broadcasters. However, the general type of programs broadcast by a station are usually considered whenever a station's application for renewal of license is set for hearing.

Stations, on the other hand, have been charged from time to time with exercising censorship, especially in deleting portions of political addresses or barring certain speakers from the air. This practice is likely to be delved into during the forthcoming monopoly-chain inquiry because of protests filed by representatives of the C.I.O.

The only reference to censorship in the Communications Act, under which the FCC operates, is Section 326, which reads:

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

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"BROOKLYN CASE" TO START ALL OVER AGAIN

The "Brooklyn case", which predates the Federal Communications Commission, is due to start all over again. The FCC this week issued an order setting the case for further oral argument.

The action was taken as a result of an order of the U. S. Court of Appeals remanding the case to the Commission for further proceedings.

The FCC will hear WLTH and WBBC on November 10, and will accept briefs from WARD and WLTH up to November 24th. Station WBBC is given until December 2nd to file a brief.

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## RMA BACKS HIGH POWER, CLEAR CHANNELS

Entering the row in broadcasting circles, the Board of Directors of the Radio Manufacturers' Association this week urged the Federal Communications Commission to maintain cleared channels and provide for the highest practicable power on all broadcasting channels, Bond Geddes, Executive Vice-President, disclosed.

While the FCC is now considering the question of high power and cleared channel broadcasting policies, the RMA Directors in the interests of the listening public as well as the radio manufacturing industry, considered the problems involved and adopted resolutions urging high power, cleared channel service as far as economically practicable.

"There has been a trend in Commission policy and also sentiment in Congress toward reduction of power of broadcast stations and also of cleared channel operation, neither of which is regarded by the RMA as in the public interest nor that of the radio industry generally", Mr. Geddes said.

Resolutions urging the Commission to maintain high power and cleared channel broadcasting were adopted unanimously by the RMA Board of Directors at its recent meeting. Later the RMA will present similar recommendations to all members of Congress and otherwise develop sentiment in favor of high power, cleared channel broadcasting service which, in the opinion of RMA, insures the best radio reception for the listening public, Mr. Geddes added.

The RMA resolutions and recommendations to the FCC follow:

"The Radio Manufacturers Association being concerned primarily with the manufacture, distribution and maintenance of broadcast receivers believes that it can speak for the listening public with authority, with reference to the possibility of the limitation of cleared channel station power and with reference to the possibility of the extension of shared channel assignments to broadcast stations at the cost of the cleared channel assignments.

"Because of the unavoidably serious consequence of either or both of these possibilities on the broadcasting available to many segments of the listening public, the RMA takes this opportunity to again restate certain well established fundamental scientific and engineering facts and to voice its conviction as to the necessary consequences of these facts on the power and frequency assignment practices of the Commission.



"It is a fact that while a broadcasting station inevitably transmits its signals over tremendous distances, the area to which it can render a useful service is sharply limited by the radio noise level.

"It is a fact, also, that such levels of transmission as are of too low an intensity to render useful service are yet sufficiently strong to create serious interference with transmission of other stations operating on the same frequency assignment.

"It is a fact that the extent and intensity of the distant transmission and hence, the extent and intensity of this interference increases greatly during the hours of darkness.

"The useful service areas of stations of moderate power in urban communities are thus severely limited by the noise level; and, even with high power when operating on frequency assignments shared with other stations are usually even more seriously limited by the inter-station interference during the hours of darkness.

"We know of no practicable method by which the limitation of the noise level may be avoided other than by sufficiency of power at the transmitting station.

"We know of no way in which this interstation interference can be avoided within the confines of the United States except by the use of cleared channels.

"We, therefore, believe that the shared channel system can provide only a highly localized broadcasting service and that cleared channels are necessary, not only to supply satisfactory broadcasting service to rural areas and detached urban communities, but to provide satisfactory night-time service to the suburban areas of our larger cities.

"We believe that, except as engineering considerations may dictate limitation of the field strength of nearby populous areas, no limitation should be imposed on the power of stations.

"We urgently recommend that the number of channels now assigned to cleared channel operation be maintained as such.

