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No. 1104

March 7, 1939.

SYKES TO QUIT FCC FOR PRIVATE PRACTICE

Judge Eugene O. Sykes, who is one of the original members of the Federal Radio Commission, is expected to quite the Federal Communications Commission as of April 1st to enter private law practice, it was learned this week.

Commissioner Sykes, who has been a figure in the regulation of radio since March 15, 1927, when he was appointed a member of the Federal Radio Commission by President Coolidge, is understood to have sent his resignation to President Roosevelt. He would not comment on the report, however, until some word comes from the White House.

Reports, also unconfirmed, are that Judge Sykes will enter the practice of law, specializing in radio cases, with a former General Counsel of the FCC. It is believed that he may be associated with Paul D. P. Spearman, now a successful radio attorney, although Mr. Spearman declined to comment on what may happen after Judge Sykes leaves the FCC.

Judge Sykes' resignation came somewhat as a surprise in view of rumors within the radio industry that he might be one of the members of the proposed three-man Commission advocated by Chairman Frank R. McNinch, if and when the FCC is abolished.

Although a veteran member of the Commission, who several times has been under Congressional fire, Judge Sykes was probably the most popular Commissioner with the broadcasting industry. He was at one time Chairman of the Broadcast Division of the FCC and was the most sought-after speaker at meetings of organized broadcasters.

His close association with Chairman McNinch in recent months has surprised some of his associates, but his popularity has continued undiminished.

Whether or not his resignation will have the effect of taking him out of any Congressional investigation of the FCC and the radio industry that may be ordered is conjectural. At any rate he will escape the full blast of any criticism that may be turned on the Commission, observers believe.

Judge Sykes, who came to Washington from Jackson, Miss., has several times represented the United States at international radio conventions and has served in varying capacities on the Commission itself. He was its Chairman for a period shortly before it was abolished to make way for the FCC. Thereafter he was Chairman of the Broadcast Division until it too was abolished by Mr. McNinch.

Currently he has been sitting as a member of the FCC Committee conducting the chain-monopoly investigation.

Before coming to the Commission, Judge Sykes was one of the South's leading lawyers. Coming from a family in which the practice of law was a tradition, he was at one time a Justice of the Mississippi Supreme Court.

After studying at St. John's College and the U. S. Naval Academy, Annapolis, he obtained an LL.B degree from the University of Mississippi in 1897 and began the practice of law in Aberdeen, Miss., where he was born. He was Democratic presidential elector-at-large from Mississippi in 1904.

He is a member of the Delta Kappa Epsilon fraternity, a Mason and an Elk, and a member of the Sons of Confederate Veterans.

Actually Judge Sykes was the first Acting Chairman of the Federal Radio Commission. Admiral Bullard, who was appointed Chairman by President Coolidge, was in the Far East at the time, so that Judge Sykes called the first meeting and functioned as Chairman until Bullard's return to Washington.

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NBC, MBS SALES RISE, CBS OFF FOR FEBRUARY

Time sales by the National Broadcasting Company and the Mutual Broadcasting System were higher for last February than for the corresponding month in 1939, reports disclosed this week, while the Columbia Broadcasting System fell a little short of its all-time record for February, 1938.

Gross expenditures by advertisers on the NBC networks showed an increase for the fifteenth successive month. Total for February was \$3,748,695, an increase of 7.2 percent over February, 1938, when the total was \$3,498,053. Cumulative total for the first two months of 1939 was \$7,782,595, an increase of 6.7 percent over the comparable 1938 figure. That the February, 1939, totals are lower than those of the preceding month is accounted for by the fact of the three-day shorter month.

An increase of 9.2 percent in billings was reported for the Mutual Broadcasting System. Mutual's February 1939 billings totalled \$276,605. The billings for February, 1938, were \$253,250. Total billings for the first two months of 1939 were \$591,683 representing an increase of 13.1 percent over the cumulative billings of the first two months of the previous year, when the total was \$523,144.

Gross billings to advertising agencies for the sale of time on the Columbia Network during February totaled \$2,541,542. A year ago, when CBS was setting an all-time record for the first quarter of any year on any network, February grossed \$2,680,335. The cumulative total for 1939 to date is \$5,215,599.

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WHITE ASKS PROBE OF FCC AND CENSORSHIP

Senator Wallace White (R.), of Maine, on Monday introduced a resolution in the Senate calling for an investigation by the Senate Committee on Interstate Commerce of the Federal Communications Committee, complaints of censorship, and other phases of radio regulation.

