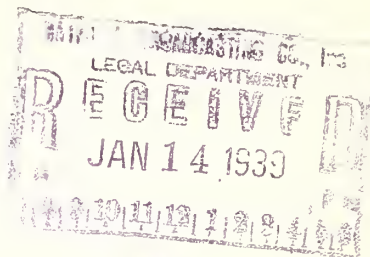


HEINL RADIO BUSINESS LETTER

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ASCAP SUITS IN SUPREME COURT WATCHED BY RADIO

The broadcasting industry this week watched with interest the progress of two suits involving the American Society of Authors, Composers, and Publishers in the United States Supreme Court because of their probable effects on the long-standing war between the radio industry and ASCAP over music copyrights.

The two suits were argued in Supreme Court on Tuesday, and a decision may be handed down within a few weeks. The suits have to do chiefly with the question of Federal jurisdiction in injunction proceedings initiated by ASCAP in an attempt to prevent enforcement of State laws directed at copyright music.

Although the cases were based on Florida and Washington State laws which would restrict the activities of the organization, the Court concerned itself with a jurisdictional point, namely whether as much as \$3,000 is involved in either of the issues. Federal courts cannot take jurisdiction unless such a sum is affected. If the Supreme Court decides that this amount is involved, suits over the laws themselves will proceed in lower courts; otherwise, the suits will probably die.

The Society, headed by Gene Buck, won in a Federal three-judge court in Florida; it lost in a similar court in the Far Western State. Appeals from these two rulings were before the Supreme Court on Tuesday.

The two State laws, very much alike, attack the legality of license fees charged by the Society for use of songs and music owned by its members. Maintenance of a monopolistic combination and trying to fix prices, is charged. The Society answered that it was wholly within the law and pointed to ownership of copyrights.

In each case the issue is between the State and Mr. Buck as President of the Society, as well as other members, including Deems Taylor, Anne Paul Nevin, William J. Hill, Jane Sousa, Oley Speaks, Elia Herbert Bartlett and three publishers, Carl Fischer, Inc., G. Schirmer, Inc., and Irvin Berlin. Revenue received from licenses in Florida in 1936 was \$59,000, from Washington State, \$60,530.

The Society contended that to comply with such State laws all over the United States would mean a loss of from \$150,000 to \$200,000 for each of the three publishing interests yearly. The individuals would, it is said, lose \$12,000 to \$25,000. Copyrights owned by the three publishers are valued at more than \$1,000,000, it is stated.

Asserting that its charges are not high, the Society said that its rates for licenses in Florida in 1936 averaged to each user in the following classes: radio broadcasters, \$2,432; motion picture houses, \$81; restaurants, \$84; hotels, \$80; dance halls, \$85, and miscellaneous establishments, \$103. The Society which has 30,000 contracts throughout the United States, includes 1,000 composers and 123 publishers.

Laws such as those in the present cases have been passed also in Montana, Nebraska and Tennessee. It is said that the Michigan Legislature enacted the same kind of law but that it was vetoed by former Governor Murphy, now Attorney General in the Roosevelt Cabinet.

The Federal Court in Florida granted a temporary injunction against enforcement of the State Law. In Washington the court dismissed the attack of the group on motion of the State.

Tyrus A. Norwood, Assistant Attorney General, and Lucien Boggs, represented Florida in the arguments; Alfred J. Schweppe spoke for Washington. Thomas G. Haight was counsel for Society in both cases.

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FREDERIC WILLIS BECOMES CBS S-W DIRECTOR

Frederic A. Willis, Assistant to the President of the Columbia Broadcasting System, will hereafter serve also as Director of Short Wave Operations in the Program Department, it was announced this week by Edward Klauber, Executive Vice-President.

In commenting on the network's short wave service during 1938, Mr. Willis reported substantial increases in programs to Europe and South America via the CBS international short wave station, W2XE. The operating staff, as well as the number of news commentaries to Latin America, was more than doubled last year. Elizabeth Ann Tucker is Program Director for W2XE.

Last last year, W3XAU, international station of WCAU, the CBS affiliate in Philadelphia, completed two new directional antennas. By arrangement with W2XE, much of W3XAU's foreign programming will be supplied to the latter transmitter by direct line from New York. Another effect of coordinating the stations' activities results in the simultaneous transmission of CBS programs to both Europe and South America, or the sending of one program to one continent on two different frequencies. Similar arrangements have been made to permit WLXAL, Boston, to short-wave CBS programs, while permanent lines have been laid between Columbia's WEEI, Boston, and the Westinghouse short wave station, WLXK.

