

HEINL RADIO BUSINESS LETTER

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No. 1475

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October 27, 1942

PROPOSES WILLKIE AS MOVIE-RADIO DRAFT JUDGE

Eddie Cantor recently said that President Roosevelt was the only man who could properly say what radio and movie stars were essential in the war. In the Senate last Friday, Senator Nye (R.), criticizing Wendell L. Willkie's worldwide activities, nominated Mr. Willkie for the position. Senator Nye at the same time stirred up quite a rumpus about the draft-deferred status of Kay Kyser, radio and movie jazz band leader, whose efforts in behalf of the Office of War Information have been widely publicized.

"There are plenty of problems right here at home for Mr. Willkie", Senator Nye declared. "Let him, for example, as an executive of a great moving-picture production firm, give a little of his energy to determining just how the movie and radio stars are being treated under the draft.

"Maybe this is not the place to speak of it, but it should be noted that great effort is being extended to win a deferred status for certain stars. Here is Kay Kyser, for example, a great leader of a great band, explaining that his Government needs him more in his task of entertaining, and selling bonds, than in the military ranks. All of which may be quite true, but it does not seem to be the Government that initiated keeping Kyser at home. A theatrical booking agency office in Hollywood on August 31 received from Mr. C. J. LaRoche, its New York agent, a long teletype message telling of how it had already handled a list of stars, including Kay Kyser. In addition to smugly claiming responsibility for the classification of Kyser and others as being more essential at home, that agency recited others of their clients for whom a like classification was being sought.

"I have no war with Mr. Kyser. He may have and probably does have, every cause on his side. But I do object to the obviously organized effort by pressure groups to bring preferred status to artists."

La Roche replied:

"If the information Senator Nye has were correct, he would have every right to be indignant. But I should like to say he is absolutely misinformed. The interest in Kay Kyser came from the Army itself, not from any commercial source.

"I was asked in common with several others by a ranking general of the United States Army concerned with 'morale' and a Government radio executive for an opinion on the value of certain radio stars to the total war effort. I was glad to say in my opinion that the outstanding job Kay Kyser was performing for this country in

camps and on the radio made him one of the most valuable contributors to the so-called psychological war effort as it is being so skillfully developed under Elmer Davis and the Office of War Information.

"It was my feeling then and it is now that the ability of Kay Kyser, who is not and never has been a client of mine, to command audiences of millions, his keen grasp of what we are fighting for and his ability to arouse masses of people to an understanding of their responsibilities makes him a most useful man to aid the Army and the Government in organizing the home front for total war."

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WHEELER URGES CONFERENCES OF PETRILLO AND RADIO MEN

Chairman Burton K. Wheeler of the Senate Interstate Commerce Committee disapproved of ⁵⁶an "anti-strike" a bill to lift the ban against recorded music, but warned that unless the dispute was settled soon the American Federation of Musicians would be subjected to an investigation.

Senator Wheeler's remarks climaxed a controversy between him and another committee member, Senator Clark (D.), of Idaho, who Friday introduced a measure designed to force President James C. Petrillo of the AFM to lift the prohibition against recording music for radio stations and "juke boxes".

The Montanan also disclosed his own "behind-the-scene" efforts "to see if the union and the broadcasters could get together", after Senator Clark announced he offered his bill because no action had been taken under his Senate-approved resolution calling for a "thorough and complete" investigation of Mr. Petrillo and his union. He declared Senator Wheeler had not yet appointed a subcommittee to conduct hearings.

"I felt more could be accomplished through conferences between the labor group and the broadcasters", Senator Wheeler said, "than could be accomplished through Senate hearings emphasizing the controversy".

Of Senator Clark's measure, he said, "If the bill could be applied in this case, it could be applied in war industries. It's an anti-strike bill."

He declared, however, he would appoint a subcommittee to consider the measure, and that another subcommittee to make an investigation under the earlier resolution would be named soon "if the disputing parties don't get together."

By Senator Clark's proposal, the AFM would be brought under anti-trust laws for the duration of the war. Agreements or orders which curtailed the supply of recorded music would be termed conspiracies.

