

HEINL RADIO BUSINESS LETTER

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WILLIAM E. MILLER

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No. 1468

SENATE PETRILLO PROBE TO BE RADIO'S NEXT BIG SHOW

Temporarily knocked off the track by the anti-inflation bill, which has completely occupied the attention of the Senators, the Senate investigation of James C. Petrillo is expected to get under way very shortly. At this writing Senator Burton K. Wheeler, of Montana, Chairman of the Senate Interstate Commerce Committee, in charge of the investigation, had not yet set the date for the hearings to begin but made it known that he would do so soon. At that time it will be announced whether the full committee will undertake the work or a strong subcommittee. If the latter, Senator D. Worth Clark, of Idaho, author of the Petrillo resolution will be the Chairman. In any case, Senator Clark will have a leading role. The Congressional elections now only a month away may also cause delay or interruptions but the subject is too live to be put aside indefinitely and sooner or later the fur will surely fly.

In the meantime, Mr. Petrillo continues to be the target for newspaper columnists and editors, to wit the following by Frank Kent of the Baltimore Sun in a widely syndicated article captioned: "Petrillo About to Tilt with Congress to See Which is the Bigger of the Two" -

"When Elmer Davis, supported by the War Department, recently told a Congressional Committee that the attitude of James C. Petrillo, arrogant boss of the musicians' union, was damaging the morale of United States troops and threatening the existence of small radio stations vital to the war effort, the question again was raised as to whether in this country union labor leaders are beyond Government control.

"Loudly proclaiming their patriotism all the while, these labor leaders brazenly have used the war to grab for money and power. Far from resisting, the administration has acquiesced and approved. The wage increases have gone far beyond the rise in the cost of living and great strides toward the labor politicians' ideal of the closed shop have been made through administration boards. For more than a year this sort of thing has been going on.

"The net of all this is that at no time has either the legislative branch or the executive branch of the Government been able - or willing - to discipline or control these labor leaders. On the contrary, with intimate personal White House relations, they have steadily pushed ahead their program.

"Not only are they established as the favored class but apparently they are intrenched. So when Mr. Davis makes his charge that in prohibiting new transcriptions and recording by musicians for use over the radio, Mr. Petrillo is lowering the morale of the troops and impeding the war effort, he brought up no new question.

"It is, of course, a serious charge, but whether corrective action will be had is doubtful. The stand Mr. Petrillo has taken is made possible by the strength which union leaders have acquired through administration support and by decisions of administration members of the Supreme Court.

"When a man like Mr. Davis makes as grave a charge as this, one would like to see him strongly supported by his White House chief. Without that support, the chances are his charge will not get far."

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MILLER SEEMS GONER AS ABA BUCKLES ON SWORD

With the organizers of the American Broadcasters' Association, the new rival of the National Association of Broadcasters, filing incorporation papers and preparing to meet to elect temporary officers, the days of Neville Miller as head of the National Association of Broadcasters appear to be numbered.

A special meeting of the National Association of Broadcasters, following its two day "do nothing" sessions at Chicago last week had previously been called in that same city for October 14th. The sole purpose of this meeting will be to decide whether or not Mr. Miller should continue as President of the NAB.

It was the intention of the ABA people to have their organization meeting in New York next Thursday, October 8, but this may be postponed until after the NAB meeting on the 14th to see what happens then. The ABA meeting might even be held in Chicago at the same time as the NAB gathering.

"If Mr. Miller were to be eliminated at Chicago, do you think there would be a chance of bringing the American Broadcasters' Association organizers back into the NAB fold and thus prevent the formation of a second broadcasters' association?" one of the leading ABA organizers was asked.

"I think it would take more than that", he replied. "There would have to be other concessions. For instance, the NAB would have to get rid of network representatives as members of its Board, and I don't think the chains would take thus losing their representation lying down."

A top-notch chain representative, however, did not concur in this.

