

# HEINL RADIO BUSINESS LETTER

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No. 1406

February 24, 1942

## DCB ONE BOARD NOT ASKING FOR MORE MONEY

Despite its manifold activities, the Defense Communications Board has not asked and is not asking Congress for any appropriation, Chairman James L. Fly has announced.

The Board functions with the assistance of 17 committees representing all branches of the communications industry. Telephone and telegraph, commercial radiotelephone and radiotelegraph, cable, all classes of broadcasting service, and such special services as police, aviation, amateur, government, and maritime radio interests, partake in the work of these committees.

Current DCB problems include:

Extension of additional communications service to both domestic and foreign points where war has brought new or enhanced need for instantaneous communication facilities;

Cooperation with the War Production Board in determining priorities and allocations for radio equipment;

Safeguarding of communication routes and plants from accidental or deliberate damage, and prevention of service interruptions.

Prior to December 7, 1941, the DCB was chiefly engaged in readying plans for use in the event of war or other emergency; since that date, its function has expanded to include facilitation of action under such plans.

Continuance of DCB activities without either Congressional appropriations or funds from the President has been made possible through the cooperation of other government agencies, industry, and labor, Chairman Fly explained. The bulk of the DCB administrative work has been carried by the regular staff of the Federal Communications Commission, plus a few clerical positions authorized in the FCC appropriation for DCB duties. Other government representatives, corporation executives, and labor officials on the 17 DCB committees have given unstintingly of their time and energies.

Chairman Fly stated:

"We need communications facilities for the instantaneous transmission of orders and intelligence from one point of our far-flung battle fronts to another; for the transmission of news to the home front; for the presentation of American news and opinion to our

sister American republics and to the rest of the world. At home we need peak efficiency in our telegraph and telephone systems if we are to function as a fortress, base, and arsenal of democracy. Facilitating the fulfillment of these requirements is the major function of the Defense Communications Board."

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## FCC ELATED AT COURT CHAIN VICTORY; CONSIDERS NEXT STEP

A bad break for the National Broadcasting Company and the Columbia Broadcasting System fighting the Federal Communications Commission's order restricting chain broadcasting was the dismissal of the case by the United States Court of Appeals in New York "for lack of jurisdiction. The relief sought by NBC and CBS, the New York Court suggested, is by appeal to the Court of Appeals of the District of Columbia.

The next move is up to the networks but in the meantime, the FCC was further considering the matter although it was said that any date set for the regulations finally to go into effect would no doubt give the chains plenty of time to complete any further court action contemplated.

Another bad break against the chains was the war with Japan which started after the anti-monopoly regulations were issued last May. The war generally has strengthened the hand of the FCC as well as other governmental bureaus having to do with defense making them harder to fight.

The decision handed down by the Circuit Court of Appeals in New York last Saturday was 2 to 1, Judges Learned Hand and Henry W. Goddard versus Judge John Bright. The opinion referred to the FCC's new chain regulations as being, in effect, "no more than the declaration of the conditions upon which the Commission will in the future issue licenses" to radio stations, and therefore beyond the power of the court to rule upon.

"We have seen", the court asserted, "\* \* \* that the regulations are nothing more than a declaration - or if one choose, a threat - by the Commission that it will enforce these conditions upon any renewal of a license in the future.

"No change is made in the status of the 'affiliates' (radio stations affiliated with the network) meanwhile; their existing contracts with the 'networks' remain enforceable; nor has the Commission given any evidence of an intention to use them as a basis for a revocation of existing licenses.

"They (the networks) allege - and there seems to be no question about it - that their interests will be adversely affected by the enforcement of the regulations", the opinion continued. "If



so, they can appeal to the Court of Appeals of the District from any order imposing unlawful conditions upon an 'affiliate's' license.\* \* At any rate, until the Commission shows some disposition to deny them a fair hearing in a proceedings for renewal of an 'affiliate's' license, we are not to assume that it will not do so."

In dissenting, Judge Bright asserted:

"There is no question in my mind that the order sought to be reviewed is one which \* \* \* we have jurisdiction to enjoin. Must these networks await the idle ceremony of a denial of a license before any relief can be sought, when it is perfectly obvious no relief will be given? And what relief could they get if they did wait?"