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WAR TOPICS FEATURE FCC PRESS CONFERENCE

Keeping the broadcast stations going, leasing of communications in submarine cables, the Army taking over broadcasting in Puerto Rico, and the leasing of short-wave facilities, highlighted the press conference of Chairman Fly yesterday (Monday).

"Do you expect action shortly on the wartime operation of broadcast stations?" Mr. Fly was asked.

"I would guess so", he replied. "I think I ought to stress again that whatever is done there will not result in any lessening of the coverage of radio stations due to change in the various rules in the operation of the equipment. We will have the same effective output and same coverage we have had heretofore. You see, some of the rules which we have had regulating the equipment have necessarily been very strict, and we have got to a point now where by changing those rules and the consequent change in method of operation we can get a more effective output so I think we can increase the life of the equipment materially without effecting coverage at all."

"Regarding Order No. 22 of the Board of War Communications prohibiting the leasing of communications circuits in submarine cables without prior approval of the BWC, is anybody leasing such a thing?"

"Yes, I think a number of those have been leased - I would imagine for different interests in neighboring islands I think we will find some - Cuba, Puerto Rico", Mr. Fly replied.

"Islands from the continental United States - rather inter-island affair?" the questioner interjected.

"No, I think from this country to, say, Cuba."

"By the way - for short periods?"

"No, for long periods, by business concerns, brokers, etc."

"Is the Army contemplating taking over immediately the radio facilities in Puerto Rico?" Mr. Fly was asked.

"You will have to talk to the Army about that. We gave them full control."

"That includes broadcasting?"

"Yes. That's the same authority we gave over the Alaskan facilities to the Army."

"Does the Commission enter at all into the leasing of short-wave facilities from the networks and other owners by OWI?" the FCC head was asked.

"Of course the Commission has cooperated with OWI and CAA in regard to that whole matter of international broadcasting with

facilities available for that broadcasting, and we have been aware in general of the plans to control the facilities; also because of the problem of additional facilities, I would suppose that the contract would come before the Commission formally in view of the fact that it involves a new type of operation other than that which is covered by the existing license. In other words, it is a change in the license arrangements", the Chairman replied.

"What is the position of the Commission in the plans for the 22 new shortwave outlets for those agencies?"

"I would rather tell you how I feel about it rather than about the position of the Commission. I am sure that the Commission is sympathetic with the undertaking and for my own part I can say I am wholly sympathetic with the undertaking, and I think it ought to have a high order of priority. At the same time I don't think any of us can say whether a given number of transmitters - whether some or all of them can be placed ahead of other very essential requirements. The requirements for transmitting facilities are very heavy and I might say very serious from a military point of view. The question for those who control the disposition of whatever amount of materials we have on hand, will be wherever those materials do the most war purpose. Now I can't form that judgment from where I sit, and I don't want to be taken as saying therefore that the order for these transmitters must go ahead of the orders for the transmitters to be used directly in the military service. That is a grave problem and it has to be appraised on the whole and on the light of one predominant requirement, that of winning the war.

"The overall picture is a BWC problem, isn't it?"

"I think the BWC has the most effective means of reviewing the requirements for transmitters as a whole", Mr. Fly answered. "You see there are many buried details - lend-lease, for example, and various special requirements and involving very different locations and uses, and involving the interests of the different departments of the Government. We will have perhaps the best overall picture of the whole position, including available supplies, and the state of orders, the demands, etc., in different Government agencies."

"Have you been asked by WPB for any specific recommendations on the materials involved?"

"We haven't been approached in just that way."

"The request for the 22 shortwave outlets - additional construction - will those be licensed to private corporations and then leased to the Government, or will the licenses be held directly by the Government departments, such as the OWI?" the Chairman was asked.

"I would guess they will be by the Government, but you had better not take my word. You had better look up the recommendations on that," he concluded.