"I believe the trouble is 90% Neville Miller and that the other 10% of the differences could be easily ironed out. It would seem to me the most unfortunate thing that could happen to the industry at this particular time when unity should prevail to have two rival associations trying to represent it."

"In your opinion then, it all depends upon Miller being pried loose from the NAB presidency?"

"Blasted, you mean", he retorted.

Incorporation papers for ABA were filed in Delaware several days ago and at the first ABA meeting, whether it be held in New York or Chicago, temporary by-laws will be adopted and officers elected to serve until the first membership meeting can be held at which time the membership will elect a new Board of Directors and adopt permanent by-laws. It was said that the temporary Board would probably include the following:

John Shepard, 3d, President of Yankee Network, and Chairman of Broadcasters Victory Council; Ted Taylor, Amarillo (KGNC, KFYO, KRGV), Executive Secretary of BVC; Walter J. Damm, WTMJ, Milwaukee, and President of FM Broadcasters, Inc.; James D. Shouse, WLW-WSAI, Cincinnati; Eugene Pulliam, WIRE, Indianapolis, President of Network Affiliates, Inc.; George B. Storer, President of the Fort Industry Co. (WSPD, WWVA, WMMN, WLOK, WAGA, WHIZ), and President of National Independent Broadcasters; Harry Bannister, Manager of WWJ, Detroit; E. B. Craney, Z-Bar Network (KGIR, KPFA, KRBM) in Montana, and KXL, Portland; Stanley Hubbard, KSTP, St. Paul.

There doesn't seem to be any doubt but that the new organization means business and is ready to go through to the finish. On the other hand, no one this writer has talked with believes there should be two broadcasters organizations. Therefore it would seem with Mr. Miller out - if his elimination could be assured - and gearing up the National Association of Broadcasters to war needs instead of jogging along at a peace-time gait as many seem to think it is doing - there still appears to be a possibility of some sort of a compromise with the ABA. If, however, the Chicago meeting fails to depose Mr. Miller and his present associates, it seems certain the American Broadcasters' Association will complete its organization and fight the NAB to a finish.

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R. J. REYNOLDS COMPANY DENIES USING PHONY RADIO VOICES

Answering a complaint issued by the Federal Trade Commission charging false advertising and misrepresentation, the R. J. Reynolds Tobacco Company, Winston-Salem, N. C., manufacturer of Camel cigarettes and Prince Albert smoking tobacco denied allegations of the FTC that the Company had represented in radio broadcasts that certain voices used in such broadcasts were those of persons named by it when in truth such voices were not those of the persons represented as being present.

The answer admits that the respondent in its advertising has represented that the smoking of Camel cigarettes is good for and advantageous to digestion; that science so proves, and that millions of smokers so attest, and that it has employed language in advertising which might be construed to mean that smoking Camels is

an aid to digestion, no matter where, what or when one eats, and keeps digestion working normally, but denies it has represented that Camels will do these things "even when the going is hectic". It denies representing that smoking of Camels enables the eating of favorite dishes at any time one pleases, but admits that it caused to be incorporated in certain advertisements a testimonial written by a smoker of Camels, stating that the smoking of Camels enabled him to eat "what I want...when I want it."

The answer admits representing that the smoking of Camels gives a "lift" in energy and picks up bodily energy but denies representing that it creates and activates the extra energy needed. The answer denies that the respondent represented that the quickest way to relieve fatigue is by smoking Camels, but admits incorporating in some of its advertisements a testimonial in which a Camel smoker stated "the quickest way I know to relieve fatigue is by smoking Camels".

The answer admits that the respondent has incorporated in advertisements testimonial letters of athletes and famous champions in which the writers state that they must guard their condition and not take chances and they smoke Camels; denies that it has represented that great athletes and outstanding stars of sport use Camels because from their own experience such use enables them to keep in condition, but admits incorporating in advertisements testimonial letters of such athletes in which the writers state that the smoking of Camels does not damage or affect good condition. The foregoing representations, the answer asserts, were discontinued in September 1937, and if made thereafter were made only sporadically and not as a part of any organized advertising campaign.