"We urgently recommend all encouragement be given to the employment of the highest practicable power on all channels, subject only to the need for avoiding blanketing, cross modulation, and such other irregularities as result from excessive field strength, particularly in populous areas."

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## 6,000,000 SET SALES IN 1938 FORECAST

With general business recovery reflected in the sales of radios and particularly in the demand for small sets, students of industry statistics now predict sales of at least 6,000,000 radios during 1938, O. H. Caldwell, former Federal Radio Commissioner, predicts in the current Radio Today, which he edits. This will be a 25 percent drop below the 8,000,000 figures for 1937, but represents a better showing than had been expected earlier in the year, he pointed out.

While the year started out about 50 percent off, there has been a gain in the rate of set production, though the dollar total will probably remain around the half-way level.

Radio sets and radio tubes have grown progressively cheaper with increased production, he asserted, although some other products have grown more costly measured in equivalent work-hour earnings.

For example, the radio set of 1922 cost 190 times the average hourly wage earned by American workmen for that year. Contrasted with this 190-hour cost, the average 1938 radio can be purchased for the earnings of 25 work-hours.

The radio tube of 1922 cost 5 hours' work; today's improved tube costs 45 minutes of work.

In contract, to buy a small average working man's house in 1922 cost 5000 work-hours, whereas such a 1938 house costs about 6000 work-hours, so that the worker's effort required per unit of housing has gone up. This increase is in face of the fact that many house-building supplies have come down. Paint for the workman's house in 1922 cost 59 hours; today only 25 hours.

Clothing costs have likewise come down, - 710 work-hours for a family of four in 1922; 350 work-hours in 1938.

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## TWO SCORE LICENSES RENEWED; SOME QUESTIONED

Whether the approaching elections had anything to do with it or not, the Federal Communications Commission this week suddenly acted on some two score applications for license renewals, some of which had been held up for questioning.

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## FCC REVERSES SELF, GIVES JACKSONVILLE STATION

Reversing its previous action, the Federal Communications Commission this week granted an application to the Metropolis Co., of Jacksonville, Fla., for a construction permit to operate on 1290 kc. with 250 watts power, unlimited time.

Jacksonville already has two broadcasting stations, both of which have network affiliations.

Recalling that it had denied a similar application on June 28, last, with Commissioners Payne and Walker dissenting, the FCC explained, "there were material facts of record which would justify" the grant.

"The Commission has repeatedly held that it will not establish new radio facilities for the sole purpose of affording additional radio advertising outlets to commercial establishments", the FCC stated. "In all cases, the controlling consideration (granting that the applicant is fully qualified) is the general public need for the radio service offered. In determining whether or not a general public need exists, no hard and fast rule may be followed as circumstances differ in one center of population from another, and manifold disparate elements must be determined in each case. The existence of need may only be determined from the record made in each proceeding. The foregoing findings have established that the applicant herein is fully qualified to render broadcast service and that the community is possessed of ample economic resources to support the existing stations."

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## PASTORS PROTEST "BLOOD AND THUNDER" PROGRAMS

Ministers and pastors of several hundred Protestant churches have protested to the Federal Communications Commission against continuance of "gangster, murder, crime and terror" radio programs which, they maintain, are detrimental to character-building of children.

The protests are in the form of letters made public this week by George Henry Payne, FCC Commissioner, long a crusader against "blood-curdling" programs. His correspondents praise a resolution adopted by the Methodist Episcopal Church in Los Angeles last Summer, condemning the present so-called "children's programs" as injurious to the health of children, "physically, morally and spiritually."



Many of the clergymen who wrote protests also attacked programs sponsored by liquor companies. One pastor said it made him "boil" to hear sports programs advertised by "a beer salesman". He said his children should be privileged to get baseball scores without hearing "some beguiling voice urge them to drink beer". This pastor said he wouldn't be surprised soon to hear radio programs "sponsored by some liquor firm feature church humns and even a prayer".

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### TUNNEY URGES NAMELESS LIQUOR AD ON RADIO

An industrial radio program advertising the liquor industry without mentioning trade names was suggested by Gene Tunney, Chairman of the American Distilling Company, at a national conference on liquor advertising in Washington this week.