The main fight now is over the exclusiveness of contracts which the FCC regulations would bar. Another provision was prohibiting the National Broadcasting Company from owning two networks but since the suit began the NBC has separated the Blue net from the Red in anticipation of selling the Blue.

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#### RADIO OPERATORS' RULES EASED

The Federal Communications Commission, in recognition of the growing shortage of first class radiotelephone operators and upon the recommendation of the Defense Communications Board, relaxed its operator requirements to permit the operation of broadcast stations of any class by holders of radiotelegraph first or second class operator licenses or radiotelephone second class operator licenses. A broadcast station may use operators of such classes, however, only insofar as it is unable to secure a sufficient number of first class radiotelephone licensees.

At least one first class radiotelephone operator must be employed who will be responsible at all times for the technical operation of the station and must make all adjustments of the transmitter equipment other than minor adjustments normally needed in the daily operation of the station. Any adjustment of transmitter equipment other than a minor one must be made by a first class radiotelephone operator and until such operator is available to make the adjustment, the station shall cease operation.

The Commission in relaxing its requirements emphasizes that a station licensee is not relieved of his responsibility of operating the station in exact accordance with the rules and regulations of the Commission. The relaxation is intended solely to meet a critical shortage of technical personnel. It is expected that the relaxation will not impair technical operation of broadcast stations or lower labor standards in the industry. If it is determined that first class operators are available, the Commission will restore the higher standards.

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## DRAFT WILL CLASSIFY RADIO AND PRESS AS ESSENTIAL

Local draft boards will be advised that the radio and the press are viewed as industries essential to the national interest. Similar conclusions had previously been reached with regard to motion pictures and organized labor leaders. Gen. Lewis B. Hershey, Director of Selective Service, emphasized that only local boards can decide whether any individual is a key man and therefore eligible to draft deferment as indispensable to an industry considered essential.

The Selective Service chief said that local boards would be under terrific pressure in the case of nationally known motion picture and radio stars.

Too many persons, he said, "want Jack Benny on the radio and at the same time want Jack Benny to go to war. They can't have both."

General Hershey emphasized that no group or class deferment from military service can be made except by Congress.

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## HOLLYWOOD HARNESSSES TELEVISION TO WAR

Closely gearing in with the national war effort, the Thomas S. Lee-owned television station W6XAO in Hollywood announces a schedule of defense programs for Southern California starting Saturday, February 28th. The initial program will include a film, "Safeguarding Military Information", showing the importance of keeping Defense information confidential.

"Front of Steel" will depict the gigantic Hitleran display of tanks, men, guns and war machines in 1938 and subsequent efforts of Canada to meet this menace. The bombing of England and various phases of battle in that country are thrillingly shown in the film "Flight for Liberty". "Building a Bomber" concludes the one-and-a-half-hour telecast.

Telecasts will be under the supervision of Harry R. Lubcke, Director of Television for the Don Lee network. W6XAO went on the air December 23, 1931, and is the only licensed operating tele station in the eleven States west of Kansas.

While film will be employed for the most part in the defense programs, present plans take into consideration inclusion of live demonstrations in first aid, extinguishing fires caused by incendiary bombs, and similar activities relating to wartime emergencies.

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## NEW POLICY FOR HANDLING STATION APPLICATIONS IN WARTIME

In the important matter of policy and procedure for handling standard broadcast applications the Federal Communications Commission today (Tuesday) issued the following opinion:

"Because of the present war emergency, the Commission is called upon to formulate a policy and procedures for the future handling of standard broadcast station applications. The effective conduct of the war is, of course, a paramount consideration for all of us. The requirements of the armed services have created a shortage of the critical materials and skilled personnel required for the construction, operation, and maintenance of radio broadcast stations. This must inevitably affect plans for the increase or improvement of broadcast facilities.

"However, it is not clear at this time that the expansion of broadcasting should be entirely eliminated for the duration of the war. For the best war effort, it is important that there be adequate broadcast facilities throughout the nation. The three governmental agencies concerned with this problem - the Defense Communications Board, the War Production Board, and the Federal Communications Commission - are in agreement that, so far as possible, every part of the country should receive a good radio service. We have not yet reached that goal.