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PRESS WARNED TO GET READY FOR FACSIMILE RADIO

While warning publishers to begin experiments early in the facsimile radio transmission of news so as to be prepared for any eventuality, H. C. Vance, Manager of the Facsimile Sales Division of RCA Manufacturing Co., Camden, N. J., today (Friday) told the Pennsylvania Newspaper Publishers' Association at Harrisburg:

"It is generally believed that broadcast facsimile will be a supplemental service to both newspapers and radio stations for many years to come."

Reminding the publishers of King Canute's inability to turn back the tide, Mr. Vance said:

"If the public wants a broadcast facsimile service, that tide will rise, regardless of whether the present newspaper embrace it or not. Under these circumstances, should not the newspapers place themselves in a position to capitalize on this new process of news distribution?"

"Until commercial licenses are granted", he went on to say, "it is probable that a common radio transmitter will be used for the alternate transmission of sound and facsimile programs. That is, sound programs will be broadcast most of the day and evening with one or two hours of facsimile bulletins interspersed during the forenoon, again in the afternoon, and possibly during the evening. This is based upon the use of ultra high frequencies for urban coverage.

"If and when the facsimile broadcasting of paid advertising is permitted, separate transmitters and wavelengths can be employed in order to allow more time for facsimile transmission.

"It is also probable that at that time commercial advertising may be permitted on sound programs transmitted on ultra high frequency channels. It would be inadvisable to interrupt these sound programs with the rather weird-sounding facsimile signals in the loudspeakers of receivers not equipped for facsimile reception.

"Another interesting application is the simultaneous transmission, on separate wavelengths, of inter-related sound and facsimile programs. For example, a cooking school or kitchen program can be broadcast over the sound channel and copies of the recipes via facsimile. A talk on new dresses, hats, or other fashions can be illustrated by facsimile transmission of photos, sketches, or even patterns. Numerous other novel and effective combinations and uses will suggest themselves.

"Undoubtedly a new form of newspaper or magazine makeup technique will be developed for facsimile use. Some stations are trying standard newspaper story form, others are trying to

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develop a special bulletin form, referring the reader to their newspaper for complete details.

"Most standard newspaper features seem to be usable in facsimile service, including cartoons, continued stories, market reports, theatre news, children's features, etc.

"Pre-printed ads on the back of the paper strip have been considered as a means of reducing or covering the cost of new paper refills for the home receivers.

"In future receivers it may not be necessary to employ time clocks to turn the recorder on and off at preset intervals, since automatic control signals from the transmitter may be used for this purpose. During intermittent operation, this will allow important news flashes to be transmitted at any time without waiting for the pre-set period.

"It is interesting to note that a large percentage of stations obtaining facsimile licenses are newspaper owned. They include the McClatchy stations at Sacramento and Fresno, California; the Buffalo Evening News; the St. Louis Post-Dispatch; the Chicago Tribune; the Detroit News and the Cleveland Plain-Dealer.

"If the public demands facsimile service - and preliminary surveys indicate that they will - present-day newspapers have an opportunity to do some of the pioneering work toward the establishment of a new public service."

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CASE REAPPOINTED TO COMMISSION BY F.D.R.

All rumors that Norman S. Case, former Governor of Rhode Island, would not be reappointed to the Federal Communications Commission were put at rest this week when President Roosevelt sent his nomination to the Senate.

The reappointment, first made as a recess nomination last Summer, is for the full seven-year term. Commissioner Case is a Republican. No substantial opposition to his confirmation is expected.

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G.E. TELEVISION STATION TO BE MOST POWERFUL

A television transmitter, more powerful than any now in use in this country and designed to broadcast pictures with much improved picture definition, will be put into operation within the next three months by General Electric at Indian Ladder in the Helderberg Hills, 12 miles from Schenectady, N. Y., according to Chester H. Lang, Manager of Broadcasting for General Electric.

Built on top of a 1500-foot hill with an antenna strung on 100-foot towers, this station will be at least 250 feet higher than the one atop the Empire State Building in New York City. To the south are higher hills which, with a directional antenna, will tend to prevent the signal from causing any possible interference with stations in New York City. With a power output of 10 kilowatts, its coverage will be the area comprising Schenectady, Albany, Troy, Amsterdam, and Saratoga, known as the Capital District, with a combined population of more than 500,000.

