

HEINL RADIO BUSINESS LETTER

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No. 1100

NOTE - SEE BULLETIN ON PAGE 9, FIRST STORY

February 21, 1939.

CROSLY APPEALS TO COURT AS FCC STANDS FIRM ON WLW

The Crosley Corporation today (Tuesday) filed in the United States Circuit Court of Appeals for the District of Columbia, a notice of appeal from the decision and order of the Communications Commission denying the application of The Crosley Corporation to continue full time operation of Station WLW with a power of 500 k.c.

The FCC on Monday denied the petition for rehearing filed by The Crosley Corporation which requested the Commission to reconsider its action in denying the petitioner's application for an extension of its special experimental authorization.

The Commission affirmed its decision and order of February 6, 1939, the effective date of the order being 3 A.M., E.S.T., March 1, 1939, and denied the petitioner's request for a stay of this effective date beyond that time.

The Crosley appeal recites the history of the operation of this station since March 2, 1922, and its operation with 500 k.c. since April 17, 1934. It refers to the construction permit for the 500 k.w. which was obtained on June 7, 1932, and the fact that after the installation of the new transmitter, with the exception of a short period of time in 1935, the station has operated continuously with 500 k.w.

The Court is asked to reverse the order of the Commission on the ground that it was the duty of the Commission to make findings of fact and conclusions of law upon the points which the Commission itself had suggested as the issues which the appellant would be required to meet to justify a continuance of this license.

At the time of submitting its appeal, Powel Crosley, Jr., President of The Crosley Corporation, who up to this time has had nothing whatever to say about this controversy, made the following statement:

"We regret that we have felt it to be necessary to ask the Court to pass upon this order of the Commission but we feel that our duty to ourselves and to the listening public dictates the need for this step in our effort to provide for the radio users of America the finest service which money can buy and modern scientific invention can achieve. This obligation of ours we feel to be particularly and peculiarly an obligation owing to the rural listeners and to the owners of sets who by reason of the set itself or the remoteness from a broadcasting station are unable to

secure the radio service which an expensive set located close to a broadcasting station is able to get.

"We have helped pioneer so-called high power from the time when we went to fifty watts, to 500 watts, to 5,000 watts, to 50,000 watts, to 500,000 watts. At several points along this road, someone has raised the question of so-called high power or super power. In every case actual experimentation has proved that the use of this increased power has hurt no one and has been a vast benefit to millions of our citizens. We believe that is true in this present situation.

"Of course the use of the phrase 'super-power' is in itself ridiculous when the real power is made known. The power output is only 680 horse power. It is not as some would have us believe, a huge power trust, but it involves less than the power used in one motor of the twin motor of a transport airplane. It is less than the power produced in eight Ford, Chevrolet or Plymouth engines, running wide open. The so-called 'super-power' is a myth.

"We believe that the 500 k.w. which we have been using for four years is of no harm to anyone, and that this was clearly demonstrated in the extended hearings conducted by the Commission and that 500 k.w. was clearly demonstrated by these same hearings, to be of vast benefit to millions of American citizens. In 1932 we felt that it would be practical to use higher power than the 50 k.w. then in fashion and we proposed to risk very large sums of money to vindicate that feeling. Of course this could not be done unless we felt that if we proved that the use of this power was of benefit to the public and of no substantial injury to anyone, we would be permitted to continue its use when that demonstration had been conclusively made as had been the case where after a four year demonstration of the use of 50 k.w., its regular use was permitted. As a preliminary step to this experiment, we applied for a construction permit and the Radio Commission as it was then known, granted this permission and permitted us to go to the expenditure of very large sums of money required not merely to build but to experiment with a type of transmitter construction which up to that time was absolutely unknown.

"Further, we have consistently and heavily invested throughout the years in maintaining programs of the highest possible standard, as we always have felt to be our responsibility. Based on this permit, we began this experiment and in 1934, having demonstrated its practicability between the hours of midnight and morning, we were permitted to use it without limit throughout the day and night, and have been using it continuously for almost five years.

"Naturally, when we undertook the risks involved in this experiment, not only on equipment but throughout the years in the maintenance of the equipment, we felt that if the experiment proved to be successful and there was not reason from a standpoint of public interest, convenience and necessity why this power should not be used, we would be permitted to continue its use and the program of experimentation in which we are still engaged.

