

# HEINL RADIO BUSINESS LETTER

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No. 1396

January 20, 1942

## QUIZ BAN AMONG FEW FLAWS IN CENSORSHIP RULES

Except for the banning of quiz programs originating from remote points and several other restrictions, which it was said might result in loss of revenue, the broadcast station war regulations issued last week by John H. Ryan, Assistant Director of Censorship in Charge of Radio, seem to have gotten by in pretty good shape. Especially so since there was every evidence that Mr. Ryan would do anything he possibly could to meet any objections the industry might have.

Already the Radio Coordinating Committee representing the industry trade groups, of which George B. Storer, President of the Fort Industry Company, is Chairman, have been heard from in an effort to initiate some changes.

"We do not anticipate that the censorship code will cancel any of the quiz programs now on NBC", Clarence L. Menser, NBC Program Manager, said. "Instructions have been issued to producers, announcers, and masters of ceremonies on these shows to veer away from all subjects which the government regards as tabooed. For some time these shows have been monitored with extra care in Radio City and at other division points. This practice will continue so that if, during any of these so-called ad lib shows, objectionable statements are indicated by audience participants, which are in violation of the censorship code, a cut will be immediately made.

"We do not anticipate any difficulty, but nevertheless we shall not relax our vigilance. We should reiterate that ever since the war the National Broadcasting Company has had a self-imposed censorship in effect so that the promulgation of the code finds us already meeting its terms.

"We are very glad to see this code announced and believe that it will have a salutary effect, especially among some of the smaller stations which have overlooked the importance of strictly observing common sense censorship rules."

"The instructions for radio of the Office of Censorship reveal sound judgment and a practical knowledge of radio operation", Alfred J. McCosker, President of WOR, declared. "We have studied these instructions carefully and find that they coincide with precautions already voluntarily self-imposed by WOR-Mutual in the matter of news, musical request and audience participation programs. These last are produced before large studio or playhouse audiences and are carefully supervised. None of our quiz or audience participation programs originate from remote locations such as airports, railroad terminals, or other public gathering points."

Harry C. Butcher, Washington Vice President of the Columbia Broadcasting System, praised the code as "a good document" and said he felt certain its enforcement would be accomplished voluntarily since the industry had been consulted in its preparation and had confidence in censorship officials.

"I think it shows a great deal of restraint", Mr. Butcher commented.

Fred Shawn of the National Broadcasting Company in Washington, expressed the opinion the code would not mean program adjustments for the National Broadcasting Company in the Capital, since appropriate safeguards already have been taken to prevent a particular person's being assured of place on a quiz period. The stations have had no man-in-the-street features recently, Mr. Shawn added.

It was reported from New York that the network stations there had already put into effect most of the regulations issued by the Office of Censorship. Such features as request musical numbers and informal street interviews with open microphones were abandoned by the networks soon after this country's entrance into the war.

None of the current quiz shows and forums will be canceled, according to present plans, although it is possible that in some cases they will be changed slightly in form. In "America's Town Meeting", a radio forum, it is possible that questions will be written and then reworded by monitors before being read on the air.

The quiz shows, such as "Vox Pop" and "Dr. I.Q." were already carefully supervised either by choice of contestants and questions or the place in which the broadcast originates, it was pointed out. In recent weeks, for instance, "Vox Pop" has been broadcast from Army and Navy camps.

The Washington Post had this to say last Sunday:

"The wartime regulations for the press and radio laid down by the Office of Censorship are commendably designed to assure minimum interference with the business of dispensing information. And it is evident from the OC's codes of wartime practices that Director Byron Price subscribes to the theory of the less censorship, consistent with security, the better. Nevertheless, sacrifice of customary enterprise under any form of censorship is inescapable. In this connection it is of particular interest that some material may be printed in newspapers but not broadcast over the air. The reason for discrimination is obvious: material broadcast cannot be recalled and may be immediately useful to enemy agents outside the country, whereas material appearing in the press may be censored before leaving the country.

"Thus it appears that the OC has a proper regard for the time element. Before official censorship was established, George Creel, who headed the Nation's censorship committee during the last war, laid special emphasis on the time element. He argued that there should be no censorship of the press, but that the radio, the cables, and outgoing mail, should be subject to stringent supervision. And



speaking out of his vast experience in World War I, he claimed that news printed in the press, which might be of value to the enemy, would be so old by the time the enemy received it that it would be useless."

