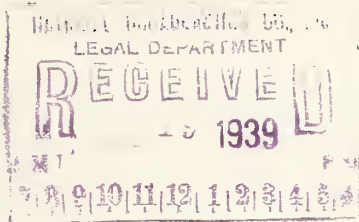


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July 18, 1939.

FCC GIVES MILLER THE HEAT

Resenting the letter of protest he had written them in connection with the alleged "censorship" international broadcast ruling, the Federal Communications Commission last Friday gave to Neville Miller, President of the National Association of Broadcasters the most merciless grilling the FCC has ever given to any representative of the radio industry. Declaring time and again that there was no intention on his part to offend the Commission, Mr. Miller suffered further embarrassment in his lack of knowledge of international broadcasting. The witness readily admitted this, pleading that he had not been connected with radio long enough to familiarize himself with all phases of the work.

Nevertheless he was kept on the stand the better part of the morning session and for the entire afternoon - going over and over the same ground for almost five hours. Although the cross-examining was done mostly by William J. Dempsey, FCC General Counsel, and Commissioner Frederick I. Thompson, the Commissioners, sitting solemn as owls in the borrowed finery of one of the palatial Federal Trade Commission air-cooled hearing rooms, seemed to approve.

Also evidently air-cooled were questions asked by the Commission with regard to the Broadcasters' recent convention at Atlantic City, the first in the history of radio regulation to which no member of the Communications Commission had been invited to speak.

"We would have been afraid to go", one Commissioner remarked to this writer, "for fear that they might have thrown something at us."

Resentment on the part of the FCC towards Mr. Miller was very marked and one got the impression that the ire of the Commission was thoroughly aroused and that it proposed to take no orders from him or anyone else connected with the National Association of Broadcasters.

Mr. Miller testifying at the hearing, said the first indication he received that the Commission had these new international rules in mind was a telephone call from Ed Kirby, Director of Public Relations. "Where he heard about it I couldn't say."

Commissioner Thompson seemed to regard this as divulging confidential information regarding the Commission and requested that Mr. Kirby be called to explain this when Kirby returned from Atlantic City.

Following publication of editorials in newspapers accusing the Commission of censorship, Mr. Miller said he received a number of telephone calls from various broadcasters. Asked by Commissioner Thompson to name the callers, the witness said he could not do this. "Can't you name a single one? If not, can you give the number?" Mr. Miller said it was approximately ten or fifteen.

"I was merely wondering", Mr. Thompson answered, "who felt there was going to be an orgy of censorship and who it was who was so terribly excited over the question."

Mr. Thompson inquired as to whether or not Mr. Miller inspired any of the numerous critical newspaper editorials. He declared that Mr. Miller was active in having this letter, with severe strictures as to the attitude of the Commission, inserted in the Congressional Record.

Swagar Sherley, Counsel for NAB, sought to deny this. Mr. Thompson said he was trying to find out whether the obnoxious letter to the FCC reflected the individual views of Mr. Miller or a small group of members or if it truly reflected the sentiment of the 428 members or 23 members of the Board of Directors.

Mr. Miller said he had not consulted with the Board or the members before sending the letter.

With regard to the News Review, issued by the NAB from time to time containing newspaper editorials on the subject of radio, Mr. Dempsey asked if it was the policy of the broadcasters to select one-sided editorials. Mr. Miller said it was not.

At one stage of the proceedings, Mr. Dempsey, showing considerable impatience, declared, "Mr. Miller is very disappointing. He apparently knows nothing about any of the issues involved."

In connection with a pamphlet "Censorship of International Broadcasts" which the broadcasters distributed, Mr. Thompson endeavored to bring out the fact that it had inspired further editorials criticizing the Commission. This pamphlet went to a mailing list of 3000 which, besides the Association membership, included a large number of newspapers and 400 members of Congress.

There was a flare-up when Mr. Sherley protested against the treatment of the witness. "If my memory was quite as accurate as it should be", he said, "I might recall Star Chamber proceedings of an earlier day because someone had been critical of the action of the government."

Commissioner Payne interjected: "Do you wish to let stand your characterization of the examination by Mr. Thompson as Star Chamber proceedings?"

"I am willing to let stand my statement that I think the courtesy shown the witness has been rather conspicuous by its absence", Mr. Sherley retorted.

"Mr. Sherley, would you say that the courtesy, as shown by Mr. Miller when he wrote the letter to the Commission originally and published it before it was delivered to the Commission, was conspicuous by its absence?" Commissioner Case replied heatedly.