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"It is my firm conviction that the people of the United States should no more be deprived of the benefits of the experimentation in transmitter development than that they should be ordered to abandon their use of automobiles and ride in horses and buggies from this time on or that radio set manufacturers should be ordered to put a limit to the number of tubes which they can place in a radio set and thus diminish its usefulness in the home of the listener.

"We see no reason why the benefits of man's invention should be withheld from the radio listener while they are permitted to him in other fields and we are convinced that only temporarily can the progress of science and invention be halted. We stand ready and will in the future at all times stand ready, to cooperate with the Commission as we have in the past, in the advancement of the radio broadcasting art in every way possible."

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ARIZONA STATION PUT OFF THE AIR BY FCC

The Federal Communications Commission on Monday revoked the license of Station KUMA, Yuma, Arizona.

The Commission's order states among other reasons that it appears that Albert H. Schermann, holder of a license issued by the Commission, in his application for renewal of station license KUMA, made false statements under oath to the effect that he was in actual control and operation of said station, when in truth and in fact one E. B. Sturdivant was, and at all times since February 1, 1934, had been in actual control and operation thereof.

The Commission's order becomes effective April 1, 1939.

The licenses of four radio operators were also suspended for violations of the Communications Act.

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CROSLY ASKS TELEVISION PERMIT FOR CINCINNATI

The Crosley Corporation has applied to the Federal Communications Commission for a permit to construct a television station in Cincinnati. The application, one of the first to come from the Mid-West since the decision of radio manufacturers to place radio receivers on sale this Spring, requests 50000-56000 kc. and 1 kw. power. The transmitter would be located on the 48th floor of the Carew Tower, Vine and Fifth Streets.

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McCOSKER TELLS FCC MUTUAL SERVES PUBLIC

The final witness for the Mutual Broadcasting System, Alfred J. McCosker, of New York, Chairman of the Board, at the monopoly investigation of the Federal Communications Commission, dwelt upon the public service of his organization. Mr. McCosker, who is also President of the Bamberger Broadcasting Service, licensee of Station WOR, Newark, New Jersey, said that the public interest is served, he believed, more especially in the Mutual form of operation in that there is put at their disposal a reservoir of programs geographically diversified and inherently representing the various communities and portions of the country in which these programs originate.

"The public to my mind is further benefitted by the fact that Mutual network operation providing, as it does, a larger return to the station owner, enabling him to spend more money in sustaining program production", Mr. McCosker declared. "I believe that these are the two outstanding phases of Mutual that have direct and important reflection in the public interest. It has extended rapidly from the original two-member stations to more than 100 - I think 110 stations approximately - since 1934."

Mr. McCosker testified to the fact that R. H. Macy & Co., in New York owns about 499,989 shares of stock of the Bamberger Company. Incidentally, through cross-examination, Mr. McCosker was revealed as quite a veteran in the broadcasting industry. He said that he had been with WOR since 1929, about nine months after the station started. Mr. McCosker began with this station as its press representative. Prior to that he had been engaged in the newspaper business both in the editorial and advertising departments and was also in the theatrical field as press representative and company manager.

"People in discussing radio, particularly those outside of the industry, speak of it in general", Mr. McCosker continued. "If they have objection to a particular article in a publication they usually say: 'I don't agree with the article in Publication "A"'; but if they have an objection to a program on the air, they will say: 'I don't like the radio', or 'I object to the radio'; they don't particularize. Now I do not want to appear unduly appreciative of the Mutual network programs, but they actually do, in my experience over the 16 years, prompt me to say, unequivocally, that they do offer something different and something very high class in, even present day radio production, and are so recognized by those stations accepting."

When the question of research came up, Mr. McCosker said:

"Every program is research in the sense that you are finding out as to what acceptance it will have on the part of the public, and it is the most practical kind of research. I have been associated for years with the organizations in America that are looked upon as outstanding theatrical producers, the Shuberts, the Erlanger Company, and it is remarkable after all of the

research they have had of 100 years of the theatre, that King's Warehouse gets a large percentage of the shows that their expert opinion prompted them to put on. In other words, you cannot tell. It is a matter of theatrical history that the best informed of the dramatic critics were 100% against 'Abie's Irish Rose' as to its possibility of success, and the fact remains that it played in New York for five years. So that is why I say, without any other reason behind it, that the putting on of a program is the best research possible."