Mr. Tunney was highly critical of the present methods of advertising, but his criticism was greeted with boos and only mild applause.

Mr. Tunney resigned in August from the Distilled Spirits Institute, asserting that the industry's trade association was "without social consciousness or soul".

He was one of the speakers at the two-day conference called by W. S. Alexander, Administrator of the Federal Alcohol Administration, at the suggestion and with the cooperation of State regulatory agencies.

"We of the distilling industry have made a mess of the advertising situation", Mr. Tunney declared. "We really need stern regulation in our advertising as well as in other fields."

After denouncing what he called the present trend in liquor advertising, Mr. Tunney suggested that each distiller raise a fund, the funds to be pooled for the purpose of initiating a radio broadcasting program in behalf of the industry on which the names of no individual distillers would be mentioned.

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By a unanimous decision of the Swedish Supreme Court one license is now sufficient for an owner even if he has more than one radio set. This matter was taken to court by the Swedish State Telegraph Board which had brought suit against an owner possessing one house radio and another radio receiving set in his car, maintaining that a separate license was required for each and every set. In the opinion of the court, however, a license does not refer to a set or any certain number of sets but is a license issued to the owner to own and use radio sets in general.

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## RADIO TRANSMITS FROM 23 MILES UP

Radio broadcasts from apparatus carried as high as 23 miles above the earth's surface by balloons have given scientists at the Bureau of Standards new information about cosmic rays.

One radio set carried to 23 miles by six balloons is believed to have set a new altitude record. At this height the 5 pounds of apparatus had 99.5 percent of the earth's atmosphere below it.

Last of the experiments was carried on this week by Dr. L. F. Curtiss and Dr. A. V. Astin. They said that experiments carried on the past four months with improved equipment indicated that maximum of cosmic ray effect are observed 12 miles above the earth.

There the cosmic rays are 200 times more intense than at the earth's surface. Majority of the rays, the speediest electrically-charged particles known, are absorbed by atmosphere before they reach the earth, Dr. Astin said.

The apparatus weighing 5 pounds is carried aloft by six hydrogen-filled balloons. It reaches its peak in about two hours. Some of the balloons break and the apparatus returns to earth. Stratospheric winds generally carry them 50 to 100 miles northeast of Washington to Eastern Shore, Maryland, Southeastern Pennsylvania or Delaware.

The apparatus consists of a Geiger-Mueller cosmic ray recorder, a barograph to measure atmospheric pressure, and a radio transmitter. Broadcasts are made four times a minute, and all possible information is given so that it is not necessary to recover the apparatus. Since all balloons do not break, the radio set gives information both in the ascent and descent.

Less effect of cosmic rays is recorded above 12 miles because there the atmosphere is rarer and there are fewer molecules of air to be ionized by the fast-rushing cosmic rays. Evidence has been found of a slight variation in height of the maximum effect.

Although information received has not yet been fully studied, Dr. Astin said there was little likelihood that a new theory on origin of the mysterious rays would be discovered. Leading present theory of their origin is in intense energy transformations, such as takes place in birth of new stars.

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 :::: TRADE NOTES ::::  
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"NAB News Review", a pamphlet containing "reprints of timely articles relative to radio", made its appearance this week. It is published and distributed by the National Association of Broadcasters.

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The place of radio in American life today, and particularly the benefits which can result from understanding and proper use of the principles which make it so vital a force, will be discussed by Lenox R. Lohr, President of the National Broadcasting Company in an address before the biennial conference of the Federal Council of Churches of Christ in America at the Statler Hotel, Buffalo, N. Y., on December 7th.

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The sale of Station WMPS, Memphis, Tenn., by the Memphis Commercial Appeal Co., to the Memphis Press-Scimitar Co., for \$50,030 was approved this week by the Federal Communications Commission. Both companies publish newspapers. The Commercial Appeal will continue to operate Station WMC, in Memphis.