Subsequently Mr. Miller said: "It is certainly my desire to cooperate with the Commission in every way. Ever since that letter has been issued which, in my mind, I intended no discourtesy, I have been told of the terrible thing I have done. I tried to indicate to the Commission this morning that if I had overstepped the bounds, which I did not think I had, but if I had, I was certainly sorry. But I think, on the other hand, that I, as a citizen, and I as the President of the National Association of Broadcasters have certain rights that I am going to fight for, here or anywhere else, and I hope I can fight for those rights without being interpreted as being disrespectful to a public official."

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CULTURE STUMPS THEM - WHAT IS IT?

As was the case with several other witnesses the question of just what was meant by "culture" in the FCC international broadcast ruling seemed to have Frederic A. Willis, Assistant to the President of Columbia, and in charge of their short wave operations, guessing. Mr. Willis had told the Commission about the different kinds of programs Columbia broadcast.

"Can you state whether, in your opinion, these programs reflect the culture of this country?" the radio executive was asked.

"I can't say definitely", was the reply. "I have spent, since 1930 to 1939 - I have been in many discussions, probably at least 30, with many leading educators endeavoring to find out and to define what educational broadcasting is. I presume I would have just as much difficulty in trying to define and find out what American culture was."

Also Mr. Willis was quite frank in telling the Commission that he therefore didn't know what their new international rule meant.

"Do you know if you have been violating the rule?"

"No", Mr. Willis replied.

"Do you know what the rule means?"

"No", he again answered.

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Mr. Willis was asked if there has ever been any attempt by anyone to censor any program broadcast.

"Not to my knowledge", was the answer.

"From any official source or otherwise?"

"Not at any time."

"You have had complete freedom in the choice and selection of program material?"

"Entirely."

Later in the hearing, Mr. Willis was asked what he conceived to be the most significant trend that he had observed in analyzing the mail Columbia received from listeners.

"I should think that by far the most frequent comment is commendation for and appreciation of the uncensored news broadcasts which European listeners and South American listeners and every section of the world receive from this country."

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FCC TAKES TO COVER ON CENSORSHIP RULE

Shot full of holes by Congress, the newspapers, and the broadcasters, no surprise was occasioned when the Federal Communications Commission ran up the white flag by suspending the "censorship" rule that international broadcasts reflect the "culture of this country and promote international good-will." Although supposed to be suspended temporarily the rule is a very dead rabbit and the Commission hopes it has heard the last of it.

"The FCC, of course, never intended censorship but through a carelessly written rule simply pulled a boner", a high official said. "Neville Miller, President of the Broadcasters pulled another boner just as bad. Both the Commission and Miller were wrong. The thing should never have happened. Nevertheless it did, and the net result is an additional black mark against the Commission in the public mind and in Congress."

Although expected to run much longer, the "censorship" hearing which began last Friday morning was concluded Monday afternoon. The Commission will announce its findings later.

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ALL S-W STATIONS RESPOND TO COMMISSION CALL

There was an outstanding attendance of high officials in the radio industry at the Federal Communications Commission international short-wave hearings.

Among those present were:

The Radio Corporation of America: Dr. C. B. Jolliffe and Oswald F. Schuette; R.C.A. Communications, F. P. Guthrie, Washington Manager; National Broadcasting Company: Frank Mason, VicePresident in Charge of International Broadcasting, Judge A. L. Ashby, Vice-President and General Counsel; Frank M. Russell, Vice President, P. J. Hennessy, Jr., Counsel, Guy C. Hickok, Short Wave Director; Columbia Broadcasting System: Frederic A. Willis, Assistant to the President and in charge of International Broadcasting, Harry C. Butcher, Vice President, Miss Tucker, Director of International Broadcasting, E. K. Cohan, Chief Engineer, and Paul Porter, Counsel; General Electric Company: Boyd W. Bullock, Assistant General Manager of International Broadcasting, L. D. Coffman, Counsel; Westinghouse Company: J. B. Rock, Assistant Manager of Broadcasting, H. L. Lohnes, Counsel; Crosley Radio Corporation: Duke Patrick; World Wide Broadcasting Company: Walter S. Lemmon, President; U. S. Commerce Department: John H. Payne, Chief of the Electrical Division of the Bureau and Foreign Domestic Commerce; U. S. Office of Education: W. D. Boutwell, Radio Director; National Association of Broadcasters: Swagar Sherley, Counsel.