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CBS EXPLAINS CO-OP TIME BAN TO FCC

As Chairman James L. Fly again expressed doubt if the Federal Communications Commission could take any further action in the matter, Paul W. Kesten, Vice-President and General Manager of the Columbia Broadcasting System, responded at length to a request by the Commission that Columbia state the facts relevant to its refusal to carry the program, "Let's Get Together Neighbor" of the Cooperative League of the United States. Mr. Fly said the Commission has no means of requiring the broadcasters to take any program regardless of its merit.

Mr. Kesten wrote:

"The Columbia Broadcasting System has for years sold time only for the purpose of advertising the goods or services of the sponsor (except to a political party during the actual campaign for the election of candidates). We have steadfastly declined to sell time for purposes of propaganda on one side or another of any controversial issue. The programs proposed by the Cooperative League did not offer for sale to the listener either the goods or services of the advertiser, and thus lay outside the field within which we sell our facilities. Moreover, the offered programs were clearly controversial in nature, being designed to promote a fundamental change in the present system of marketing and distribution of goods and services whereby cooperative associations would largely supplant retail stores and other common distribution establishments (see our statement on this subject of October 7, 1942, which is attached).

"In August of this year, Mr. Wallace Campbell, Assistant Secretary of the Cooperative League, requested general information with respect to the mechanics of radio broadcasting and the purchasing of radio time. This information was furnished to him. Mr. Campbell did not request information with respect to the availability of any of our stations or disclose what programs he was considering.

"In the early part of September, Atherton & Currier, Inc., a New York advertising agency, requested information with respect to the availability of time for broadcasts sponsored by the Cooperative League over Stations WCCO and WJSV. As is our custom, we advised Atherton & Currier that we would want an opportunity to examine a copy of the proposed program material before accepting an order for broadcasts on behalf of the Cooperative League. On September 22, 1942, Atherton & Currier forwarded a copy of the script which they proposed to use for the first League broadcast. (A copy of Atherton & Currier's letter of September 22, 1942, was enclosed with Mr. Kesten's letter)

"After a careful consideration of such information as we could obtain with respect to the Cooperative League, and after an examination of the script, we came to the conclusion that in view of our long established policy not to sell time for programs devoted to public controversial issues, we could not accept an order for the

Cooperative League's broadcasts. We so advised Atherton & Currier on or about September 24, 1942.

"Our policy of refraining from selling time for the discussion of public controversial issues is well known by users of radio and was incorporated in the Code of the National Association of Broadcasters at its annual convention in 1939. For your information, we are enclosing an excerpt setting forth the provision of the NAB Code, together with excerpts from various prior statements on our part of that policy. This policy has, naturally, closed the door to large revenues for us. As Mr. Paley testified before the Interstate Commerce Committee of the Senate in June, 1941, we could have made tremendous sales of time to people who wanted to fight Congressional legislation such as the Public Utility Holding Company Act of 1935, and we have lost \$9,000,000 in revenue because of our standards and policies.

"So that you may have the benefit of some of the documentary evidence which led us to the conclusion that the Cooperative League is essentially an organization devoted to publicizing and promoting cooperatives as such and to advocating a change in our economic structure, we are enclosing various excerpts from the New York Times, together with excerpts from literature of the Cooperative League.

"Although as stated in our release of October 7, 1942, we felt that our long established policy, as well as the NAB Code, prohibited acceptance by us of the Cooperative League's broadcasts, we naturally would accept a program sponsored by a cooperative engaged in the sale of goods which advertised the goods offered for sale. As a matter of fact, Station WCCO has in the past, carried several commercial series sponsored by the Land of Lakes Cooperative for the advertising of its butter, cheese and poultry products.

"Although the point is a minor one, even if broadcasts sponsored by the Cooperative League were acceptable to us in view of our policies, we could not accept the programs as proposed since the entire content would have to be counted as commercial and, as you know, we have definite limitations on the amount of commercial copy which may be broadcast in connection with any sponsored program."