Speaking in the NBC broadcast of the University of Chicago Roundtable last Sunday, Mr. Price said:

"We must keep all the facts we possibly can before the public. One of the greatest dangers is that overzealous public officials may make unreasonable requests for the suppression of information. We have instructed newspapers and radio stations to refer requests of this nature to us for consideration.

"As to enforcement, I assume that the Department of Justice, which is entrusted with law enforcement will enforce the Espionage Act, if necessary."

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#### NO DCB COMMENT ON ASSIGNMENT FREEZING

Although thought to be imminent, nothing was said at the Defense Communications Board one way or the other with regard to the freezing of broadcast frequencies along with cutting off new construction grants, except for defense purposes. Neither was any word forthcoming on the subject from the Office of Production Management, where the order was expected to be issued.

The theory behind cutting off these grants is that there would be no reason for the Federal Communications Commission to grant authorization for changes if stations would not be able to secure equipment blocked by priorities restrictions.

Chairman Fly last week was quoted as saying that definite policy would have to be established and that conditions had now approached the point where curtailments are essential. He said OPM and DCB would act within a month.

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#### BELIEVED GOVERNMENT PROGRAM COORDINATING INVOLVES TIME ONLY

As understood at the Federal Communications Commission, the coordinating of Government programs now being undertaken by William B. Lewis, formerly of the Columbia Broadcasting System and OPM, in his new capacity as radio program coordinator in the Office of Facts and Figures, is to be limited to arranging Government time on the air. It is not believed that it involves program content. The main idea seems to be that it will be a central clearing house for time for Government programs on the air. Heretofore each Government Department and agency has maintained its own relations.

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## WARTIME WIRE CONTROL BILL SENT TO WHITE HOUSE

The Senate Monday passed and sent to the White House the bill giving the President wartime control over telephone and telegraph wire facilities the same as radio, after assurance had been given that this was not getting a foot in the door for permanent Government operation. The measure provides that facilities taken over shall be returned to the Government six months after the war ends. An amendment by Senator Taft to limit the President's powers to seize properties valued at less than \$10,000,000, except in case of invasion, was defeated.

Explaining the new legislation, Senator Wheeler, of Montana, said the bill would give the President the same power over wire and cable facilities which he now has - and has had for years - over radio facilities. The measure specifically provides that the President, if he deems it necessary for national security, during a state or threat of war, and for not more than 6 months after the termination of the war or threat of war, may, in the language of the bill:

"Suspend or amend the rules and regulations applicable to any or all facilities or stations for wire communication within the jurisdiction of the United States as prescribed by the Commission; (2) cause the closing of any facility or station for wire communication and the removal therefrom of its apparatus and equipment; or (3) authorize the use or control of any such facility or station and its apparatus and equipment by any department of the Government under such regulations as he may prescribe, upon just compensation to the owners."

"My understanding is that there is no intention that the Government shall take over the properties of the telephone and telegraph companies, except in case of emergency, when it may be absolutely necessary, as in the event the country should be invaded, or when it may become imperative that the companies be taken over for defense purposes", Mr. Wheeler went on to say.

At the conclusion of Senator Wheeler's explanation, Senator Vandenberg of Michigan queried:

"In spite of the Senator's statement regarding the intent, does the language of the bill authorize the President to take over completely the control of these wire facilities and operate them under Government control?"

"Oh yes; during the period of the emergency and for 6 months thereafter; but it was the understanding of the committee, which is borne out, I think, by the statement of Mr. Fly, that the intent is to take over only the use and control of the facilities", Senator Wheeler replied.

"The question was asked before the committee whether it was the intention to leave in control those who were in charge of the companies. My understanding is that they are to be left in control,

unless for some reason it might become necessary to dispense with the services of some particular individual.

"In all fairness to the telephone and telegraph companies, I wish to say that they have shown every indication of intention to cooperate with the Government in every way in our national defense. There has not been any question at all about their cooperating with the Government. They have shown and have stated that they were perfectly willing to do anything the Government requested, and that they had no objection to what was proposed, because they realized that it might be necessary for the Government, under emergency conditions, to take over the control of the companies during the period of emergency."

