

# HEINL RADIO BUSINESS LETTER

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November 2, 1943

## REPRESENTATIVE KENNEDY ASSAILS RADIO CENSORSHIP

Urging listeners to support a resolution which he recently introduced, Representative Martin J. Kennedy (D), assailed radio censorship in an address he made over the National Broadcasting Company network. He said, in part:

"Until recently, it was generally accepted that the First Amendment to the Constitution, which guarantees the Freedom of Speech, applied with full force and effect to speech by radio or wire communication. However, two great discussions of recent origin have jarred the people of America out of this complacency and have righteously caused us apprehension that the radio might be employed as an instrument of oppression rather than an agency of enlightened freedom.

"These disturbing controversies were #1 - the legal case of the Broadcasting chains which was decided by the United States Supreme Court last May, and #2 - the flaming debate now current among radio commentators. Some commentators assert the right to express their personal opinions freely. Others would have the remarks of commentators subject to censorship.\* \* \*

"The language of the Supreme Court decision practically says that Congress authorized a censorship and that the First Amendment does not forbid such censorship. In my opinion, Congress, in 1934, never intended that the standards set up in the act 'public interest, convenience, or necessity' should comprehend a censorship. This recent decision indicates that a censorship could be set up under an Act of the Congress and not be in violation of the Free Speech Amendment of the Constitution.

"Only recently, the Federal Communications Commission withheld a renewal of a license to a certain network until the owners of the network pledged that it, the network, has no intention to and will not broadcast any so-called editorial hereafter.

"Within the past month, the Chairman of the Federal Communications Commission made a plea for free speech for news commentators when he became critical of a rule, made by a broadcasting company, forbidding expression of personal opinion by their news analysts.

"The opinions expressed by Chairman Fly of the Federal Communications Commission should have permanency. In view of the Supreme Court decision, it is quite evident that the only way we may be sure of Freedom of Speech on the Air is by adopting my resolution which is to be known as the Twenty-second Amendment - Here is the language of my proposed amendment.

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"Amendment 22 - Section 1 - Congress shall make no law abridging the freedom of speech by radio or wire communication.

"Section 2 - The provisions of any law, license, or contract in violation of Section #1 (Hereof) are hereby declared inoperative."

"Section #1, of my amendment, prohibits any Congress, now or in the future, from imposing a censorship on speech by radio or wire communication. According to the Court, there is no present constitutional restraint upon Congress in this respect. The Constitution, in the vital matter of the Freedom of Speech, Freedom of the Press and Freedom of Religious Worship is most emphatic in its restraints on Congress and throughout the years the Constitution has been so construed by the Supreme Court. Because the Supreme Court is not decisive in the application of the First Amendment to speech by radio, the adoption of my amendment will clear the air of legalistic doubts and will place in our written constitution, protection of Freedom of Speech by Radio. \* \* \*

"The radio plays an important part in our social existence, in the lives of our citizens particularly those millions of souls living in our land who are blind, physically disabled, too old to read or unfamiliar with our printed word. \* \* \*

"We cannot hamper liberty of speech in one respect without impairing its safety and its strength at all points. Expediency is a dangerous pretext. Be the infringement ever so tiny, it must, in the end, inevitably undermine the entire structure of our society which was erected at a tremendous cost in blood and sweat and toil and tears.

"This discriminatory censorship springs from fear and the weakness in which that fear is engendered. It distrusts the source and fountain of all democratic government: The God-given right of the people to speak out freely at all times on all topics. Indeed, it threatens the very security it affects to foster. Such unnatural restraints will neither prevent the vigor of opinion nor improve the patience of the people."

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NOW BROADCAST MOST ANYTHING BUT WIND DIRECTION

Weather forecasts of the same type that were issued before the war were resumed by the Weather Bureau for publication in newspapers and for broadcast by radio beginning last Monday (November 1). Restrictions on weather reports have been in force since December, 1941.

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## CAPT. KNODE, RADIO'S FIRST HERO RETURNS TO WASHINGTON

Capt. Thomas E. Knode, U. S. Army (retired), awarded the Distinguished Service Cross for "Extraordinary heroism in action near Buna, New Guinea", is back with WRC-NBC, Washington, as Director of Public Relations in the Washington office, in charge of local and national publicity.

Captain Knode was called to active duty as a reserve Second Lieutenant in March, 1942. He refused an offer from Col. E. M. Kirby for a desk position with the Radio Branch of the Bureau of Public Relations, preferring "to fight this war on the battlefield, not at a desk in Washington".