"It follows that the scarce materials and limited personnel available to the broadcast services should be carefully conserved to meet this basic need. The public interest clearly requires such conservation and the Commission must apply the test of public interest in exercising its licensing functions. The problem as to materials is, of course, primarily the concern of the War Production Board. On January 30, 1942, the Commission announced in a press release that at the request of the Defense Communications Board, pending the adoption of a specific policy by that Board and the War Production Board, the Commission would make no further grants for the construction of stations or authorize changes in existing standard broadcast transmitting facilities where all or a substantial part of the proposed new primary service area already receives primary service from one or more other stations. The Defense Communications Board, on February 12, made its further specific recommendations to the Commission and to the War Production Board. Cooperating with both those Boards, the Commission has now worked out a policy and procedures for the handling of new and pending standard broadcast applications.

"Under the policy adopted the Commission will grant no standard broadcast station application unless a showing is made that:

- (1) Construction (if any) pursuant to the grant will not involve the use of materials of a type determined by the War Production Board to be critical; or

- (2) Where the application is for new standard broadcast station, the station will provide primary coverage of an area no substantial part of which already receives primary service<sup>1</sup> from one or more standard broadcast stations; or
- (3) Where the application is for a change in the facilities of an existing standard broadcast station, the change will result in a substantial new primary service area no substantial part of which is already provided with primary service<sup>1</sup> from one or more standard broadcast stations.

"The Federal Communications Commission Standards of Good Engineering Practice will be used as a guide in the determination of primary service. For the time being, requests involving essential requirements for repair or maintenance will be treated as heretofore.

"Applications not heretofore acted upon which do not fall within one of the three described categories will be designated for hearing, where notice of issues has already been announced, specific issues appropriate to the new policy will be added. Cases which have already been heard will, when necessary to apply the new policy, be redesignated for hearing upon issues under this policy. Cases in which proposed findings have already been issued will be determined as heretofore.

"Applicants who consider that their applications satisfy the new requirements may wish to support their applications by filing a proper petition supported by affidavit setting forth detailed data on this point.

"In cases where an application has heretofore been granted subject to approval of a further application to be filed by the applicant, such further application will not be granted unless the proposal meets the requirements set forth above, or the applicant has, pursuant to the grant, actually commenced construction or made substantial expenditures for materials or equipment prior to the date hereof.

"The Communications Act contemplates that construction permits should not be issued or allowed to remain outstanding where there is no reasonable prospect of completion of the proposed construction within a reasonable period of time. Hence, requests for extensions of completion dates under standard broadcast authorizations will not be granted by the Commission unless the applicant can by proper petition show that the proposed construction meets the requirements set forth above, or that the applicant has actually commenced construction prior to the date hereof and has available all the critical materials and equipment necessary to the completion thereof. However, requests for extension of completion dates under authorizations issued in cases where proposed findings are now outstanding will be granted if the requirements set forth above are met, or if the applicant has available all critical materials and equipment necessary for completion.

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<sup>1/</sup> As here used, "primary service" includes service to be rendered pursuant to an outstanding broadcast construction authorization.



"The foregoing requirements may be waived where changes in facilities are required to be made by an agency of the Federal Government.

"Special policies are now being developed with respect to experimental operation, frequency modulation and television stations, facsimile, and auxiliary broadcast services, taking into account the technical experimental benefits to be gained especially insofar as they may assist the war effort. Applications involving international broadcast stations will be considered and acted upon in accordance with policies worked out in cooperation with other governmental agencies concerned with this field."

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### CRITICS STILL DISAGREE ON "THIS IS WAR"

Although apparently satisfying more people than the initial presentation, the free super-offering to the Government of all four national networks - NBC, CBS, Mutual, and the Blue - still seemed to fail to click. It was entitled "The White House" and many appeared to take it as largely ballyhoo and build-up for President Roosevelt personally.

"I don't see that the dramatizing of the President's life has anything to do with pepping up the country for war", one listener commented. "Everybody knows his story. What they want to know now are the indise facts about the war."

To this writer the second broadcast was disappointing to say the least. Too high-brow, or too something.