The question was raised as to whether under the new act the President could consolidate the Western Union and the Postal but Senator Wheeler said that it was his own view this could not be done without additional legislation. Asked by Senator Taft if there was any intention on the part of the Government to take over the Commercial Pacific Cable Company, Senator Wheeler answered:

"Frankly, I think there may be. At the present time the Commercial Pacific Cable Co. is cut off, as the Senator may know. My understanding is that it has been practically cut to pieces beyond Honolulu. We cannot go much farther than Honolulu with the Commercial Pacific Cable Co. I think that is one of the things which it is felt imperative to take over."

There was a tilt between Mr. Taft and Senator Clyde Reed, of Kansas.

"I ask the Senator from Ohio if he is really in earnest in making the suggestion that if the President finds it necessary in wartime to take over a railroad, a telephone line, or a radio facility, he must wait until the value is determined by the courts and then wait until he can obtain an appropriation from Congress?" Mr. Reed inquired. "Surely the Senator from Ohio does not mean that."

"I did not propose any such thing. However, I said that if the President wants to take over a company which is likely to cost so much he ought to have an appropriation for that amount", Senator Taft replied. "After all, Congress determines the policy of taking over such property. If subsequently it is determined that the cost is greater than was anticipated he can then obtain a supplemental appropriation. I am certainly in earnest in making that proposal."

"Surely the Senator from Ohio cannot be in earnest. If there is an emergency requiring the Government to take over anything, surely the taking over ought not to be deferred until the damage has been determined and Congress has appropriated money", the Kansas Senator persisted.

"I say it should be", Senator Taft replied.

"I must disagree with the Senator from Ohio", Senator Wheeler interjected. "If we are to take over a telephone company in an emergency, everybody who has had anything to do with rate and valuation cases, as the Senator from Kansas has had, knows the



length of time the litigation would require. The parties would fight interminably over the value of the property. I say that we must give the President such authority whether we like it or not. When we are in war we must do many things which we do not like to do."

"The provision authorizing the Government to take over the radio has been in the law for some years", Senator Hill, of Alabama, said. "So far as taking over the telephone lines is concerned, we took them over during the World War, and we gave them back to the private owners after the war; did we not?"

"That is correct", Senator Wheeler replied.

"The radio law gives the President authority to take over the radio-communication facilities of the country in time of war, or in time of threat of war, as this bill does, and then it proceeds to say that the President may take over those facilities in the event of public peril or disaster - or during any other national emergency", Senator White of Maine, explained. "So there are with respect to radio, three bases for the exercise of authority by the President that do not exist in the proposed legislation. In that respect the proposed legislation goes a much shorter distance than the Congress went in the radio legislation. That language of the radio law has been on the statute books of the United States for approximately 30 years."

"It is just as utterly inconceivable to me as it is to the Senator from Alabama that, with the United States at war, it shall not be within the power of the President of the United States to take over these communication facilities and bend them to military necessities as such necessities may from time to time arise."

"The Senator from Ohio in his amendment places a limitation of \$10,000,000 upon the value of the property which may be taken. \* \* \* \* I can see no reason for fixing that sum of \$10,000,000."

"The Senator from Maine, I am sure, would add - 'or any other sum of money, or requiring delay until an appropriation has been made by the Congress'", Senator Reed suggested.

"I completely agree with the Senator", Senator White replied.

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Says Hygrade Sylvania: It is now more important than ever before that all radios be kept in good repair, and in practically constant operation, so that important official news and instructions may be received without delay. This is the radio industry's and particularly, the serviceman's part in National Defense.

Servicemen, especially, can help to combat the spreading of scares and rumors since they come into close daily contact with the listening public.

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## SUPREME COURT DISMISSES ASCAP APPEAL

The Supreme Court yesterday (Monday) dismissed the appeal of the American Society of Composers, Authors and Publishers -- known familiarly as ASCAP -- from a decision that the Society had violated the Sherman Anti-Trust Law and, therefore, was not entitled to enter a suit attacking a Washington State law regulating the use of copyrighted music. ASCAP has agreed to comply with the State law. The appeal was against the decision of a Federal Court in Western Washington.

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## MAY LET DOWN BARS IN DEMAND FOR ENGINEERS

So great is the demand for radio engineers that there may have to be a slackening up on qualifications. Asked about this, James L. Fly, Chairman of the Federal Communications Commission, said:

"I think everybody down the line will have to find a way of broadening the basis for the requirements -- the professional people, I think, to a certain extent. That has happened in our monitoring work for the engineers. We will have to modify requirements a bit.