Tom and his platoon went into battle against the Japs in the now familiar Buna Village area. Two columns, one under Lieutenant Knode, were attempting a "pincer" movement, by opening an avenue to the sea. Knode and his men were successful after two days of hard jungle fighting.

Reaching his objective, Knode turned his attack towards the Japanese pillboxes in Buna Village. He advanced several hundred yards when a Jap sniper wounded him in the leg.

The D.S.C. citation tells the rest of the story. "He disregarded the wound and continued to lead his platoon in the attack. When he was again wounded in the foot, and was unable to go on, he refused to be evacuated until he had given final instructions to his platoon." The second bullet entered through the ankle and shattered the bones of his foot.

Tom Knode is the only radio man to be awarded the Distinguished Service Cross.

To celebrate Tom's return, a party was given at the Statler in Washington for the radio trade press last week and this will be followed by another gathering at the Washington Hotel Roof Garden next Thursday. Presiding at the Statler were Frank M. Russell, NBC Vice-President, Carleton D. Smith, Manager of WRC and Fred Shawn, Program Manager. Out of town guests were John McKay, of New York, head of NBC Press Department, and his assistant, Sid Eigers.

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Ensign Robert Edmund Greene, USNR, former page in NBC's mail room, was killed September 29th in action overseas, according to a telegram received by his parents, Mr. and Mrs. H. H. Greene, 20 Clinton St., Mt. Vernon, N. Y. Besides his parents he leaves his widow, the former Margaret Thompson of Bronxville, whom he married December 10, 1942.

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## DURR GOES TO BAT FOR BLUE AND CBS; COOL TO ADS

There was quite a boost for both the Blue Network and the Columbia Broadcasting System when FCC Commissioner C. J. Durr addressed the Third Free World Congress in New York last week. The speaker, on the other hand, seemed apprehensive that radio had to be supported by commercials fearing that this might interfere with freedom of speech. Commissioner Durr, whose speech was lengthy (7½ typewritten pages single spaced) said, in part:

"The Blue Network has recently changed hands and fortunately the new owner has stated that he will consider all requests for time strictly on their individual merits and without arbitrary discriminations. This policy should result in a real contribution to a freer discussion of public issues and it is to be hoped that his lead will be promptly followed by the independent stations as well as by the other networks.

"Another development which may have an important effect upon the discussion of public issues over the air is the recently adopted program policy of the Columbia Broadcasting System. CBS disclaims for itself all right to an editorial policy, except as to radio (I am not certain that I understand all the implications of the exception). It also requires commentators to eliminate all personal opinion from their comments. A strong argument made in support of this restriction on commentators is that it minimizes the opportunities for business concerns, under the guise of advertising, to buy up time for the exposition of their own philosophies. I will not attempt here to argue the merits or demerits of this policy. The commentators themselves have taken up the cudgels and it looks as if this is an issue that will be adequately aired. CBS should be commended for making its facilities available for the discussion of its own policies.

"The question which immediately arises, however, is, even if the elimination of all editorializing is desirable, is it possible? Editorializing exists in the mere decision as to what is or what is not newsworthy and the emphasis placed on one item of news as against another. For example, the Washington Evening Star, which also happens to own Radio Station WMAL, Washington outlet for the Blue Network, didn't bother to write an editorial in defense of Blue's policies as outlined in the testimony of the official I have been referring to. It was much simpler not to mention the testimony in its news columns.

"Another question is, if public issues are to be discussed only on free time, will a sufficient amount of free time continue to be available? Radio broadcasting has long passed the trial period as an advertising medium. The demand for advertising time is constantly on the increase. Broadcasters can well afford to be generous in making time available for the discussion of public issues when no buyer for the time is in sight. But as advertising demand has increased, the unpaid time available tends more and more to be the poorest time from the standpoint of reaching the widest audience.

We may well reach the point, and in the not far distant future, when broadcasters will be able to find a profitable market for every single minute of the broadcasting day. What, then, will be their policy? Can they be relied on to resist the pressure to make the maximum profits which, after all, is what they are in business for? The Blue Network's time sales in 1942 increased 22.7 per cent over 1941 and the sales for the past six months of 1943 were almost 70 per cent higher than the sales for the corresponding period of 1942. Already, according to its witness, it is seeking a commercial sponsor for its Town Hall program, which would mean that the selection of subjects and speakers would be brought within the influence of the sales and business policies of the sponsor. The increase in the time sales of the other networks has not been as spectacular as that of Blue, which has in the past been at a commercial disadvantage because of its affiliation with NBC, but the general decrease in time left unsold has been rapid and there is no reason to believe that the trend will be reversed after the war, when the large advertisers will have specific goods to sell rather than mere good will.