The television studio will be located in Schenectady, in quarters occupied by WGY until this station moved into its new broadcast home last Summer. Its equipment will incorporate many new features developed by General Electric engineers who not only pioneered but have spent years in television research. These developments assure a more perfect pickup and broadcast of pictures. At such times as studio programs are not available, motion picture film will be used much the same as electrical transcriptions now fill in on broadcast programs.

From an ultra short-wave transmitter on top of the studio building, the images will be relayed over the 12-mile gap on a 1.4 meter band to the main transmitter in the Helderbergs, where they will be broadcast for public reception on a wavelength in the 66-72 megacycle band or on about 4-1/2 meters. The voice accompanying the picture will also be broadcast on the same band, on a frequency immediately adjoining the picture, assuring reception with less interference from static than experienced on the regular broadcast channels.

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John Fox, Production Manager of the Sales Promotion Department of the Columbia Broadcasting System, is extending his activity to include space buying for Columbia advertising in trade papers. His new duties take effect immediately.

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EXPORTER DENIES GERMANY BLANKETS U. S. STATIONS

An investigation by S. T. Thompson, of the Zenith Radio Corporation, Chicago, has disproved the published report that German short-wave stations are blanketing U. S. international stations in Mexico.

Referring to a story appearing in the Washington Daily News, and carried in the Heinl News Letter of December 16th, Mr. Thompson writes:

"We had our Export Department communicate with our distributor in Mexico City and lay the question before him. You will be interested in his comment which we quote in part:

"'.... and wish to inform you that the only short wave stations that are heard perfectly here at daytime are the American stations,....., without interference at any time of their broadcasts, contrary to what occurs with the Berlin stations which have a strong interference in the different frequencies of 9.5, 12, and 15 megacycles, at which they broadcast, not only by local stations but also by foreign ones, to the point that it is impossible to listen in to their news in Spanish, which is the time when the interference is strongest.

"'It is also false that there are German owners of broadcasting stations in Mexico and that German radios are being sold here for 10 pesos and even given away free, inasmuch as the only radios made in Germany that are being sold in Mexico sell on a very small scale due to their high prices.'"

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BBC TRIES NEW ACOUSTIC STUDIO DESIGN

A new departure in acoustic design is a feature of the orchestral studio at the British Broadcasting Corporation's studio center in Aberdeen, opened last month by the Marchioness of Aberdeen and Temair. It consists of the provision of an "inverted V" roof, rising to a height of 11 ft. above ceiling level, about 400 sq. ft. of which have been lined with rock-wool blankets an inch in thickness, appearance being preserved by the provision of an open-grille ceiling that allows free passage of the sound waves.

The purpose of the new design is to avoid the phenomenon known as "up-and-down flutter" - caused by repeated reflections of sound between ceiling and floor - and the experiment is proving very satisfactory in practice.

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FCC DECLINES TO SPONSOR WPA PROJECTS

The Federal Communications Commission has sent the following letter to the Joint Unemployment Council, American Communications Association, Washington, D. C.:

"The Commission has carefully considered your letter of October 21, 1938, in which you request that this Commission sponsor certain projects through the agency of the Works Progress Administration. You set forth therein the situation in regard to unemployed workers in the communication industry, which situation is the basis for your request.

"The Commission is in sympathy with any plan having for its objective the relief of the unemployed and would welcome the opportunity to do what it could in this respect within the scope of its means and authority. In view of the statement you make relative to the general unemployment situation in the communication industry, it is assumed that your recommendations as to affording relief applied to all communication workers irrespective of union affiliations. You will appreciate, of course, that the Commission could consider projects only on that basis.

"A careful study has been made of your suggestions. Several of the projects which you list have merit. However, a detailed analysis indicates that the Commission is not justified at this time in sponsoring them because of the practical difficulties involved. Furthermore, conferences between representatives of the Commission and the Works Progress Administration developed the fact that the Works Progress Administration would not look with favor upon projects which involve a house to house canvas. In addition to these practical difficulties, the Commission is unable to assign the necessary supervisory and planning personnel as its staff is already overburdened with regular work. Also, the funds available from the Commission appropriation are insufficient to permit the purchase of necessary technical apparatus required to carry out the projects.

"The Commission will continue to study those projects which appear to have greatest merit and, if it is found that the difficulties and personnel and financial restrictions can be overcome, consideration will again be given to the practicability of carrying out such of these as may be within the scope of Commission activities."