"All through the industry there is the greatest necessity for the recruitment of people for professional work and training. Persistent effort is made to build them up to where they can take responsibility. There are so many demands for competent people -- to a certain extent from us and from the Army and Navy and it has happened that those demands have come at the same time as industry's."

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## Y.W. TO OFFER WOMEN RADIO OPERATOR COURSES

Following considerable talk about the use of women as radio telegraphers, the Ballard School of the Young Women's Christian Association in New York City, will instruct women in the Morse code and the building of receiving sets to train them as amateur operators. The instructor will be Mrs. Abby Morrison Ricker, who was a licensed Navy radio operator during the first World War.

The classes will be held twice a week and will extend through March.

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## SCORING COLUMNIST ICKES ALSO TWITS BROADCASTERS

Secretary Ickes, who of late seems almost to have been lost in the shuffle, took the center of the stage to reply to an article written by David Lawrence, which the former said appeared to be an attack on the President of the United States.

Writes Mr. Ickes:

"Mr. Lawrence's excuse for the attack is feeble and will get him nowhere. One must in fact read more than half way through the offensive article before learning that it involves an issue between the Department of Justice and two major broadcasting companies. \* \* \* \*

"I am surprised that the ever loyal Washington Star would permit a 'columnist' to choose such an inopportune time to sponsor a 'movement to bring about the passage of a constitutional amendment to permit the American people to remove at will their Commander in Chief when he fails.' What Lawrence means and what he actually says is that the Commander in Chief - the President - is responsible for the Pearl Harbor disaster. As witness this statement: 'Even the fact that as Commander in Chief, Mr. Roosevelt must have known how critical were the relations between America and Japan prior to December 7 and hence must have had the ultimate responsibility for seeing to it that the fleet was on the job 24 hours of the day \* \* \*'

"I know nothing officially or otherwise about the controversy between the two radio systems and the Department of Justice, which moves Mr. Lawrence to make his treacherous attack upon the President. The nearest that I can get to it is that the Federal Communications Commission issued an order which the Broadcasting companies liked so little that they asked the courts to restrain it. The Department of Justice now files what Mr. Lawrence calls 'a punitive law suit' involving a question of whether the broadcasting companies constitute a monopoly.

"And, by the way, it appears that the Mutual Broadcasting Co. is suing National Broadcasting Co. on the ground that it is violating the anti-trust laws. May we expect a blast from Mr. Lawrence against Mutual Broadcasting Co. and its most important stockholder, R. R. McCormick of Chicago?

"It is fair to assume that the Department of Justice believes that the two radio systems - National Broadcasting Co. and Columbia Broadcasting System - may be operating willfully or not, in violation of the law and proposes to find out about it through proper and orderly democratic processes. Is there anything wrong with that? Is it Mr. Lawrence's view that some of our laws may be violated because we are at war? And if one law, why not all laws? Does he propose immunity for a particular class - the class in defense of which his name has long been identified?"

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## PHOTOGRAPHS BY REMOTE CONTROL

Lloyd S. Jones, Youngstown (O.) Vindicator photographer, has just perfected a new photo-electric device that permits him to take pictures of distant areas with flash synchronization by remote control. Jones grew weary of carrying extra cable and excess equipment to cover banquets and other functions that occur in large halls and theaters, so he decided to simplify his problems with a little ingenuity.

After designing the type of apparatus he required, he succeeded in obtaining the help of several radio engineers in Youngstown, the Editor & Publisher relates. The photo-electric cell is contained in a telescopic tube and trained on the camera. It may be operated from either point, one from the camera or from the scene where the flash is fired. By means of a relay it is possible to fire any number of bulbs or units.

For the present, Jones operates his device in conjunction with flash synchronization at shutter speeds up to 1/100th of a second. He believes that this speed will be increased as improvements are made from time to time. His distances range up to 200 feet and well covered by the small 20-lb. portable unit. Although the device may be used in some forms of news picture assignments, it will find greater favor with the banquet and commercial photographers.