The resolution reads as follows:

"Resolved, That the Committee on Interstate Commerce or a subcommittee thereof, as the committee may determine, is authorized and directed to make a thorough and complete investigation of:

"1. The acts, rules, regulations, organization, and policies of the Federal Communications Commission.

"2. Whether a censorship of communications has been practiced in the United States, the character and extent, and the principles which have been followed in the exercise thereof; whether the same has been exercised by the Commission, or has been influenced by other governmental departments, agencies, or officials or by licensees and against whom directed; whether broadcasting stations have been requested or influenced by the Commission or other governmental departments, agencies, or officials in any manner or degree to broadcast or to refuse to broadcast programs or parts thereof, or to permit or refuse opportunity for particular persons to broadcast; and in what circumstances, to what extent, and in what jurisdiction a broadcasting station shall be jointly or severally liable for words broadcast through its facilities, or by its officers or employees or whether stations shall be exempted from liability for words broadcast by its facilities.

"3. The terms for which radio licenses for all classes of stations shall be issued and, in particular, whether a minimum length of term shall be fixed by statute for all classes of radio stations.

"4. Whether a system of license fees shall be established, designed to produce sufficient revenue to meet the cost of maintenance of the Federal Communications Commission, or whether some other system of taxation for this specific purpose shall be enacted into law.

"5. The extent to which and the circumstances under which the ownership, control, management, or interest in more than a single broadcasting station has become vested in any person or group of persons; whether such concentration of ownership, control, management, or interest has come about through assignment of licenses, through leases, stock ownership, arrangements with respect to management, or by other means and devices, and whether such transfers of ownership, control management or interest in whatsoever form effected have been submitted to the Commission for approval and have received Commission approval or acquiescence;

and whether such arrangements have seemed to recognize a right in a license or a frequency other than specified in the terms, conditions, and time of the license and beyond statutory limitations.

"6. The extent to which broadcast stations are owned, controlled by, or are affiliated with newspapers or other publishing interests or by other media of information or entertainment, and the effect of such ownership, control, or affiliation upon competing newspapers not possessing such facilities and upon the public interest.

"7. The development and present facts concerning broadcasting networks or chains, including the effects of chain association upon the licensee's control of his station; the effect of chain operations upon the financial results and status of chain-affiliated stations and of independent stations; the ability of chain owned or affiliated stations to render a local service, both sustaining and commercial; the duplication of broadcasting programs through chain broadcasting; and the desirability of special regulations governing chains and stations engaged in chain broadcasting.

"8. The effects upon the broadcasting systems of the United States of the use of high power by broadcasting stations and whether there should be a limitation by statute or by regulation upon the power to be used; the experience of other countries in the use of super-power; and the effects of high power upon local stations and the service by them.

"9. The character and extent of information required of licensees of broadcasting stations by the Communications Commission upon the filing of applications for construction permits, licenses, modifications or renewals of licenses, or assignments thereof or at other times.

"10. Competition between communication companies in domestic service and competition between companies, both wire and radio, in communication between the United States and foreign countries; the financial results thereof to the competing companies; whether these results threaten the financial soundness of any of the companies, loss of employment, or other adverse effect upon labor; the efficiency of said companies; and in particular, whether the merger or consolidation of communication carrier companies within the United States and in the field of foreign communications should be permitted in the public interest; and if to be permitted, the terms and conditions thereof.

"11. Said committee is further authorized and directed to make a study of the policies and principles which should be declared and made effective in legislation providing for the regulation and control of communications by wire or radio, whether interstate or foreign.

"For the purposes of this resolution, the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and to act at such times and places,

either in the District of Columbia or elsewhere, during the sessions, recesses, and adjourned periods of the Senate during the Seventy-sixth Congress; to require by subpoena or otherwise the attendance of such witnesses and the production and impounding of such books, papers, and documents; and to administer such oaths and to take such testimony as it may deem advisable.

"Upon the conclusion of its hearings and study, or from time to time during the progress thereof, the committee shall report to the Senate the results of its studies and its recommendations as to legislation it deems advisable."

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SHEPARD LICENSES RENEWED AS CASE COLLAPSES

The Federal Communications Commission this week renewed the radio licenses of John Shepard, III, President of the Yankee Network, for the operation of his two Boston stations, WAAB and WNAC, after charges made by a disgruntled employee were withdrawn.

Mr. Shepard's stations had been operating with temporary licenses since the charges were filed early last Fall, and the FCC has conducted its investigation with the utmost secrecy. The employee in affidavits had charged Mr. Shepard with violation of several provisions of the Communications Act.