The answer admits representations that Camels never irritate the throat, are always gentle to the throat, do not leave a cigarette after-taste, and that people with sensitive throats can smoke as many Camels as they like, but denies representing that Camels are different or unique in this respect or that their smoking does not harm the throat. The foregoing admitted representations, the answer asserts, were discontinued in May, 1939, and if made thereafter were not as a part of any organized advertising campaign.

The answer admits representing that Camels are the cigarette of costlier tobacco and that it is a well-known fact that they are made of finer, more expensive tobaccos than any other popular brand, but denies representing that all the finest cigarette tobaccos go into Camels.* * *The answer admits having represented that Camels are the leading or most popular cigarette with planters, but denies representing that tobacco planters know that only the choice, fine or costlier tobaccos are used in Camels.

The respondent denies representing that Camels burn 25 percent slower than most other competing brands but states it did represent that, according to independent scientific tests, they burn slower than any of the 15 other largest-selling brands tested. It also denies representing that the smoke of Camels contains 28 percent less nicotine than the smoke of other competing brands.

The answer further denies representing that Prince Albert smoking tobacco is 86 degrees cooler than most other brands of pipe tobacco and the coolest of all smoking tobaccos. The respondent's representation, the answer asserts, is that it asserted that in recent laboratory "smoking bowl" tests, Prince Albert burned 86 degrees cooler than the average of the 30 other of the largest-selling brands tested - coolest of all.

The respondent admits having used in its advertisements testimonials from users of its cigarettes, for some of which the writers have been paid, but states it has no knowledge that any of these testimonials do not reflect the actual personal experience, knowledge or beliefs of the signers.

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FCC AMENDS INTERNATIONAL RADIOTELEPHONE ORDER

In termination of International Radiotelephone Communications, the following order has been issued:

Whereas, an agreement has been reached between the appropriate authorities of the Governments of the United States and of Australia for the operation of a radiotelephone circuit between the United States and Australia;

Now, Therefore, By virtue of the authority vested in the Board by Executive Order No. 8964, dated December 10, 1941, the Board's Order No. 18, dated August 27, 1942, is hereby amended to read as follows:

It Is Hereby Ordered As Follows:

From and after the date hereof (September 30, 1942)

- (1) Non-governmental business radiotelephone calls between the United States and Great Britain shall be permitted subject to the prior approval thereof from the Office of Censorship. No personal radiotelephone calls shall be permitted between the United States and Great Britain.
- (2) No non-governmental business or personal radiotelephone call shall be made to or from any foreign point outside of the Western Hemisphere other than Great Britain unless such call is made in the interest of the United States or the United Nations and unless an agency of the United States Government sponsors such call and obtains prior approval therefor from the Office of Censorship; Provided, However, That this provision shall not apply to American press calls or radio broadcast programs, or to such other press calls and radio programs as may be specifically approved by the Office of Censorship.

- (3) No calls of any nature, over the radiotelephone circuits under the jurisdiction of the United States, no matter where such calls may originate, unless sponsored and approved as provided in paragraph (2), shall be permitted to, from, or on behalf of, the following thirteen countries: Egypt, Finland, France, Iceland, Iran, Ireland, Latvia, Lithuania, Portugal, Spain, Sweden, Switzerland, and Turkey.
- (4) Personal calls other than those prohibited in the foregoing paragraphs may be completed between two points in the Western Hemisphere.

Subject to such further order as the Board may deem appropriate.

Nothing herein shall apply to existing regulations governing the use of cable, telegraph or radiotelegraph communications.