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Starting last week, over short wave facilities of the National Broadcasting Company, a newly created character, "Baron Eje" (eje means axis in Spanish) will do in the Spanish language, for the United Nations, what Lord Haw Haw attempted to do for the Nazis. Portrayed by Rafael Carvajal, Spanish language writer and actor, the Baron will be heard each Friday at 8:45 P.M. EWT., over NBC stations WRCA-WNBI and Westinghouse station WBOS. The programs will be presented in cooperation with the Coordinator of Inter-American Affairs.

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SUPREME COURT KEEPS HANDS OFF WFAA LABOR CASE

The Supreme Court yesterday (Monday) refused to grant a rehearing on the decision sustaining a contract agreement between the A. H. Belo Corporation, publisher of A. H. Belo Corporation, publisher of the Dallas Morning News, and owners of Station WFAA, and its employees. Under the agreement individual contracts were made with employees working irregular hours for a fixed sum weekly whether they worked more than forty hours in a week.

The Belo arrangement guaranteed to the employees \$40 a week, but the basic pay was fixed arbitrarily at 67 cents an hour for the first 44 hours with time and a half after that.

While the Wage and Hour Division has complied with the Supreme Court ruling in its specific application to the Belo Company, it has not accepted the decision as a broad principle. A week after the decision L. Metcalfe Walling, Fair Labor Standards Administrator, warned that his office took a limited view of the applicability of the opinion.

The court, Mr. Walling declared, had "passed on a particular state of facts" and a considerable amount of litigation would be needed before the whole subject could be adjusted.

Accordingly the Division holds that each case should be examined in the light of the Belo finding. An opportunity for an amplification of the decision, desired by the Division seemed about to be presented to the Supreme Court a short time ago, but did not materialize.

This was the case of the Carleton Screw Products Company of Minneapolis, which had employee contracts somewhat similar to those of the Belo Company. The Wage and Hour Division won the case in the lower court and welcomed a Supreme Court review, but the Carleton company failed to file its appeal in time. Justice Byrnes, who resigned to become Director of Economic Stabilization, wrote the Belo opinion.

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FCC NAMES NEW ASSISTANT GENERAL COUNSEL AND OTHERS

The Federal Communications Commission has appointed Nathan H. David of Boston, Assistant General Counsel in charge of the War Problems Division which he has headed since February of this year when he returned to the FCC after a sojourn with the Coordinator of Information as Radio Liaison Officer.

Mr. David was graduated from Yale University in 1934 and from Harvard Law School three years later. From 1937 to October 1939 Mr. David was associated with the Boston law firm of Burns & Brandon. He was first on the staff of the FCC as Assistant to the Chairman from October, 1939, to September, 1941.

The Commission also appointed Harry M. Plotkin as Chief of the Litigation and Administration Division and Donald M. Harris as Principal Attorney. Mr. Harris fills the vacancy created by the recent promotion of Rosel Hyde to Assistant General Counsel.

Mr. Plotkin was born in Athol, Mass., in 1913. He attended Harvard College where he received his A.B. degree in 1934, and Harvard Law School where he received his L.L.B. degree in 1937. Upon graduation he engaged in law practice in Chicago for two and one-half years. He joined the Commission's legal department in January, 1940, as a member of the Litigation and Motions Section. Prior to his appointment, Mr. Plotkin was Chief of the Litigation and Motions Section.

Donald M. Harris was graduated by Amherst in 1932 and by the Columbia University Law School in 1935. He is a Member of the New York bar and was associated with the firm of Carter, Ledyard & Millburn there from 1935 to 1941. He joined the Federal Communications Commission in September, 1941.

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FLAMM PRODUCES PATRIOTIC "SIGN OFF" FOR FREEDOM HOUSE

A stirring, new patriotic "sign-off" has been produced for radio stations by Donald Flamm for Freedom House. It received high praise from the Office of War Information. Here, briefly, are the facts concerning this transcription: Running time - 4 minutes, 35 seconds; Written by - Anthony Veiller; Music - Eva Jessye Choir, and Porgy and Bess orchestra under the direction of the renowned conductor Alexander Smallens; Narrated by - Arnold Moss, well-known stage, screen and radio actor; Directed by - Philip Barrison, top radio and motion picture director, and Conceived by - Donald Flamm. James C. Petrillo, head of the American Federation of Musicians, gave special permission to record this transcription.