Later in the evening, listening to the General Electric Washington's Birthday program (the old "American Patrol" set to words and a couple of bang-up old Sousa marches) and the splendid rendition on Station WGN of Chicago of Kent Cooper's new patriotic song, "America Needs You", the thought came of how musically dead the second "This is War" broadcast was. Not a musical thrill in the entire half-hour.

The boys preparing the "This is War" broadcasts should go to WGN or the G.E. "Hour of Charm" for a few patriotic music suggestions. Or if Dr. Frank Black happens to be around, ask him.

The writer didn't hear the first "This is War" program but John K. Hutchens did. He is the Radio Editor of the New York Times, was formerly dramatic editor of the Boston Transcript, and a first string critic who should know not only his radio but his theatre. Mr. Hutchens wrote:

"To this column the premier of 'This is War' was a disappointment and on an enormous scale; for never before have the four networks joined their dollars and facilities on behalf of a radio series, thus virtually assuring an audience comparable to that which hears a presidential speech."

A little further along discussing the propaganda angle, Mr. Hutchens said:

"This is not to suggest that our propagandists should casually tell us one thing and the rest of the world another; still less that they should depart from that standard of truth and accuracy which has given American short-wave broadcasting its high and valuable reputation abroad. But there is such a thing as propaganda technique, and it can no more afford to be vague than it can to be untruthful. No civilized person could regard without loathing the motives or content of German radio propaganda.

"But we could very well learn something from the thoroughness with which Germany studied the problems and opportunities of radio propaganda as a weapon of warfare. We must learn, in short, what to say to whom, and when, and how. For propaganda, like the radio itself, is an instrument calling for a high degree of selectivity and precision. It is not - or should not be - an arrow shot into the air, its landing place uncertain."

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#### F.D.R. OPENS FIRST DIRECT NEW ZEALAND RADIO CIRCUIT

Further strengthening the radio life-line of communication between the United States and Australasia, a new direct radiotelegraph R.C.A. Communications, Inc. circuit, linking San Francisco with Wellington, New Zealand, was opened last Monday by President Roosevelt. This is the first time that direct radio communication has been established between this country and New Zealand.

The President sent the following message to New Zealand's Prime Minister Peter Frazer:

"The establishment at this time of a direct radio-telegraph circuit between the United States and New Zealand is another link in the ever-tightening bonds between our two countries. It gives me great pleasure to make use of this new and rapid channel of communications to convey to you personally and through you to the people of New Zealand the warm and fraternal greeting of the American people and to assure you that we shall leave nothing undone to achieve our common objective of freeing our world once and for all of the forces of aggression."

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## LA GUARDIA WITHHOLDING SARNOFF REPORT CAUSES COMMENT

Mayor LaGuardia who seems now to be having about as hard a time holding onto his job of head of Civilian Defense in New York as he did before being pried loose as National O.C.D. Director has been further criticized for withholding for three weeks what is described as a highly important report of David Sarnoff, President of the Radio Corporation of America, Chairman of the Technical Communications Group for the City of New York, recently organized by Mr. Sarnoff at the request of the Mayor to study the problems of communications, including air raid warning signals and blackouts and to make a report to the Mayor on its studies and recommendations.

"Why the Mayor has refrained from making the report public has puzzled those who are generally interested in the subject of civilian defense", the New York Times reports. "It is reported that the study dealt with what might happen in New York if conditions of vulnerability regarded as rivaling or exceeding those of Pearl Harbor in some respects are allowed to continue.

"It was thought likely that publication of the report would lend support to the growing demand for Mayor LaGuardia to step aside and for the appointment of a full-time director with executive and administrative ability and experience to head the city's civilian defense program under the Mayor.

"When the Mayor resigned as National Director of the Office of Civilian Defense this month after much criticism and controversy over his holding of two jobs, he retained his post as head of civilian defense for this city."

Mr. Sarnoff's Committee includes Arthur V. Van Dyck, President of the Institute of Radio Engineers, as Executive Secretary. Other members of the Committee were the Chief Engineers of the National Broadcasting Company, the Columbia Broadcasting System, the Mutual Broadcasting System, the Mackay Radio and Telegraph Company, the Western Union Telegraph Company, the Postal Telegraph-Cable Company and the New York Telephone Company.

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"EVERYBODY WORKS BUT FATHER?"