"Even if we assume that the broadcasters and their sponsors are concerned only with the sale of goods and not the dissemination of any ideas of their own, what does the present trend of radio promise for the future in the way of a positive service in the public interest? We have made our decision that the greatest safety lies in having our radio outlets privately operated. They must rely upon advertising for the money with which to operate. But what will our civilization be like if the culture and ideas which we receive from radio are merely a by-product of the advertising business?

"The problem of freedom of the air is not limited to what shall be said or heard over our domestic broadcasting stations. We also have the problem of what we shall say to and hear from the peoples of the other nations of the world.

"Prior to the war, international broadcasting from this country was in private hands, but the broadcasting stations were few in number and there was not enough advertising to sustain them. Since the war, they have come under Government operation and the number of stations has been markedly increased. What will our international broadcasting policy be after the war? Will the Government continue to operate these stations, or will they be returned to private hands, or will we have both Government and private stations operating side by side? Whatever alternative we choose, will we recognize that listeners abroad, like listeners at home, are entitled to receive a fair presentation of the news and a well-rounded discussion of the public questions in which they may be interested? Should we have one standard for what we shall hear from our domestic broadcasting stations and another for what we shall beam to the people of other countries? And should we not expect the same standards to be observed in the broadcasts beamed from other nations to this country which we observe in our broadcasts to them? We have never denied to our citizens freedom to listen to all broadcasts, irrespective of the source from which they are beamed. Can there be any freedom of discussion on a world-wide basis unless the other



nations grant the same freedom to their citizens? And, finally, can we afford to let democracy's story remain untold or be misrepresented to the people of any nation merely because it is unprofitable, from a business standpoint, to operate the facilities with which to tell that story?"

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## ALSO SEES INDUSTRY ADVISERS AS 4TH TERM BAIT

Agreeing with the opinion expressed by this writer that the industrial and business committee just formed, of which David Sarnoff, President of the Radio Corporation of America, is a member, is a political move, the Washington Daily News, a Scripps-Howard paper says:

"Creation by F.D.R. of new business advisory committee (like the labor, farm groups he has consulted with) is political tip-off for 1944, Washington thinks. It's the first time Roosevelt has summoned business leaders, arranged regular conferences with them.

"This is the way the insiders here dope it: Roosevelt intends to run again, sees the conservative swing is increasing constantly, intends to swing with it as far as necessary.

"Many business men passing through here indicate they'll take Roosevelt in preference to Willkie. Many assume his re-election, plan on it. But Pew (of Pennsylvania) still hunts for a strong candidate. John D. M. Hamilton is touring the West looking for material."

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## IF IKE RETURNS, WILL HARRY BUTCHER COME TOO?

With the report that Gen. Dwight D. Eisenhower is to succeed Gen. George C. Marshall as Chief of Staff of the Army, speculation is raised as to whether or not his Naval aide, Lieut. Commander Harry C. Butcher, would accompany him. There is no precedent for a Navy man serving in such a capacity here on the Army General Staff. However, there was also no precedent for General Eisenhower having a Naval Aide. Nevertheless, as does most everybody else, the General liked Harry Butcher, who was the Washington Vice-President of the Columbia Broadcasting System, and he asked that Harry be detailed to his staff, and got him.

Commander Butcher has since distinguished himself on several occasions, one of them being when he acted for General Eisenhower and accepted the surrender of the Italian Navy.

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## RCA VICTOR PUTS PETRILLO DISPUTE UP TO WLB

RCA Victor struck back in the Petrillo dispute last week by appealing its side of the case to the War Labor Board panel in New York. At the same time J. W. Murray, General Manager of the RCA Victor Record Division sent the following message to RCA Victor recording artists relative to the controversy between the American Federation of Musicians and the recording companies:

"It had been hoped that before this time we would have been able to settle the differences with the American Federation of Musicians, but the Union has remained adamant in demands which we cannot accept.

"The RCA Victor Division of the Radio Corporation of America has for a long time been a party to negotiations with the American Federation of Musicians in an endeavor to end the strike which started on August 1, 1942. We have not yet been able to reach a satisfactory solution. Therefore, in order to avoid further delay, we are presenting our case to the appointed panel of the War Labor Board, at formal hearings that will start Wednesday, November 3rd.