One of the charges was that Mr. Shepard had conducted a crusade over the stations in a local fight with politicians. Others involved provisions governing lotteries and the use of profanity.

The case proved too hot for the FCC from the first, especially after reliable reports became current that Thomas G. Corcoran was interested in quashing the charges. After postponing action several times, the FCC yesterday cancelled hearings and renewed the license on the ground that the charges had been withdrawn.

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UNLICENSED STATION OPERATORS ARE FINED

Following an investigation by Inspectors of the Federal Communications Commission of the operation of unlicensed radio stations in San Francisco, California, Edward Maleski and Edward Rittler were indicted for violations of Sections 310 and 318 of the Communications Act of 1934, as amended.

On February 28, 1939, Edward Maleski, following a plea of guilty, was sentenced in the United States District Court for the Northern District of California to one year probation and a fine of \$100.00. The other defendant, Edward Rittler, also plead guilty to such unlawful radio operation and was to have been sentenced by the Court on March 2, 1939.

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FCC PUBLICITY SERVICE CONTINUED UNTIL APRIL 1

The Federal Communications Commission this week voted to continue the special publicity services of Marion L. Ramsay and aides under the direction of Chairman Frank R. McNinch until April 1 despite the fact that the Commission is rapidly running short of funds with no appropriation in sight.

Commissioner T.A.M. Craven moved to have the "study" concluded as too expensive, but he was over-ruled. Commissioner Case offered an amendment, which was adopted, to ask for Mr. Ramsay's report by March 15 but to continue his service until April 1.

Mr. Ramsay was hired at \$7,200 a year upon the suggestion of Chairman McNinch following the "purge" of Franklin G. Wisner, who was paid only \$4,800. He has since hired an assistant at \$3,200. His task, under the supervision of the Chairman, was to study the publicity needs of the FCC and to make recommendations for a permanent set-up. His 90-day tenure has been extended twice.

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FCC REVERSED IN DENIAL OF C.P.

The Courier-Post Publishing Co., a Missouri corporation, this week won its fight in the United States Court of Appeals of the District of Columbia, for a permit to construct a new radio broadcasting station at Hannibal, Mo., to operate on a frequency of 1310 kilocycles with a power of 250 watts daytime and 100 watts nighttime.

The Appellate tribunal reversed and remanded the case to the Federal Communications Commission. The company had appealed from the Commission's decision, which had denied its application for a permit to build the station.

The court held that the appellant has sustained the burden of proof that there is a public need for a local station in Hannibal and ruled that the finding by the Commission that public convenience, interest and necessity would not be served in granting the permit for a local station is "in law arbitrary and capricious".

The opinion was written by Associate Justice Fred M. Vinson, who, with Chief Justice D. Lawrence Groner and Associate Justice Justin Miller, heard the case.

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G.E. DEVELOPS NEW TELEVISION ANTENNA

A new type antenna, cubical in shape and radical in design, has been developed by General Electric's radio engineers for use in the company's new 10-kilowatt television station nearing completion in the Helderberg hills, 12 miles outside of Albany. This consists of eight hollow copper bars, each four inches in diameter and about seven feet, or one-half wave, in length, arranged so as to form a perfect cube.

The antenna is designed to radiate a horizontal polarized wave, carrying both picture and voice on the $4\frac{1}{2}$ -meter band, with good signal strength for a distance of 40 miles or more, or to the horizon.

"Literally this antenna will be a radio lighthouse atop the 1500-foot mountain, radiating a signal that will cover the entire Capital District of New York State", explained H. P. Thomas, engineer who created this unique antenna. "Hills will be the only interference. In this respect the radio waves compare to light waves; and where shadows would fall, were the antenna a light, there may be a weakened signal. However, I don't believe there will be any shadows deep enough to cause total dead spots for television reception within the 40-mile radius of the station."

Work is being rushed in the erection of the station. However, since considerable engineering investigation must take place before programs are broadcast, it probably will be early Summer before the station will begin its actual programs for public reception, according to the company's statement. The station has been licensed under the call letters of W2XB, with W2XH assigned to the low-powered 1.9 meter transmitter being built atop the studio building in the city of Schenectady, which will relay the programs out to the main transmitter, an aerial distance of 12 miles. Equipment is now being installed in the studio and it should be ready within the next two months for experimental tests.