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Resurrecting the dormant telephone investigation report, the Federal Communications Commission this week ordered that the American Telephone & Telegraph Co., and its subsidiaries be permitted to file briefs within 30 days on the "proposed report" of Commissioner Paul Walker.

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A minimum watch by radio operators aboard vessels equipped with auto alarms was defined by the Federal Communications Commission this week in an order. It was explained that "under some circumstances radio operators have been required to stand two watches consecutively."

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The National Broadcasting Company will add its 160th affiliated station on November 1, when WAPO, in Chattanooga, Tenn., joins the networks as a supplementary outlet available to the South Central Group #3 and Southern Group #5. WAPO operates full time on 1420 kilocycles with 250 watts daytime power and 100 watts at night.

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Sport-fishing passenger vessels of less than 100 gross tons were declared exempt from provisions of the Communications Act requiring auto alarms this week by the Federal Communications Commission.

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A new broadcasting station for Lihue, Hawaii, was authorized this week by the Federal Communications Commission. The operator will be the Garden Island Publishing Co., using 1500 kc. with 100-250 watts, unlimited time.

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Station WHEF, of Kosciusko, Miss., was ruled off the air this week by the Federal Communications Commission when it refused to renew the station's license. The application for renewal was set for hearing, but the station offered no evidence in support of its request.

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#### JAZZING OF CLASSICS PROTESTED TO FCC

Having just dodged a serious censorship charge, members of the Federal Communications Commission this week were not prepared to do anything about a protest that stations be penalized for permitting the "swinging" of classical music.

A letter from Alfred L. Dennis, President of the Bach Society of New Jersey, was received this week by Chairman Frank R. McNinch.

"As you are doubtless aware, the country is being swept by a rage of playing classical and traditional songs over the radio in swing tempo", Mr. Dennis wrote. "This is causing genuine distress to lovers of fine music.

"Recently on two occasions, we heard a jazz orchestra giving a rendition of Bach's 'Tocatta in D Minor'. All the beautiful fugue effects were destroyed by the savage slurring of the saxophone and the jungled discords of the clarinet.

"By no stretch of the imagination could such performances be tolerated except by people of no discrimination. As a group interested in bringing the best of Bach's music to the people in our State, we must protest against the jazzing of Bach's music. If this is permitted to go unchallenged, swing renditions of the Mass in B Minor will follow, offending listeners on both religious and esthetic grounds.

"We could suggest", Mr. Dennis added, "that any station that violates the canon of decency by permitting the syncopating of classics, particularly Bach's music, be penalized by having its license suspended for the first offense. A second offense could be punished by revocation of the license."

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## F.D.R. HAS THREE PLANS ON FCC, WRITERS SAY

President Roosevelt is considering three alternative plans to shake-up the Federal Communications Commission, according to two Washington columnists, Joseph Alsop and Robert Kitner, who do a column for the North American Newspaper Alliance.

In a copyrighted story this week, they discussed the friction within the FCC and then asserted:

"The President's attitude is the one he disclosed at the time of the reorganization bill - that he is blamed for trouble in the independent agencies, and must be permitted to clear up the trouble. With this in mind, he is understood to be considering three plans. All are based on the supposition that McNinch's efforts have unavoidably failed.

"The first plan is for the President to call in the Commissioners, demand their joint resignation, and announce that the public interest cannot be served until they comply with his request. Since some of the Commissioners are pig-headed, to say the least, this plan is more dramatic than practical.

"The second plan is for the President to go to Congress in January, ask for the abolition of the Commission, and suggest the establishment of a new agency, better planned and probably headed by a single administrator. Such a daring stroke would almost certainly be the signal for a Congressional investigation of the F.C.C. and as New Deal bodies are said to be buried in the F.C.C. garden, the course might be politically unwise.

"The third plan is for the President simply to dismiss the more troublesome Commissioners. Under the Supreme Court decision invalidating the President's dismissal of Trade Commissioner William Humphreys, this plan hasn't a constitutional leg to stand on. But the Humphreys case decision is believed to have angered the President more than any other action of the high bench. And the temptation must be strong to ask the present, friendlier court to reverse the decision."

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