BOARD OF WAR COMMUNICATIONS

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DAVIS AXE CUTS WIDE SWATH IN FCC PUBLICATIONS

It is now possible to tell exactly what documents of the Federal Communications Commission got the axe in the preliminary swing of Elmer Davis, Director of the Office of War Information in cutting down government publications and mailing lists. The FCC casualty list follows:

Annual Report, Distribution cut 1300; FCC Reports Distribution cut from 200 to 150; Statistics of the Communications Industry, cut from 555 to 171; Permanent Calendar, cut from 825 to 335; Orders on Decisions, cut from 575 to 25; Proposed Findings, cut from 575 to 25; Orders instituting investigations and inquiries, cut from 575 to 25; ABC of the FCC, Discontinued; Radio, A Public Primer, Discontinued; Salary Report of Telephone and Telegraph Carriers, Distribution cut from 450 to 125; From the Mail Bag, Discontinued; Broadcast Actions, cut from 1855 to 1805; Telephone and Telegraph Actions, cut from 1275 to 1200; Actions Taken in Motions Hearing, cut from 535 to 450; Announcements in Docket Cases, cut from 1075 to 250; Weekly Analysis, Discontinued.

List of standard radio broadcast stations by: 1. Alphabetically, distribution cut from 3550 to 500; 2. Frequency cut from 1025 to 500; 3. State and City, cut from 1625 to 500; Report of Applications received for broadcast services, cut from 1610 to 1535; Lists of broadcast stations: Relay, Distribution cut from 800 to 50, FM, Discontinued, High Frequency, Discontinued, Television (Commercial and Experimental), Discontinued, Developmental, Discontinued, Facsimile, Discontinued, International, Discontinued, Class II Experimental, Discontinued, Non-commercial Educational and ST, Discontinued.

Also, Radio Service Bulletin (Confidential) Distribution cut from 650 to 325; List of stations other than broadcast 1. Call Letter, 2. Frequency, 3. Service, Distribution cut from 2200 to 1000; Report of Telephone and Telegraph Applications Received, discontinued public distribution; Action on Rules and Regulations, Distribution cut from 1235 to 1135.

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PRESS DEFENDED IN PRESIDENT'S RADIO CENSORSHIP

There was a strong comeback in favor of radio and the press on the President's criticism in connection with the censorship of the news of his secret swing about the country. President Roosevelt at the now famous press conference upon his return to Washington berated a minority of newspaper writers and radio commentators because they have been giving the country stories that are not true. The President said he thought most straight news stories were accurate. What he had in mind particularly, he said, were the columnists and commentators, who went in for sententious views. He granted that they were honest, but charged that they just didn't understand the country nor did they always know what they were talking about.

Later during the press conference, a reporter said he was unable to reconcile the President's praise of the press and radio in connection with his trip and his criticism of the press and radio.

The President said the two remarks were not related. Questioned about the individuals he had in mind in his criticism, he said the reporters standing before him knew who they were just as well as he did. He said he would not go in for personalities, one reason being that the individuals singled out would feel inflated.

A short time before the President held his press conference, Representative Halleck (R.), of Indiana charged on the floor of the House that the trans-continental trip had been a political journey.

"Millions of persons throughout the United States were aware of the facts, and I am reliably informed that many of them have berated the newspapers for allegedly suppressing the news because of their supposed anti-administration bias", Mr. Halleck declared. "This is decidedly unfair to the newspapers and to the radio. In common fairness to them, the President should at the earliest possible moment issue a statement assuming full responsibility for suppression of the facts and commending the newspapers and the radio for their cooperation with the administration."

Byron Price, Director of Censorship, despite the White House criticism, lauded the radio and the press, saying:

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"For two solid weeks every newspaper, every radio station, every periodical in the United States kept as a secret the news of the President's trip across the country. Most of them knew about the trip which would ordinarily be big news as soon as it happened. But the only consideration in all their minds was the safety of the Commander-in-Chief in wartime.

"American press and broadcasters have never before made such a sacrifice of regular operations. Their act provides striking proof of the workability of voluntary censorship, which must rest upon the patriotism of the press and broadcasting agencies."

The Post in Washington, in a front page editorial, said:

"The Washington Post is deeply conscious of the responsibility of the press in helping to protect the person of the President. For three-quarters of a century this newspaper has worked hand in glove with the Secret Service in that regard.