Because of its ideal location atop a 1500-foot hill and the fact that it will radiate considerably more signal power than any existing television station in America, it promises to surpass any station in the country, both in range and reception strength.

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Recently the House of Commons Official Report stated that the British Broadcasting Corporation's capital expenditure incurred on television service up to September 30, 1938, less depreciation written off, was approximately £126,000 and that the revenue expenditure up to that date, including depreciation and program, engineering, and staff costs, was approximately £660,000.

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PORTABLE POLICE RADIOS COVERED IN NEW FCC RULES

Newly adopted revisions of the Emergency Service Rules of the Federal Communications Commission promise improved operation of police radio systems which now protect many millions of citizens against crime and other perils, the FCC stated this week.

The rules will affect police radio services of more than 650 of the larger cities, embracing the bulk of the nation's urban population, and services maintained by police forces of about half the States, the Commission announced today.

Specific provision is made in the rules for the use of low powered portable and mobile transmitters which may be carried by a man on foot. This type of equipment is especially useful in hunting for criminals or lost persons in broken country where radiocommunication will permit searching parties to keep in constant touch with each other.

Clarifying changes made in the rules are expected to regulate more effectively the use of ultra-high frequency transmitters installed in police cars for the purpose of providing two-way radiocommunication with police headquarters. Use of these mobile transmitters has spread rapidly until more than 2500 are now in use by approximately 500 municipalities. Several cities have 70 or 80 of these installations. Two have signified their intention of placing more than 200 transmitter-equipped police cars in use by the end of this year.

Present installations are so arranged that upon lifting a hand microphone from the dashboard of the car, the transmitter is immediately turned on, enabling the officer in the car to talk at once with headquarters.

All calls made from headquarters may be acknowledged by each car equipped with a transmitter, removing any uncertainty as to actual performance of the assignment. Patrol car officers may call for an ambulance or other assistance in emergencies, when minutes are all-important.

By 1929 a considerable number of municipalities had requested police radio facilities so that it became necessary for the Federal Radio Commission to allocate eight frequencies in the band 1600 to 2500 kilocycles for this purpose. Later more frequencies were allocated to meet the growing demand and a nationwide plan was adopted so that each section of the country might have its own frequency for use in broadcasting timely police items from a headquarters station to police cars. Sixty-seven channels are now available for police use.

Radio broadcasts to police mobile units are now so vital to the functioning of police agencies that the majority of police cars, motorcycles, and patrol wagons for large police departments are delivered factory-equipped with a suitably adjusted receiver.

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While a large volume of police messages destined for mobile units originate at police headquarters, many messages originate in other municipalities or in other States. To meet this situation a point-to-point police radiotelegraph communication system was established. "Zone" and "interzone" police stations are licensed. Normally zone stations exchange police messages with similar stations within that zone, the boundaries of which usually coincide with State boundaries. Interzone police stations act as clearing agents for messages going from one zone to another.

In many instances officers in two-way equipped cars have noted suspicious incidents which upon being reported at once to headquarters led to the solution of crimes. Car crews also obtain through headquarters quick checks on the license tag number of suspicious cars, and in a chase, the patrol car may notify headquarters to dispatch additional cars to block all avenues of escape.

Police radio dates from 1921, when one of the large cities in the Midwest established a radio station in an attempt to broadcast police messages to several cars equipped with receivers. Inasmuch as the receiving installations were rather cumbersome and contained fragile tubes, it was several years before their use was extended. However, with the development of methods of reducing ignition interference as well as the inception of more rugged receiving equipment, it became apparent that radio might play an important part in the suppression of crime.

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BROWN TALKS ON RADIO ON GREAT LAKES

Commissioner Thad H. Brown, who has been designated by the Federal Communications Commission to have charge of the Great Lakes and Inland Water Survey, spoke Friday night at Ohio State University, Columbus, Ohio, over Station WOSU.

Discussing "Radio Communications on the Great Lakes", Commissioner Brown, who is both a native of Ohio and an alumnus of Ohio State University, spoke of the tremendous amount of commerce which is carried on by means of the Great Lakes. Pointing out that until the coming of radio, "a ship was a floating mechanism detached completely from the land it left behind" the Commissioner stated that the survey was being conducted to determine the radio requirements necessary or desirable for the protection of life and property on the Great Lakes and inland waters.

Hearings on the Great Lakes and Inland Waters Survey are to be resumed in Cleveland, Ohio, on March 6th. Congress has instructed the Commission to "report its recommendation, and the reason therefor, to the Congress, not later than December 31, 1939". Commissioner Brown will conduct the hearings in Cleveland.