"From the very beginning it has been RCA Victor's position that we are willing to negotiate an agreement which has to do with the welfare of the performing musicians employed by the company to make records. The Union states that they have no dissatisfaction with either wages or working conditions which prevailed at the time of the strike.

"However, the Union has demanded that we pay money directly to them for the benefit of unemployed musicians. We are unwilling to pay money either direct to a union or to persons not employed by us and who never have been employed by us. That is the principal point at issue, so far as we are concerned, that is holding up a settlement of the controversy.

"What complicates the situation seriously is that one record company, which was in full accord with RCA Victor and the other record companies on this important principle, dating back to the earliest conferences with the Union, has seen fit to abandon this principle, and has signed a contract which contains other provisions unacceptable to us.

"To protect our eminent position in the record field, and in the best interests of our artists, our dealers, and the millions of music lovers who look to Victor for the newest and best in the world of music, we are sincerely endeavoring to bring to an end the strike which has now been in effect for seventeen months.

"We are ready and anxious to begin recording again, so that the music-loving public will no longer be denied the pleasure and enjoyment of the wealth of music that is new and great and satisfying during these troubled times. It is only through continuous, new recordings that the public as well as the men and women in our

armed services will have the benefit of the matchless artistry and interpretive genius of the greatest living artists in every category of music who are under contract to RCA Victor.

"I want you to know our position in the matter, because we realize you are most anxious to know when we shall be able to start recording again. I will keep you informed of any further important developments."

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# HITTING CENSORSHIP, COL McCORMICK QUOTES GEN. HARBORD

Demanding a censorship reform, Col. Robert R. McCormick, publisher of the Chicago Tribune, at a Chicago Association of Commerce luncheon included a letter written by Lieut. Gen. J. G. Harbord, now Chairman of the Radio Corporation of America's Board, when he was Chief of Staff of General Pershing in World War I:

"In the Civil War there was no censorship. The Navy, which was fortunate enough to start the war under command of a naval genius, never had any complaint of the press.

"The Army started out and continued for a long time under the command of incompetents.

"It was newspaper criticism that drove them from office, and permitted the rise of Grant, Sheridan and Sherman to win the war which otherwise would have been lost.

"Naturally the very host of military incompetents hated being exposed.

"In the Spanish-American War, and in the Philippine War, there was no censorship. It was the press that got the Army out of Cuba before it died of fever. It was the press that secured sufficient reinforcements for the Philippines when the true state of affairs was being concealed by the Army in the interest of President McKinley's re-election.

"Censorship came to the World War where our officers at first were anxious to imitate their fashionable European comrades. That the censorship was not successful is shown by a letter which I will now read to you:

"You may be interested in knowing that last week we sent a cablegram to the United States urging that the newspaper correspondents here be permitted to indulge in proper criticisms of supply departments when the criticisms were well founded, on the theory that the public was entitled to the information. The reply from the War Department is not favorable to the idea."

"Yours sincerely,

J. G. Harbord,

Maj. Gen., Chief of Staff.'



"That the newspapers have yielded to censorship pressure in the present war is not the fault of the correspondents but of the proprietors and managers of the great news services. No single one of them can resist this coercion alone. It will take the combined demands of all of them to obtain the truth for the American people, now so completely withheld from them."

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## EXPANDED STATION RELATIONS DIVISION FOR MUTUAL

A greatly expanded Station Relations Division, geared not only to contact member and affiliated stations on contractual and operational matters, but constantly available to service them on programming, engineering, merchandising, and post-war developments, has been established by Miller McClintock, President of the Mutual Broadcasting System.

Mr. McClintock also appointed Richard F. Connor the network's Director of Station Relations, greatly amplifying Mr. Connor's administrative responsibilities. Under the new set-up, station relations, station traffic, and engineering traffic, will be under his direction.

The new Station Relations Division, stated Mr. Connor, will have six key managers, each one having specific duties in relation to stations in various parts of the country. The expanded station relations departmental set-up requires the services of nineteen executives and employees.

Mr. Connor has a background of 16 years in radio. A native of Denver, he attended the University of California. Operating his own advertising agency on the West Coast from 1936 to 1939 and prior to that time managed WMPC, Beverly Hills; in 1940 he broadcast over the Don Lee Network on California State activities. After serving as coordinator for the West Coast Broadcast Associations, Mr. Connor became Chief of the Station Relations Division, Domestic Radio Bureau of the Office of War Information. In May, 1943, he joined Mutual.