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Two new radio stations were recommended to the Federal Communications Commission this week by Examiners. Applications were from Drohlich Brothers, Sedalia, Mo., to operate on 1500 kc. with 100-250 watts power, unlimited time, and the McComb Broadcasting Corporation, McComb, Miss., to use 1200 kc., 100 watts power, daytime.

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HOUSE AMPLIFYING SYSTEM PRAISED BY STEFAN

The new amplifying system in the House of Representatives was explained and praised this week by Representative Karl Stefan (R.), of Nebraska, in an extension of remarks in the Congressional Record this week.

Representative Stefan, a former radio announcer, said, in part:

"A year ago our present distinguished Speaker with other distinguished gentlemen began studying the possibilities of better equipment, and our Architect did considerable experimenting and investigating, with the result that the system which is now installed in the House was given a trial. With more adjustments and experimentation, it is believed that it will become perfect and will bring more dignity to this House, and perhaps prolong the health of some of our Members, and certainly will facilitate the transaction of the important business which this Congress must transact.

"By taking advantage of this modern science Members of this House can transact business with more dispatch and efficiency, in my own belief. This is not a broadcasting system. The voices reach only the confines of this Chamber. I call attention to all Members who have just finished their campaigns and ask them to recall the comforts of the loud-speaker system which so many used in making it possible for their constituents to hear what they had to say. Most of you have long ago learned how to speak into the microphone of your loud-speaking systems. This system in this Chamber is no different. Microphones are placed at various stations - one at the Speaker's table, one in front of the reading clerk, two in the well of the House, and one each at the desks of the majority and minority floor leaders. The voice comes through the gondola which you see directly over the well. An operator is located in the gallery with a monitoring apparatus which he adjusts to suit the various voices which come into the various microphones. It is all very simple. The adjustment is so made as to make the voice natural, and all mechanical sound is so eliminated as to make it practically a natural voice. Some may decide not to use the microphone. That is a matter of choice. Those who believe their voices are loud enough so that they can be easily heard may or may not use these microphones. It is just a matter of whether a Member wants to be heard or not. It is no longer necessary to strain the throat muscles. All that is necessary is to speak in a normal tone of voice. The operator who will have charge of the set will soon learn the inflection, quality, volume, and tone of each voice and can so adjust this system that each word should be heard in the remotest corner of this Chamber. Certainly our distinguished Speaker need no longer feel that he will not be heard. Certainly his voice will be heard, and dignity and calmness will prevail in this House.

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"Roll calls will be more rapid, reading clerks will have less difficulty in the transmission of readings to Members; reporters will have less difficulty in hearing; newspapermen in the press gallery need no longer hold hands to ears, the better to hear, and visitors in galleries will go back home with more impressive thoughts and feelings that the United States House of Representatives really transacts business in orderly and serious manner.

"There are great possibilities for this public-address system. You will recall that many times even the President of the United States when he speaks in this House cannot be heard in the back seats nor in the galleries. Members see the Chief Executive and other speakers but many times cannot hear them.

"I have been asked if this speaking system can be so constructed as to connect it with other offices. To this the reply is 'Yes'. The possibilities are unlimited."

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WMCA TESTS ULTRA HIGH FREQUENCY TRANSMITTER

Investigation of the probability of opening up new radio stations in the little-known 11 meter band is being conducted by the Engineering Division of Station WMCA, New York, under a franchise recently granted the station by the Federal Communications Commission. The investigation, consisting of broadcasts in what is known as ultra high frequency, is to determine the range and noise level of the 11 meter band, as yet unlicensed for commercial radio communication.

Regular WMCA programs from noon to 9 P.M. daily are being transmitted through this ultra high frequency channel under the call letters of W2XQO. According to Frank Marx, Chief of the WMCA Engineering Staff, the tests to date indicate an almost total absence of natural static and a high degree of line of sight transmission as well as distant reception. Reports have been received, he stated, from tramp steamers in the Pacific and from South America, Europe, and Australia.

The ultra high frequency equipment with which the tests are being conducted consists of a 100 watt RCA transmitter modified for use on the eleven meter frequency. It is located on the site of WMCA's transmitter at Flushing, Long Island, and special coaxial cables carry power from the transmitter to the specially installed experimental antenna. This antenna is situated on top of the 300 foot WMCA tower and is a brass pole rising 20 feet above the top of the tower.