Also present were James D. Baldwin and Phil Loucks, former secretaries of the National Association of Broadcasters.

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SECOND TELEVISION REPORT POSTPONED UNTIL FALL

The second television report, recommending a policy to govern the issuance of experimental television permits, will not be submitted to the Federal Communications Commission until it resumes full sessions in the Fall.

The Special Committee has instructed members of the FCC staff meanwhile to draft a proposed report embodying its ideas on policy. In addition to Chairman T.A.M. Craven, the Committee comprises Commissioners Norman S. Case and Thad H. Brown.

Primarily involved in the second phase of the Committee's operations is consideration of pending applications for new stations in various sections and the formulation of a definite licensing policy. Under present regulations, experimental television licenses are issued only on condition that the licensees contribute to the technical advancement of the art, with no consideration given to testing of public reaction or program technique.

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A RADIO EDITOR LOOKS AT TELEVISION TODAY

Television promoters have two years of agony ahead, Orrin E. Dunlap, Jr., Radio Editor of the New York Times, told the NAB convention at Atlantic City last week. His paper was read to the broadcasters as he was unable to attend the convention.

"Television is making progress in New York, but slowly", he said. "It is like the baby who has taken a few steps and rather chestily looks westward as if it might be no trick to walk right across the map to San Francisco. But the parents know that when the youngster goes to California, he'll probably fly, not hike. So with television today. It is toddling around New York. It can't walk to the Pacific. It must fly. But it cannot fly until there is a wire or a national radio relay system on which to travel.

"Those in telecasting today are asking when the others are coming in to help them carry the load. The pioneer already feels the burden. He's afraid that he will not be appreciated until years from now, when monuments or plaques may be erected. Pioneering is often a thankless task. Trail blazers meet the obstacles and opposition. So it is with the telecaster.

"From the broadcaster's standpoint, there is a vital question to be answered before he can hope to get revenue from telecasting. Who will pay for the programs? It may be from three to five years before that answer is available. Because of tradition in broadcasting, the quick answer is sponsors. But can they afford it? And will the public tolerate advertising on television? The eye in its likes and dislikes differs from the ear. The eye can 'tune out' even the most subtle visual advertising on the screen by a turn of the head or a drop of the eye-lid. The ear has no such guards.

"The toughest row to hoe in television is to get the first 100,000 sets in homes. Then many of the present riddles will be answered; public reaction will be known.

"Television has been called a \$13,000,000 'If.' The question is how to sever the 'If' and let the 13 million grow.

"First, programs must be of such calibre that the Joneses will be surprised to learn that they are missing pictures the Smiths are seeing. Before this can happen the price of television sets must be within range of the average pocketbook. Telecast stations must be on the air in cities other than New York.

"The optimist in television must be fully aware of the intricate problems ahead. For one who has seen so much magic performed by radio since 1912, it is easy after seeing scenes from a Broadway play, a baseball game, and prize fight by television to realize that it has a tremendous future - that some day it will be a great industry.

"It is true that television has not made the splash in New York that some expected. They overlooked certain factors, now more apparent since programming has been in effect on a regular schedule for two months. The optimistic figure of 100,000 television sets being sold by Christmas is being whittled drastically. 10,000 would be a big surprise. Nevertheless, progress is being made.

"From all indications it will be the autumn of 1941 at the earliest before television really gets up steam in the New York area. Telecasters have two years of agony ahead. In that period the showmen will learn more about their art, which, incidentally, is not merely Hollywood plus broadcasting. Television is an art in itself.

"Furthermore, and this is vital, before the public takes to television, prices must be reduced or present radios converted to receive telecasts without much expense. The public is greatly interested in television, but can't afford it."

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FCC IN SUMMER RECESS AFTER CLEARING DOCKET

After granting permits for eleven new local broadcasting stations and approving nine transfers of ownership, the Federal Communications Commission went into a Summer recess schedule until September this week.

The granting of 11 station construction permits at a single sitting set a new record.

The new stations will be located in Sarasota and Fort Lauderdale, Fla.; Brunswick and Moultrie, Ga.; Fort Dodge, Ia.; Salem, Mass.; Hastings, Neb.; Sumter, N. C.; Greenville, S. C.; Victoria and Plainview, Tex.; "Proposed findings", which are equivalent to grants but require later ratification if no objections are raised to the proposed decisions, approved new stations in Spartanburg, N.C.; Suffolk, Va.; and Grants Pass, Ore.