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## ANOTHER RADIO TUBE FACTORY FOR SYLVANIA

Sylvania Electric Products, Inc. has bought an additional plant for the manufacture of radio tubes. The factory is located at Wakefield, Mass., and is already in production. It will augment the Company's existing facilities and help supply the increased demands of the armed forces and vital war industries. The new plant, formerly owned and operated by the Boit-Winship County, is a four-story structure containing 35,000 square feet of floor space.

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TRADE NOTES

The Board of Directors of the Columbia Broadcasting System, Inc., Monday declared a year-end cash dividend of 90% per share on the present Class A and Class B stock of \$2.50 par value. The dividend is payable on Dec. 3 to stockholders of record at the close of business on November 19, 1943.

The House Ways and Means Committee has voted to raise the domestic radio, telegraph and cable rates from 15 percent to 25 percent, in place of 20 percent. Additional yield would be \$15,000,000.

According to Drew Pearson, OWI Elmer Davis is having his troubles with the House Appropriations Committee:

"Inside fact is that the Office of War Information came within a hair's breadth of being abolished entirely. Committee Republicans, led by anti-Roosevelt Representative John Taber of New York, were against giving Elmer Davis' OWI any of his five million dollar request. This would have meant complete demolition of the Government's vital war propaganda program. However, Committee Democrats were firmly opposed and finally won out. A compromise OWI appropriation of about four million dollars is likely."

Majestic Radio & Television Corp. earned \$679,931 in 12 months ended August 31, after charges but before provision for Federal taxes, in contrast with a new loss of \$36,957 in preceding year.

The Commercial Telegraphs Union asked Washington District Court yesterday (Monday) for an injunction to prevent the Western Union Telegraph Co., Inc., from future violations of a bargaining agreement.

Claiming to represent 30,000 employees, the Union states that the telegraph company has violated seniority provisions of the agreement. Suit was filed by Attorneys Hugh C. McKenny, William J. Howder and Charles J. Brandt.

Niles Trammell and John F. Royal, President and Vice-President respectively of the National Broadcasting Company, have left London for North Africa and Cairo.

Yale University will offer in the Department of Drama a course in television program production when the Fall term opens. It will be given by Prof. Edward G. Cole.

Ben S. Fisher, Washington attorney, formerly Assistant General Counsel of the Federal Radio Commission, who recently was elected National President of Sigma Chi Fraternity, will be guest of honor at the fraternity's annual Constantine dinner November 6 at the Statler Hotel. Mr. Fisher is the first Washington man to head the fraternity since 1903.

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## VISUAL MICA INSPECTION INSUFFICIENT, STANDARDS FINDS

It is necessary to more than take a look at mica to see if it is O.K. for condenser use, the following report from the National Bureau of Standards reveals:

"Mica is a strategic war material. An investigation of domestic sources by a number of Government agencies has been underway for several years. The best single electrical property indicative of the suitability of mica for use in radio condensers is its power factor, and this is readily determined by using a radio-frequency bridge and other commercial equipment normally available. Small metal foil electrodes are attached to the mica specimen forming a radio condenser, which is tested at 100 and 1,000 kc/s per second. The power factor in percent is indicated on a direct-reading scale.

"E. L. Hall of the Bureau's Radio Section, who has made tests upon several hundred mica specimens, has found that visual inspection is not a satisfactory means of selection for condenser use. Although mica that is clear or of a uniform color usually will be suitable for this purpose, many such samples have been found to have large power factors. Again, although mica samples with spots and stains are usually unsuitable for use in condensers, many spotted samples have been found with low losses. Attempts to find a simpler method of selection have not been successful."

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## BLUE NET XMAS STARTS EARLY; LIFE SAVERS IN STOCKINGS

Christmas arrived early this year at the Blue Network which is in the thick of preparations to play Santa Claus to its 128 employees now in the armed services. The new owner of the Blue being E. J. Noble, candy manufacturer, his famous product, Life Savers, will be found in every Christmas stocking.

Packages to those in the Army overseas have already been mailed, the Navy's are being packed and the boys and girls still in this country will be getting theirs soon. While the Blue is footing the bill for the gifts, employees from various departments are wrapping the packages on their own time and many have contributed cookies.

Here's what the Blue's sons and daughters will find in their stockings on Christmas morning: chewing gum, cookies, Life Savers, a pound of chocolates, one-half pound of hard candy, an indelible marking set, one year's subscription to the Reader's Digest, cigars and razor blades for the boys and Revlon lipstick and nail polish for the girls, and a check for ten dollars.

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