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GREAT LAKES STUDY TO RESUME MARCH 6

The Federal Communications Commission announced this week that public hearings on the Great Lakes and Inland Waters Survey will be resumed in Cleveland, Ohio, on March 6, 1939. Col. Thad H. Brown, Commissioner in charge of the survey, will preside at the hearing.

The Great Lakes and Inland Waters Survey is being conducted under a mandate from Congress, which in May, 1937, requested the Commission "to make a special study of the radio requirements necessary or desirable for safety purposes for ships navigating the Great Lakes and the inland waters of the United States, and to report its recommendations and the reasons therefor to the Congress not later than December 31, 1939."

A number of surveys have been conducted aiming at a factual basis for recommendations to Congress for legislation to promote safety of life and property on the Great Lakes, it was said. One of the first of these was a vessel investigation which included an analysis of the types, tonnage, equipment, ages, and services of all commercial vessels on the Great Lakes operating under the American flag.

A study of the channels, routes, distances, ship lanes and navigation aids had been conducted in connection with a study of weather conditions and hazards to navigation. An analysis is also being made of the nature and volume of the commerce on the Great Lakes, including the ports at which the commerce originates and to which it is destined, the routes of movement, and the types of commodities.

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SWEDEN TRIES "WIRED RADIO", TELEVISION

The Swedish State Telegraph Board is now putting in a "wire" radio transmitting station in Ange in Northern Sweden where the static disturbances from the electric trains make ordinary wireless radio reception impossible, according to the American Commercial Attache at Stockholm. This new station will comprise 200 outlets which are coupled to the telephone connections of subscribers and are then plugged in by a special attachment to an ordinary radio receiver. The programs are transmitted from the radio sending station in Sundsvall by a special "wire" transmitter manufactured by the German Lorenz company. It is expected to extend this "wire" system to other places in Sweden where static disturbances are excessive.

Sweden's first television demonstration was given recently in Stockholm by the Philips Gloeilampen Fabriek N.V., Eindhoven. The equipment was carried from the Netherlands in two trailers, consisting of one transmitter for sound and one for pictures and the receiving unit with a screen 40 cm. x 50 cm. The cathode projection system was employed, with a power of 50 watts, taken from the city power main. It is not expected that the Swedish State Broadcasting Company will take any active interest in television for the time being.

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CHILDREN'S PROGRAMS PRAISED AT NBC LUNCHEON

Radio's responsibility to its millions of child listeners was discussed pro and con Thursday by Mrs. Henry M. Robert, Jr., President General of the D.A.R., Mrs. Sidonie M. Gruenberg, Director of the Child Study Association, Mrs. W. H. Corwith, Radio Chairman of the Women's Auxiliary of the American Legion, Dr. James Rowland Angell, and other speakers at a luncheon given by the National Broadcasting Company in New York.

Dr. Angell, NBC's Educational Counsellor and former President of Yale University, speaking as a parent and grandparent, said:

"I wouldn't pretend for a moment that there can't be great improvement in children's programs, and I want to assure you that so far as the National Broadcasting Company is concerned, it has nothing more seriously on its mind. It has made the most serious effort to make those programs what I think most of you would desire to have them, programs to which children can listen with interest and understanding and profit and certainly without damage to their central nervous system or any other portions of their anatomies."

During the round table discussion, Mrs. Corwith expressed the opinion that certain types of programs dealing with adult life should be modified in view of the fact that they attracted a large child audience, but stated that as far as she knew none of NBC's sustaining children's programs had ever been criticized.

Mrs. Gruenberg declared: "We exaggerate the magnitude of the problem" and pointed out that in their first studies of children's programs there was a great difference of opinion between "what the children like and what the adults detested and feared". She said that education and a better understanding of the preferences of children since that time has served to help parental guidance.

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RADIO INDUSTRY IN HEALTHY SHAPE, SAYS EDITOR

The radio industry is entering the new year in a more healthy condition than at any time in recent years, says O. Fred Rost, editor of Radio Retailing.

"Leading factor to justify that prediction", says Mr. Rost, "is an inventory situation which is unprecedented in that neither manufacturers nor distributors are carrying over any substantial overstocks of new sets. Previously at the turn of a year, and notably a year ago, excessive inventories forced heavy and demoralizing dumping operations, disrupted normal dealer sales, over-shadowed the sales prospects on new models. Production in many factories continues without interruption as orders from distributors and dealers reflect a highly gratifying flow of consumer buying."

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