Among the Washington bureaus which functioned as usual despite the Washington Birthday holiday yesterday (Monday) was the Federal Communications Commission. However, the Monday press conference with Chairman J. L. Fly was omitted. "Out of the city" was the only explanation forthcoming from the Press Bureau but another FCC official said that Mr. Fly was away on a vacation.

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 ::: TRADE NOTES :::  
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Ninety-three ASCAP controlled numbers have been reinstated by the NBC Radio Recording Division. At the same time the NBC Radio Recording Division released 40 new BMI selections to Thesaurus subscribers. The Recording Division will start at once pressing other ASCAP tunes which are now available for use by their Thesaurus subscribers.

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A new radio tube plant, to eventually employ 1800 people to work on special purpose radio and electronic tubes, is being planned by RCA Mfg. Co., Inc., at Lancaster, Pa. Ground will be broken about March 1st. RCA undertakes this project in cooperation with the U. S. Navy, but says too that special purpose tubes "are finding constantly widening applications in new commercial fields", and that such products hold great promise for the future after the war is over.

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Robert D. Swezey, a member of the NBC legal staff has been named as counsel for the Blue Network. Mr. Swezey is a graduate of Cambridge Latin School, Harvard University and Harvard Law School and is a member of the Massachusetts and New York bar associations. He joined the Boston law firm of Warner, Stackpole and Bradlee after his graduation from Harvard Law School.

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Donald Flamm, New York, N. Y., has applied for a construction permit for a new broadcast station to be operated on 620 kilocycles, 5 kilowatts, unlimited time, using directional antenna day and night to move transmitter site to near Moonachie, New Jersey.

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In submitting a report to the National Association of Broadcasters on the number of defense announcements aired over WLW, it was noted that during the month of January, 561 such announcements were made as compared to 295 for the month of December.

Cooperating with the 15 different agencies submitting defense announcements by wire, phone and mail each day since the outbreak of the war, it has become a policy with the station to allow time for a defense announcement on every broadcast which originates with WLW. As a result, the average day will have approximately 75 such "spots" - or two for every 15 minutes the station is on the air.

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Station WSYR, Syracuse, New York, becomes a part of the Basic Red Network of the National Broadcasting Company on March 1.

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Jayhawker Broadcasting Co., Inc., Topeka, Kansas, has applied for a construction permit for a new broadcast station to be operated on 940 kilocycles, 1 kilowatt, unlimited time, using directional antenna.

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"Down Mexico Way", a new series of programs inspired by Vice President Wallace and designed to increase Inter-American understanding, will be presented by the National Broadcasting Company on Saturdays at 4 P.M. EWT, beginning February 28th.

"Down Mexico Way" has been built around Vice President Wallace's belief that interest in the people of Latin-America can be stimulated best in North America through dramatic presentations of their music, customs and languages. Each program will feature Mexican music with lyrics in both Spanish and English. This is to be blended into a background of plot and dialogue.

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Isle of Dreams Broadcasting Corp., Miami, Florida, Station WIOD, has asked for a construction permit to increase power from 5 kilowatts to 5 kilowatts night, 10 kilowatts day, and make changes in directional antenna system and transmitter.

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Leonard Lyons in his New York column writes:

"Recently the National Broadcasting Co. had its Directors' meeting. One of the Directors asked the usual question - about the prospects for profits for the balance of the year 1942? . . . David Sarnoff made reply - a good, tactful speech in which he declared that while these are trying times, etc., etc., the National Broadcasting System can look forward to the future with optimism, etc., etc. . . . Gen. Charles G. Dawes, seated near the end of the table, then made his own comment: 'Never have I faced such an obscure future with such complete indifference.'"

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#### CALLS FOR SEPARATION OF NEWS & CENSORSHIP

Pretty much along the line of reasoning by Presidential Secretary Stephen Early that the source of governmental news should not be confined with government censorship, was a previous declaration by Dr. Ralph D. Casey, Director of the University of Minnesota Journalism School, who said:

"Whenever propaganda and censorship are under one authority, the censor will face the temptation of using censorship for propagandistic purposes.

"Press and radio will suffer loss in prestige if news is unwisely timed or withheld. Lay persons do not distinguish between the channel of information and the original source that chokes off the news."

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