Asked if anything like the Bureau of Standards would be possible in radio, Mr. McCosker replied: "I don't believe so. The only standard that might be applied is the standard of good taste."

In response to a question as to whether advertising agencies are particularly trained or skilled or equipped to produce programs for entertainment of the public, Mr. McCosker said: "They are becoming more so all the time by this very trial and error method that I speak of."

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OHIO STATE TO EXHIBIT EDUCATIONAL RECORDINGS

The third American exhibition of recordings of educational radio programs will be held at Ohio State University, Columbus, O., May 1-3, as a part of the tenth Institute for Education by Radio.

Entries close March 15, according to I. Keith Tyler, Institute Secretary, who is a member of the staff in Ohio State's Bureau of Educational Research. Programs are classified into two groups, the first for networks, national organizations, and clear-channel stations, the second for local and regional stations and organizations.

The competition is open to programs for general use and for school use. In the former classification come: 1. lecture, talk, speech; 2. demonstration or participation program; 3. dialog, round-table conversation, interview, debate, question and answer; and 4. all forms of dramatization. The school-use programs fall in three groups: 1. primary children; 2. elementary children; 3. junior and senior high school.

"First awards" and "honorable mentions" will be given in the seven classes of the two major groups, as listed.

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NEW RADIO TUBE AID TO SAFER FLYING

A new ultra short-wave radio tube employing the principle of velocity modulation has been announced by W. C. Hahn and G. F. Metcalf, engineers of the General Electric Company.

Application of the new tube to airplane altimeters would enable pilots to judge distances in blind landings up to the last split-second of contact with the ground. The same instrument equipped with the new tube could be pointed in front of a plane flying in heavy weather to warn of mountains or other obstacles in its path to a distance of several miles.

The tube generates an ultra short-wave which may be directed like the beam of a searchlight. This beam makes it possible to measure distances by reflection. Directed at the ground, or any other obstacle, the beam would bounce back to the plane. The altimeter would immediately record and translate into a measure of distance the time required for reflection of the beam.

Highly accurate measurements are possible with the new tube which generates a wave but 14 centimeters long (about five and one half inches). It is expected that the principles involved should permit generation of waves down to one centimeter or less. The shortest wave received on a home receiving set is five meters, or 35 times longer than those produced by the new tube.

By means of previously available tubes waves less than a centimeter in length have been produced in various research laboratories, and General Electric engineers have in the past made practical use of waves of about five centimeters. The new velocity modulated tube, however, represents a distinct advance in that it is more flexible and has a more efficient power output than anything heretofore known.

While fully developed and tested in the laboratory, the new tube will not be available for commercial distribution for some time.

Beams produced by the new tube would have a wide application in navigation as well as flying. Ships could steer a safe course through heavy fog by using the beam to measure the distance to land or to other vessels.

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Anticipating the beginning of a regular television service for the New York City area in April, the National Broadcasting Company has added Thomas L. Riley, one of radio's best known producers of dramatic shows, to the NBC television program staff at Radio City. Mr. Riley transferred to television from NBC's regular network production group.

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WIRELESS RECEPTION CAN BE FORECAST, SAYS DR. DELLINGER

New methods of securing data which can be directly applied by the radio engineer in his choice of frequencies for any communication job have been announced by the National Bureau of Standards, Department of Commerce.

An "ionosphere" reporting service, somewhat similar to weather reporting service, though quite independent of it, is being successfully conducted by the Bureau of Standards, according to Dr. J. H. Dellinger, Chief of the Bureau's Radio Section.

"Ionosphere" is the vast electrical "ocean" surrounding the earth, and is a new world in which radio research and radio operations has given Bureau experts access in the past few years, Dr. Dellinger stated. It exists anywhere above the earth at the heights comprised between 50 and 250 miles.

Instead of being occupied by air, the ionosphere is filled with positive and negative electricity existing in layers. It is by reflection from these layers that radio waves travel from one point to another, he explained.

The electrical condition in the ionosphere is caused by ultra violet rays from the sun, not the ultra violet rays which produce tan on the bathing beaches, but more powerful rays which would be harmful if they were not prevented from reaching the earth's surface by being absorbed in the ionosphere, Dr. Dellinger stated.