Among the transfers of ownership authorized was WFBM, Indianapolis, Ind. All of the grants were made without previous hearings in line with the Commission's policy of recent months to avoid unnecessary hearings so far as possible. Several of the transfers were to newspaper interests.

The stations involved in the deals which received the Commission's sanction, in addition to WFBM, were WIBC, Indianapolis, Ind.; WKBO, Harrisburg, Pa.; WJBY, Gadsden; KANS, Wichita; KWOC, Popular Bluff, Mo.; WGTM, Wilson, N. C.; WSPR, Springfield, Mass.; WWSW, Pittsburgh, Pa.

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CATHOLIC TRUTH SOCIETY DEFENDS FCC RULING

A defense of the Federal Communications Commission and the international rule relative to program standards for international broadcasting was given at the FCC hearing last week by the Rev. Edward Lodge Curran, President of the International Catholic Truth Society, of Brooklyn, N. Y.

Dr. Curran also assailed the attitude of the National Association of Broadcasters against the rule and asserted that the FCC now exercise similar control over domestic broadcasts.

"Contrary to false and malicious charges which have appeared in the press and over the radio by self-inspired un-American and commercial sources, the latter of whom are more interested in the gold content of radio than in its cultural values, I am confident that Section 42.03 was adopted and approved by this Commission, the radio administrative agency of the United States Government, only after long and careful consideration of the best interests of our people as a whole, and in the best interests of our country both at home and abroad", he said.

"I, myself, as well as those whom I have the honor to represent, have been, at all times, irrevocably and unequivocally opposed to any form of censorship which tends to curtail or destroy our Constitutional rights of freedom of speech. In upholding the Constitutional right of freedom of speech, I am also mindful of the fact that in no article, and in no clause, does that Constitution grant any individual, or group, the right to destroy our democratic form of government, or the right to create and maintain a monopoly, especially in the public domain, which may be a detriment to the rights of our citizenship at large.

"If the Government of the United States, and the sovereign people of the United States, both of whom are represented by the Federal Communications Commission, cannot insist that International broadcasts, originating in the United States be devoted to programs of American culture and directed to the promotion of international good will, understanding and cooperation, then the President of the United States, and the Congress, should dissolve the Federal Communications Commission and hand over, lock, stock and barrel, all of its powers and prerogatives to the National Association of Broadcasters! Perhaps that is what the NAB desires?

"They have already received a free gift from the American people in the form of a free franchise for which they have never been charged a single cent by way of any franchise fee or tax. They now tell the American people that their representative, the Federal Communications Commission, has not the right to insist on American culture programs, and not the right to uphold the international policy of good will, understanding and Cooperation as adopted by their elected chief executive in the United States. This is the height and depth, the length and the breadth of economic totalitarianism. National Broadcasters of America, I

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beg to assure you, it is the Federal Communications Commission and not your august body, that is responsible to the people of the United States of America.

"The objections of the National Association of Broadcasters are supposed to be based upon a hatred of censorship in any form of radio programs. Unfortunately, for the National Association of Broadcasters, the basis of their objection falls to the ground. The broadcasting companies have exercised, and still continue to exercise, complete censorship themselves over every program issuing from their stations.

"Allied with the National Association of Broadcasters is the American Civil Liberties Union. What strange bedfellows this hearing brings together. Mr. Roger Baldwin of the American Civil Liberties Union is quoted as having once stated, I believe, to a Congressional Committee his belief that any alien had the right to advocate the violent overthrow of the United States Government. Mr. Roger Baldwin, in the course of the same testimony, is reported to have also stated that any alien has the right to advocate the assassination of the President of the United States!

"Will the National Association of Broadcasters allow a broadcast of these colorful doctrines over an international broadcast originating in this country, and thereby impress foreign peoples with the thought that the American people believe in violence and assassination?

"In the exercise of its powers over domestic broadcasts the Federal Communications Commission indulges in no such censorship as that exercised by the National Broadcasting Companies themselves, whose demand of a manuscript before the broadcast is in the nature of that censorship which it now seeks to control from the international as well as from the domestic point of view. Only when any program violates the admonition of the Federal Communications Commission against obscene, indecent or profane programs, and only upon protests filed with the Commission is a hearing held and the offending station rendered amenable to the cancellation of its license, if the degree of guilt so warrants. This is censorship post factum. It is a necessary right of any Governmental unit, especially of a unit which exists to protect the rights of the general public."