The actual cost of a pressing is \$1.25. Stations are requested to send orders and checks to the Columbia Recording Corporation, 799 Seventh Avenue, New York, N. Y.

Mr. Flamm, well known to the industry as former owner of WMCA, New York, recently bought a half interest in Station WPAT, Patterson, N.J. He has installed his brothers, Milton and Sidney Flamm, as national sales manager and commercial director, respectively. He also intends opening a New York studio for the station and to operate it along the lines he followed at WMCA.

Half ownership was purchased by Mr. Flamm from Rex Shepp, General Manager of WIRE, Indianapolis, and Frank Faulkner, CBS Chief Engineer in Chicago, each of whom owned a 25% interest. Lieut. Comdr. James Cosman retains his half interest in the station and remains President of the company. Mr. Flamm is now in the publications division of the Office of War Information.

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RCA LAB SEEN AS MONUMENT TO NEW AGE IN SCIENCE

Recently completed at Princeton, N. J., in a community distinguished in American history and pioneering, the new RCA Laboratories, said to be the most modern center of radio and electronic research, are described as "a monument to a new age in science dedicated to serve the country and its fighting forces in war and to help build a stronger nation through ideas born and developed by scientific research".

This is a part of the introduction to a deluxe booklet just off the press entitled "RCA Laboratories", which describes the new institution in detail, and gives a verbatim report of the dedication ceremonies, including the addresses of the speakers on that occasion, Lieut. Gen. J. G. Harbord, Chairman of the Board of RCA; David Sarnoff, President; Otto S. Schairer, Vice President in Charge of RCA Laboratories; Maj. Gen. Dawson Olmstead, Chief Signal Officer of the Army; Commander A. M. Granum, U. S. Navy; Dr. Harold W. Dodds, President, Princeton University; Dr. Frank Aydelotte, Director of the Institute of Advanced Study, Princeton, N. J.

"In the quiet of the New Jersey terrain, this center of research has been erected in an atmosphere stimulating and conducive to scientific discovery and creative work", the booklet states. "From it will radiate scientific, industrial and social progress. When the steam shovels first scooped out the earth, it was a thrilling moment for the planners of the Laboratories. But the great climax came with the entrance of the research staff. They added the life. They brought the ideas from which would spring new creations of science. Out of electrons and electronic phenomena, they would fashion the future of radio and a world run by electronics.

"Among the men who entered the portals of the Laboratories were those who invented the Iconoscope and Kinescope, the "eyes" that made television practical; the men who built the RCA Electron Microscope, the electron multiplier tube, radio and electronic tubes for the home, for aircraft, for battle fleets and the merchant marine. These were the men who extended the services of radio far beyond the most sanguine hopes of its pioneers. Now in these Laboratories with facilities for research unsurpassed anywhere in the world, they will aim to outdo even the miracles of the past."

"Gone is the day when the research experimenter was secluded in an attic or cellar workroom or in a makeshift laboratory. Looking out across the broad green fields and 50 acres of grass around the Laboratories, he may think quietly and undisturbed. From across those fields will come many a new idea - ideas that will make RCA Laboratories historic in service to all the world. For on the wings of radio, the science of electronics is globe-girdling.

"In this scientific Utopia, scientists can become the masters of their dreams as they seem to be dreaming, gazing across the landscape or off into the emptiness of space. They are explorers and adventurers on the mysterious paths that lead into the Future.

The booklet is so well illustrated that to glance over the pictures therein is almost like strolling through the Laboratories.

WAR ADVICE FROM JOHN ROYAL

A World Wide interview with John F. Royal, Vice-President of the National Broadcasting Company, described as a sort of "radio ambassador" spending much time in foreign countries and just back from England, was carried to the extent of about two columns in last Sunday's Washington Star.

"We're playing right into Goebbels' hands, talking about each other. It's got to stop. Why, reading some of this stuff about the differences between American and British war policies, you'd think we were fighting each other, not the Axis", Mr. Royal said.