"But this newspaper insists that conditions on the trip just completed were no different than on many other trips undertaken by President Roosevelt. Hundreds of thousands of citizens saw him. It was no secret in official Washington or in a number of teeming industrial centers. Any contention that there were safety factors that cannot be revealed is open to challenge for the simple reason that if there were the trip should have never been made.

"It was a secret only to the American people.

"It was a secret only to the great mass of patriotic citizens who read newspapers and listen to the radio and depend upon them for information.

"And who can blame these wonderful people if they say in the future, 'You can't depend on the newspapers for what is happening these days - they only print what they are allowed to print.'

"Winning this war depends upon the complete confidence in and whole-hearted support of Government by the American people. We believe that if the American people had been told from the scene - with appropriate slight delay and omission of itinerary, for safety's sake - what Mr. Roosevelt saw through the eyes of trained and free newspapermen and radio commentators, it would have been a tremendous and much-needed stimulation to the war effort.

"With the undemocratic secrecy that attended this trip, the belated reports given out at the President's press conference cannot be received as anything other than an 'electrical transcription' of the original.

"This newspaper feels a solemn obligation to protest a policy that is (1) unnecessary and inadvisable; (2) stimulating to malicious rumor and distrust, and (3) a step that can easily lead to abuse endangering a fundamental guarantee of our Bill of Rights."

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PALEY HOME FROM LONDON URGES MORE OVERSEAS PROGRAMS

Axis propaganda designed to create disharmony between the United States and Great Britain must be increasingly offset by transatlantic broadcasts, exchanged between the two nations, William S. Paley, President of the Columbia Broadcasting System said in New York this week, when he returned from England aboard a Pan American Clipper.

He said he found that American broadcasts had become generally popular in England, and he praised the part played by such reciprocal programs as those broadcast by the BBC from the United States and by American agencies from Britain.

Programs that picture to England the real conditions and intentions of the United States and that serve the same purpose here by enlightening the American public to the true feelings and aspirations of the British, he explained, can do much to combat the Axis manoeuvre of sowing distrust.

Mr. Paley said that the British public was aware of the existence of anti-British feeling in the United States, and relied, in part, on radio broadcasting to allay such sentiment.

"This is a people's war", he said, "and the people have a right to be informed of every important circumstance affecting their destiny."

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WRC ANNOUNCES FALL SEASON WITH NEWSPAPER SPLASH

Something new in the National Capital - Station WRC announced NBC's "Fall Parade of Stars" by a full page display advertisement carrying pictures of such headliners as Charlie McCarthy, Jack Benny, Bob Hope, Phil Spitalny of the General Electric Hour of Charm and others. Carleton D. Smith, Manager of the station, said that this would be followed up by half and quarter pages from time to time calling attention to special events. Mr. Smith said it was simply a tie-in with NBC's other promotional efforts in connection with the "Fall Parade". The theme of the ad was:

"Here they come! Your favorite comedians! Your favorite band leaders! Your favorite entertainers!"

WJSV, CBS outlet in Washington, advertises regularly in the local papers but in the form of a radio column. The ad looks very much like the usual radio column and, in fact, is except that Columbia programs are featured exclusively.

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 ::: TRADE NOTES :::
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In a move to prevent stoppages or slow-downs in essential production that might arise from lack of small amounts of critical materials, WPB September 22 announced it has authorized its regional offices to assign high preference ratings for the use of earmarked materials in emergency situations.

Under this regional emergency materials plans, preference ratings up to AAA may be assigned to avoid positive losses of essential production and up to AA-2X for other emergency cases.

Kay Kyser, bandleader who is now a consultant in the Office of War Information's Radio Division, declared that "as a whole, radio has done one of the best jobs of all media in the war effort".

This statement by Kyser was contained in a telegram from Hollywood which he sent to Paul W. Kesten, CBS Vice President and General Manager in New York, in reply to a wire from Kesten.