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The Columbia Broadcasting System announces the addition, effective July 15, of KWFT, Wichita Falls, Texas. Operating at 620 kilocycles with 250 watts power at night and 1,000 watts during the day, KWFT joins Columbia's Southwestern Group, bringing the CBS total to 116 stations in 115 cities.

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NEW RADIO RULES FOR SAFETY AT SEA ADOPTED

The Federal Communications Commission announced this week adoption of Rules Governing Coastal and Marine Relay Services (Chapter VII), and Rules Governing Ship Service (Chapter VIII), effective October 1st. At the same time the Commission repealed existing rules 263 to 296, inclusive, and the Ship Radiotelegraph Safety Rules of May 21, 1937, as amended, effective October 1, 1939.

Briefly stated, the new ship service rules constitute those provisions of the existing Ship Radiotelegraph Safety Rules which are not repetitions from sections of the Communications Act of 1934, and include practically all of the existing ship, coastal, and marine relay rules 263 to 296, inclusive, with some modifications and additional rules.

In the new ship rules, whenever any rule is applicable only to a ship subject to the Safety of Life at Sea Convention, or only to a ship subject to Title III, Part II of the Communications Act, that fact is clearly stipulated by the particular section of the rules. This is necessary since all rules now included in the present Ship Radiotelegraph Safety Rules (which are to be replaced by the new ship rules) apply only to compulsorily equipped vessels.

The new ship service rules provide that ship station licenses will be issued for a period of three years instead of for one year as is now the practice. Since there are now over 3000 licensed ship stations aboard vessels of United States registry, this provision of license term should reduce somewhat the volume of work relative to filing of applications for renewal licenses and action taken in response to such applications. The three classes of ship station licenses are defined in the new rules according to the latest international regulations and methods of administration.

"A number of new rules are proposed to reduce interference and increase safety in the maritime mobile service. In general these rules establish priority of communications for both ship telegraph and telephone services on any frequency based upon international regulations, provide for the transmission and repetition of distress and auto-alarm signals, and provide that a ship station installed for safety purposes in compliance with law shall have priority, from the standpoint of interference, over the use of any other radio equipment on the same vessel. Coast stations are prohibited from transmitting call lists of ship stations on calling frequencies in accordance with existing policy and practice. A definite rule has been added requiring coastal telegraph stations to maintain a watch on the distress frequency during the international silent period in conformity with international regulations in order to promote safety of life at sea.

With regard to radio installations on compulsorily equipped vessels of the United States, rules are included in the new ship service chapter which, for safety purposes, limit the extent to which the emergency power supply and certain emergency radio apparatus may be used for ordinary communication while a vessel is in the open sea. In addition, a new rule is included requiring that operation of the emergency radio installation shall be available aboard compulsorily-equipped vessels within one minute after the need arises for its use.

"In general", the FCC stated, "it is believed that the new rules will improve operating conditions in the maritime mobile service and will increase safety of life and property at sea, as well as afford a more convenient set of rules for purposes of reference."

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NEW 100 KW. TUBE DEVELOPED BY G.E.

A new type 100-kilowatt radio tube in which the filament can be replaced, the first of its kind in this country, has been developed by engineers of the General Electric Company. Two of the tubes will be used in the new 100-kilowatt transmitter being completed for the General Electric short-wave Station W2XAF which now operates on 40 kilowatts. The new transmitter is expected to be on the air by August 1, according to C. H. Lang, Manager of Broadcasting.

The new tubes, designed by E. D. McArthur, H. E. Rowe and L. E. Record of the Vacuum Tube Engineering Department of the company, represent one of a series of developments that have been and are continuing to be made to place short-wave broadcasting on a more and more practical basis.

They are the largest tubes of their kind yet to be built in this country and when used with the new Alexanderson panel antenna, are expected to produce an effective directional power output of more than 600,000 watts. It is not anticipated that these tubes will replace the 100-kilowatt tubes in standard, or long-wave, broadcast transmitters.

"General Electric's interest in short-wave broadcasting dates back to 1923 with the establishment of Station "XI", said Mr. Lang. "Since that time considerable progress has been made in international broadcasting technique and the need for high-powered transmitters was realized if the barriers of distance and those of natural origin were to be combatted successfully.

"The new tube makes possible greater power output with a simpler set-up at the transmitter, thus providing greater efficiency in transmission. Whereas six tubes are now used to obtain a power output of 40 kilowatts, two tubes of the new type will have a power output of 100 kilowatts."

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