"Here's what I'm trying to get at. Somebody goes over there, talks to a couple of persons one afternoon, and comes home to circulate tales of British and American soldiers not getting on together.

"Officially and unofficially, that's a lot of junk. Armies are cooperating closely. The British are bending backward to cooperate, and the Americans are doing their part, too."

"I'll tell you a little story to illustrate what I mean", he said. "Brendan Bracken, the British Minister of Information, was on his way to his country home when he saw two American soldiers standing in front of a pub in the village.

"How do you like the English weather?" he asked them. 'Fine' they replied. It had been raining steadily for four days. Bracken took them to his home and gave them a couple of drinks. That's pretty good cooperation, isn't it? It shows how friendly the British feel toward Americans, doesn't it?

"Well, after they'd had a drink or two, Bracken repeated his question, asked the lads what they really thought of the English weather. 'We think it's lousy', the boys answered, this time truthfully, 'but we never criticize anything in England.' That's pretty good cooperation, too, I think."

Radio, Mr. Royal said, especially short-wave radio for propaganda purposes, is itself a kind of "invisible front", becoming more and more important in this war.

The British, although slow to start, are now as good as the Germans in the effective use of short-wave radio for propaganda, he added. He put the United States at a poor third, but he told of plans now under way for this Government and American radio industry to cooperate even further in short-wave propaganda broadcasts.

"But you can be sure", he asserted, "that when our short-wave reaches out across the enemy borders in full force, it won't be carrying any of this 'we are losing the war' talk. Some people may think that this type of 'fear advertising' steps up production, but what Americans don't realize is that every Allied nation is looking to us for spiritual as well as economic and social deliverance. It's not the positive effect of such talk here that's important, but its negative effect in our Allied countries, where they don't understand the purpose of such remarks."

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REALIGNMENT OF EXECUTIVES IN CBS O & O STATIONS

In a realignment of executives of the CBS owned and operated stations, William E. Forbes, Manager of WCCO, Minneapolis, is to take over new duties as an Executive Assistant to the management in New York November 9th.

A. E. Joscelyn, now Manager of WBT, Charlotte, will replace Mr. Forbes as Manager of WCCO, and A. D. Willard, Jr., now Manager of WJSV, Washington, is to take over Mr. Joscelyn's duties as Manager of WBT. These changes are effective November 2nd. A successor to Mr. Willard in Washington will be named soon.

Mr. Forbes, who has been Manager of WCCO since June 19, 1942, was formerly assistant to Donald W. Thornburgh, CBS Vice-President in Los Angeles for four years. A native of Nebraska, Mr. Forbes is a graduate of the University of California, at Los Angeles.

Mr. Joscelyn, a native of New York City, was made Manager of WBT in December, 1939, after being Eastern Manager of Radio Sales since 1937.

Mr. Willard, a native of Frederick, Maryland, began his radio career as Program Director of WCAO, Baltimore. After three years as Commercial Manager of WFBR, Baltimore, he became a partner in Willard, Barrelet & Nolley, a Baltimore advertising agency. In 1932, he became Commercial Manager of WJSV and in 1937 was made General Manager.

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FORMER AMBASSADOR GERARD TURNS COMMENTATOR

James W. Gerard, former Ambassador to Germany, is now doing a weekly radio series over WINS in New York. In a broadcast Sunday Mr. Gerard called the radio and the press the most powerful two instruments for the preservation of our liberties and our Constitution.

Declaring that "the greatest change brought about by the radio is the restoration of individual oratory", Mr. Gerard continued:

"We must be thankful that the radio in this country is still free. In Great Britain, for example, at the first appearance of the radio, the Government seized all rights and the British radio is a government-controlled monopoly.

"Radio commentators today can be true tribunes of the people, more independent than legislators, neither looking for votes nor subservient to pressure groups. We must all see to it that 'freedom of the press' is preserved but that it is interpreted to mean as well, 'freedom of the radio', constituting with the press the most powerful two instruments for the preservation of our liberties and our Constitution."

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