Kyser had been quoted in the press as having told a group of network and advertising agency executives on the West Coast that "The 'guiding geniuses of radio' are failing miserably in cooperation in the war effort." Kesten expressed surprise at this statement and pointed out that practically every Government agency has been high in praise of radio's war effort.

Among the Pan American Airway's Clipper's passengers arriving in New York from London last Wednesday was John F. Royal, Vice President of the National Broadcasting Company, who hailed the strides in short-wave broadcasting made by the British Broadcasting Corp. He said the British had overtaken the Germans at this specialty and now excelled them. The United States, he added, was "still a third, but coming fast; we started late, if you remember." Mr. Royal was in England discussing exchange programs.

Melvin Spiegel, recently resigned Associate Editor of Movie-Radio Guide, has joined the staff of the CBS Publicity Dept.

A three-day strike of operators of the transmitter of Radio Station WSJS, at Winston-Salem, N.C., owned by the Journal and Sentinel newspapers, has been settled and the station is now back on the air. Part of the time during the strike the station broadcast on a limited schedule with strike-breakers.

Discussing what he pointed to as a breakdown in the repair and upkeep of radio sets, a Washington correspondent recently returned from a tour of the Mid-West, George W. Stimson of the Austin Daily Tribune, and the Cedar Rapids Gazette, reported he was unable to find a single operating receiving set in the community where he was staying on the night of the President's anti-inflation speech.

The Columbia Broadcasting System has announced that Mefford R. Runyon, Vice President, has been commissioned a Lieutenant Commander in the U. S. Naval Reserve. Commander Runyon expects that he will be assigned to work in Naval Communications after taking an indoctrination course at the Noroton Naval Radio Training School.

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ASCAP REPORTED QUARTERLY ROYALTY \$1,100,000

ASCAP's royalty for the quarter ending Sept. 30, 1942, may amount to \$1,100,000, according to Variety, which says: "This sum is but \$18,000 less than was distributed for the parallel quarter of 1940. The divvy for that 1940 period constituted an all-time record for a third quarter.

"Even though the collections from radio are considerably less than they were for 1940, because of the lowered contract terms, the Society isn't far behind the accumulative royalties that prevailed for the same year. The split for the initial quarter of this year (1942) was \$950,000, or \$60,000 under the 1940 tally. For the succeeding three months (April-June) ASCAP's members received checks amounting to \$1,100,000, or just what it was for the like quarter of '40.

"ASCAP's income this year from field operations, which consists of hotels, restaurants, ballrooms, etc., has been the highest in its history. The increase has been largely due to the opening of many dine and dance spots in new war industrial areas and the fact that the use of music has been expended materially by restaurant operators throughout the country.

"ASCAP's income from radio this Summer has been considerably above expectations, indicating that spot as well as network advertising has been holding up solidly."

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NEWS AND RADIOMEN CLAIM CENSORSHIP EXCESSIVE

In a New York dispatch to the Washington Post, Bert Andrews writes:

"The extent of the dissatisfaction felt by Washington newspaper, news magazine and radio correspondents over what they feel to be an example of excessive censorship under the 'voluntary' censorship code was reflected in a half-dozen dispatches.

"While none of the writers was permitted under the code to explain what the dispute is all about, they were at liberty to say that they deferred with the application of censorship rules in the matter, although they agreed a less severe application might have been justified.

"Among those who wrote about the censorship issue involved were Roscoe Drummond, Chief Correspondent of the Christian Science Monitor, James J. Butler of Editor and Publisher, Raymond Z. Henle of the Pittsburgh Post-Gazette, and Warren B. Francis of the Los Angeles Times.

"Drummond put it this way in a dispatch carried in 'The Monitor': 'The Government is headed for trouble in the borderline application of the already exacting censorship. Washington newspaper and radio correspondents are virtually unanimous in believing that censorship has recently been going too far afield. . . This is not merely a professional dispute between the press, which might tend to err on the side of publication, and the Government's war agencies, which might tend to err on the side of suppression. There is dissent in high official quarters from the creeping extension of censorship regulations and the issue is certain to be out in the open shortly.'"

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