The Bureau of Standards has, as a result of its successful experiments, established an ionosphere reporting service. It gives data, weekly and monthly, obtained from its charting of the ionosphere, which assist in the predetermination of radio transmission conditions. Such service is in some respects like the weather reporting service. The reliability of ionosphere prediction will probably surpass that of weather because the controlling factors are somewhat better known and more uniform, according to Dr. Dellinger.

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SALT LAKE CITY PAPER GETS FIRST MOBILE PERMIT

The Telegram Publishing Company of Salt Lake City, Utah, is the first newspaper company to be licensed to operate a mobile press broadcast station. The Federal Communications Commission described the grant as one "to be used in the speedy gathering of news from areas not otherwise provided with the usual communication facilities". Mobile press broadcast assignments on the airwaves are now available in all communities. They are to be used with portable sets designed to be carried by reporters into areas where there either are no ordinary means of communication or the customary media have been crippled or destroyed by storm or otherwise.

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B U L L E T I N

SENATOR WHITE ASKS 11-MAN COMMISSION

A bill proposing a 11-man Federal Communications Commission, with all present offices abolished, and broad changes in the Communications Act was introduced in the Senate late Tuesday by Senator Wallace White (R.), of Maine.

The measure, covering 16 typewritten pages, proposes setting up two divisions, comprising five Commissioners each, to regulate broadcasting and common carriers separately. The Chairman would serve as ex officio member of both divisions and as Chief Executive Officer.

Other provisions of the bill provide for a minimum broadcasting license of one year, safeguards for broadcasters who carry political addresses, and a new procedure for appeals from orders of the Commission. ✓

The actions of the divisions would be final and not subject to the approval of the full Commission. The Commission would have authority to allocate all frequencies, however.

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TALKING FILMS SEEN AS TELEVISION AD BEGINNER

Early advertising through the medium of television probably will take the form of talking picture shots, broadcast from motion picture films, according to an article on "Television in 1939", published in the current issue of "Successful Advertising", house organ of Van Sant, Dugdale & Co., Inc., Baltimore agency. This advertising will be comparable to the transcribed spots now being used for radio or the one-minute shorts used for moving picture advertising.

Before any actual advertising is done through television, however, the agency pointed out, hundreds of thousands of sets must be sold first and the Federal Communications Commission must remove the experimental restriction against commercialism of the new medium.

"A big audience must be assured to justify the cost of producing programs in which your advertising story will be seen as well as heard", the article continued. "But television's possibilities for showing your product in use and dramatizing the benefits and satisfaction which it brings will be tremendous."

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46 RADIOBEACON STATIONS ADDED IN 1938

The year 1938 saw added to the list of marine radio-beacons of the world, approximately 46 new stations, 13 of these being in the waters of the United States, according to the U. S. Lighthouse Service. These additions bring the world total of marine radiobeacons to approximately 467, of which the United States operates about 30 percent.

During the past year a considerable number of the new radiobeacon installations were made by the Scandinavian countries, 10 radiobeacons having been placed in operation in the waters of Sweden, Norway, Finland, and Denmark. Two radiobeacons were established on the coast of Algeria, and also two in Morocco, one of the latter being at Cape Spartel Lighthouse, maintained through the contributions of several maritime nations including the United States. The Union of Soviet Socialist Republics, established six additional radiobeacon stations during the year.

The radiobeacon stations recently established, considerably extend the area of the world's coastal waters protected by such signal stations. The coasts of Europe are now marked in such a manner that, with the exception of two or three comparatively small areas, a vessel equipped with a radio direction finder, need never be outside the range of at least one radiobeacon station. Other large areas of the world are also well protected by radiobeacon stations.

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ITALY TO HAVE 50 STATIONS BY YEAR'S END

Italy expects to have a total of fifty broadcasting stations (including the two new ones already operating at Addis Ababa and Tripoli), in the mother country and the colonies by the end of this year.

The Italian Broadcasting Corporation (E.I.A.R.) has just issued a booklet epitomizing the history of national broadcasting since the inauguration of the earliest Rome station, I.R.O., which gave its first transmission on October 6, 1924. During 1938, Italian stations broadcast 279 operas - the majority direct from the various opera-houses of the country; 233 symphony concerts; and 529 plays. Fifty-one percent of the total broadcasts were musical programs.

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Among the prominent New York business leaders named last week by Grover A. Whalen, President of the New York Fair Corporation, to sponsor the advance ticket sales campaign beginning next Friday are William S. Paley, President of the Columbia Broadcasting System, for radio, and Roy B. White, of Western Union, for communications.