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## EDUCATORS FORM NEW RADIO GROUP

The Association for Education By Radio, new professional group open to all educators, broadcasters, and others interested in and working with educational radio, has outlined its objectives as follows:

1. Development of an instrumentality through which persons interested in education by radio may have adequate communication;
2. Cooperation with the Institute for Education by Radio, the School Broadcast Conference, the United States Office of Education, and other institutions and groups interested in education by radio;
3. Representation of the interests of education by radio in connection with pertinent legislation, commission hearings, conferences, and the like;
4. Encouragement of experimentation and research and widespread dissemination of findings;
5. Publication of a news, information, and idea service on a periodical basis;
6. Establishment of this association as a recognized professional voice for those engaged in educational radio activities in civic, religious, and educational groups and in the radio industry.

The first annual meeting of the Association will be held February 23rd in San Francisco, in conjunction with the meeting of the American Association of School Administrators.

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 ::: TRADE NOTES :::  
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The regular appropriation for salaries and routine expenses in the 1943 budget of the Federal Communications Commission will be \$2,300,000, compared with this year's \$2,315,229, while the defense allotment will be cut from the current \$2,729,000 to \$2,667,619.

Congress has been asked to give the Agriculture Department the same amount, \$35,125, for program preparation (Farm and Home Hour), and the Budget Bureau recommended the Interior Department keep its radio director, script writer, and radio engineer, whose combined salaries amount to \$12,200.

William M. Sloan of Chicago, communications engineer, has been appointed head of the Telegraph and Cable Section of the OPM communications branch. A graduate of Montana State College and the University of Wisconsin, Mr. Sloan was communications adviser to the Postmaster General during the first World War.

In the form of a large brochure 13 by 18 inches, the National Broadcasting Company has reproduced the scroll signed by the 21 Ambassadors and Ministers of the Republics of Latin America presented by the Ambassador to the United States from Peru in appreciation of the NBC "Good Neighbors" programs.

Presumably on account of the war and the cutting of the sale of automobiles, the Ford Sunday Evening Hour, now in its eighth season, will go off the air March 1st. Another one to go is "Helen Hayes Theatre of the Air" sponsored by the Lipton Tea Company.

Louis G. Caldwell, radio lawyer, will join the faculty of Columbus University in Washington as a lecturer on administrative law. He was the first General Counsel of the old Federal Radio Commission in 1928 and at one time was editor of the Journal of Radio Law. He is counsel for the Mutual Broadcasting System.

Station WAYS, Charlotte, N.C. was scheduled to join the Southeastern group of the Blue Network January 21st.

Lieut. William C. Eddy, U.S.N., retired, of Chicago, has been called to active duty as Director of a new Navy primary school for training in high frequency. Lieutenant Eddy has specialized in television and several of his amplifying and radio transmission devices are used in submarines.

Adolph B. Chamberlain, Chief Engineer of the Columbia Broadcasting System, was awarded an honorary engineering fellowship of the Institute of Radio Engineers for engineering leadership in broadcast transmission and operation, at the thirtieth anniversary dinner of the Engineers Institute in New York City.

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## RED NETWORK HAD BANNER YEAR IN 1941

1941 was the best year in the history of the Red Network of the National Broadcasting Company, Roy C. Witmer, Vice President in Charge of Sales, said. Not only was revenue highest in Red Network history, but there was a sharp increase in facilities used by Red Network advertisers and in the cab ratings of such programs.

December, 1941, was the largest month in the organization's history with an all-time monthly net revenue peak. Red Network advertisers added more stations per program than ever before for both evening and daytime shows.

Witmer asserts that the over-all national audience of the NBC-Red Network has not only increased at a greater rate in 1941 over 1940, but it has far outstripped any other network.

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## PROGRAM RATING NOT COMPLETE INDICATION, WOR ASSERTS

While ratings are important, a program rating is not a complete indication of a program's popularity, WOR contends.

This, it was said, was revealed by Joseph Creamer, WOR Director of Promotion, in announcing an analysis of facts uncovered by personal interviewers for "The WOR Continuing Study of Radio Listening in Greater New York" (which is made every month for WOR by Crossley, Inc.).

WOR analysts found that although competing programs can have equally good ratings, the number of people listening in each home contacted can vary greatly. For instance, research interviewers found that one program on the air at 12:30 P.M. was being listened to by 18 people in every 10 homes checked. A competing program averaged only 13 listeners to every 10 homes.

Ratings, WOR analysts claim, are and will continue to be surface indicators of program popularity.

It has been long accepted by radio men that late evening audiences are made up mostly of men. However, WOR researchers made a composite breakdown of a typical 11:00 P.M. listening audience for two recent months, and found an equal division of men and women.

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