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RADIO TELEPHONE RESEARCH PUSHED BY A. T. & T.

Notable progress is being made by the Bell Telephone Laboratories of the American Telephone & Telegraph Company in the study of radio telephone transmission, according to the annual report of the A. T. & T.

"Research in the field of radio telephone transmission", the report states, "has been pushed particularly in the direction of increasing the efficiency and reliability of transoceanic circuits in anticipation of the adverse conditions likely to obtain in 1940 and 1941 at the time of expected maximum effect of sun spot disturbance. Notable in this work is the single side band method previously mentioned and the development of a highly efficient adjustable directional antenna. One of these antennae two miles long is now being installed on the transatlantic route.

"Annihilation of distance as a barrier to telephony could not have been achieved except through the creation by research of new methods of wire and radio transmission which now make possible a complete mingling of methods for the best results in any particular service.

"Out of the radio work in 1938 and as a result of the interest in assisting in the improvement of civil and military aeronautics, came two noteworthy achievements. One was the development of an accurate instantaneous terrain clearance indicator by which the pilot is at all times apprised of his height above the ground. The other was the development of an aeroplane locator for use at ground stations. By dialing the frequency of the aeroplane radio, the airport operator may see on a map the direction of any aeroplane within range. These should be of great value in reducing hazard to planes in bad weather.

"Improvements in transmission are grounded in improvements in transmitters, receivers and other parts of subscribers' equipment and in the improved transmitting characteristics of circuits. The almost instantaneous establishment of any telephone connection, which has come about in the past few years, would be impossible were it not for improvement in the reliable functioning of switching and control devices - many of them entirely new - and in the development of efficient and economical transmission channels. Further, everything must be so reliable that operating methods dependent on reliability can be established.

"All these and numerous other major factors, however, would not be sufficient to give the people of the United States the kind of service they have at the price they pay for it, were they not reinforced by a very great number of other physical things all directed to the maintenance of reliable operation, to the elimination of extraneous interferences, and to long life. Essential are the developments of control signals and the like which enable trained operators to expedite and guard service in the interest of the user and of preventive maintenance appliances which enable the plant forces to detect and correct incipient troubles before they become hazards to service. These are the things the Bell Telephone Laboratories is maintained to do in addition to pioneering the use of the new things of science in the field of communication."

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TRADE NOTES

At its meeting last week the Board of Directors of the National Association of Broadcasters formally approved the establishment of a Bureau of Radio Advertising. The Bureau will undertake to (1) promote radio as an advertising medium, (2) serve as a clearing house for the collection and use of basic industry information and surveys of direct and indirect benefit to commercial representatives of member stations, (3) establish closer relations with trade and advertising groups, and the trade press, (4) prepare proper material which can be used in sales presentations, dealer and distributor meetings, and in auditions.

Three 100-watt Minnesota stations, to be known as the Minnesota Network, will become affiliated with the National Broadcasting Company on March 6. They are KYSM, Mankato; KROC, Rochester, and KFAM, St. Cloud. Until the termination of NBC-affiliations with WWNC, Asheville, N.C., on April 1, and KOIL, Omaha, Neb., on April 29, NBC stations will total 173. WKBO, Harrisburg, Pa., was announced as the 170th affiliate.

The Federal Communications Commission has made public a letter to the Pennsylvania Shipping Company, of Philadelphia, Pa., granting the company's request for a waiver to allow the cargo vessel, S.S. ANTIETAM, to sail March 4 for San Pedro and return with a 50 watt transmitter, instead of the 200 watt transmitter required under the Ship Radio Telegraph Safety Rules. The Commission in granting a 30 day waiver noted that this cargo ship is certified by the Bureau of Marine Inspection and Navigation as "ocean-going, unlimited".

A radio sound-effects kit which may be used by "youngsters" of all ages in staging realistic radio dramas at home and an "electronic" kit for building a number of electronic devices are now being introduced by the RCA Manufacturing Company to the nation's toy buyers at their annual two-week "preview of playthings" in New York.

Effective immediately, WKBO, Harrisburg, Pa., will become the 170th affiliate of the National Broadcasting Company, as an optional station to the Red and Blue basic networks. Owned by the Keystone Broadcasting Corporation, the station operates on 1200 kc. with 250 watts daytime power and 100 watts at night. The 169th NBC affiliate, KSCJ, Sioux City, Iowa, already announced, joins the basic Blue Network as an optional station on September 24.

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