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ELECTRICAL MANUFACTURERS TO MEET IN WASHINGTON

Secretary of Commerce Harry Hopkins has announced that the National Electrical Manufacturers' Association has arranged to use the facilities of the Department of Commerce for a special meeting to be held in Washington on March 30 and 31. The meetings will be open to all electrical manufacturers and to exporters of electrical merchandise.

Executive heads of the Census Bureau, National Bureau of Standards, Patent Office, and the Bureau of Foreign and Domestic Commerce will appear before the representatives of the industry during the meetings which have been arranged.

At the dinner meeting on March 30, Carl L. Peirce, Jr., President of the NEMA, will preside. Dr. Willard L. Thorp, economic adviser to Secretary Hopkins, is scheduled to discuss the plans and procedure of the Temporary National Economic Committee.

Of the four other half-day sessions, two will be devoted to the Bureau of Foreign and Domestic Commerce - one to domestic and one to foreign. The Census Bureau is scheduled for one full session and the Bureau of Standards and the Patent Office will share the fourth.

N. H. Engle, Acting Director of the Bureau of Foreign and Domestic Commerce, will present - in cooperation with the Chiefs of the three domestic divisions - the character and extent of the services available in the domestic field.

Various phases of Census Bureau activities, together with the statistics and services which it makes available to business, will be presented by the Chiefs in charge of the several activities. Vergil D. Reed, Assistant Director of the Bureau, will preside.

Walter White, Assistant to the Chairman of the Business Advisory Council will preside at another meeting when the Patent Office will be discussed by Commissioner Conway P. Coe, and the National Bureau of Standards by Lyman J. Briggs, its Director, and by Assistant Directors E. C. Crittenden and A. S. McAllister.

The fourth session, covering the foreign services of the Bureau of Foreign and Domestic Commerce, will be led by F. H. Rawls, Assistant Director, and Division Chiefs will speak.

Copies of the program will be available either from the National Electrical Manufacturers' Association in New York City or from John H. Payne, Chief, Electrical Division, Bureau of Foreign and Domestic Commerce, Washington, D. C.

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WOR SIGNS RADIO ARTISTS' CONTRACT

Full cooperation between WOR and the American Federation of Radio Artists was assured late last week by the signing of a contract covering commercial and sustaining performers, by Alfred J. McCosker, President of WOR, and George Heller, Associate Secretary and Treasurer of AFRA. The negotiations were marked by an atmosphere of amity and a desire to cooperate on the part of both parties.

The contract, covering wage rates and conditions of employment, is identical in all respects with those ratified last week by the National Broadcasting Company and the Columbia Broadcasting System, according to Union officials.

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FREEDOM OF RADIO, NOT PRESS, NEEDED, SAYS WRITER

More freedom of the air, to permit critics of the Administration to speak, is needed rather than freedom of the press, which Secretary Ickes holds is lacking, according to Royal F. Munger, writing in the Chicago Daily News.

"Listening to the speech of our esteemed fellow townsman Secretary Ickes on 'Freedom of the Press', the other evening, gave us a couple of chuckles", Mr. Munger wrote. "It was an interesting talk, entirely aside from the smiling bouquets he handed the Daily News, and Ickes has done an outstanding job in Washington, but some of the points he made at the banquet seemed a little far-fetched.

"It appears that he debated with Frank Gannett, in the Town Meeting of the Air, on the same subject. We didn't happen to hear the debate, and are still in ignorance of what Mr. Gannett said. All Mr. Ickes talked about was what he, Ickes had said. It seemed to annoy him that Mr. Gannett's subsequent editorial comments had referred chiefly to what he, Gannett, had said. Ho, hum, Most lawyers and or politicians would like to meet editors in debate, for your editor is rarely much of a public speaker, and is as handicapped on the platform as the politician is when asked to state his policy in writing in 100 words.

"The second point was that newspapers had suppressed some story about the harmful influence of tobacco. The story was only 'filler' at best, and the wonder is that 275 papers printed it. The statement of a college professor that tobacco is harmful is hardly news! Every eighty-grade physiology textbook for the last 30 years has carried that information. But practically everybody at the Ickes dinner was smoking!

"What is needed at the moment is not more freedom of the press, thank you, but more freedom of the radio. Would someone in Washington like to explain why so few administration critics are on the air?"

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