

HEINL RADIO BUSINESS LETTER

2400 CALIFORNIA STREET

WASHINGTON, D. C.

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No. 1583

HOUSE AND SENATE BOTH GRAB CRAVEN; TELLS THEM PLENTY

Few public officials have ever been given such a whirl on Capitol Hill as Commissioner Tam Craven, who for several days the past week had to appear before the Senate Interstate Commerce Committee in the mornings and before the House Committee headed by Representative Lea in the afternoons. The former group is considering the Wheeler-White Bill to bring the 16-year old Radio Act up-to-date and the latter investigating the Federal Communications Commission which has been charged with taking in too much territory.

If there was any one thought Commissioner Craven, on his numerous witness stand appearances, particularly tried to drive home, it was that the Commission had far exceeded its power and had indulged in questionable, if not illegal, acts in doing so.

As a matter of fact, Commander Craven, noted for his honest and conscientious performance of duty - also generally admitted to be the best technically qualified member of the Commission -, was so outspoken in both the House and the Senate that at times he proved almost a bull in a china shop.

Commissioner Craven declared that it was a well-known fact that Chairman Fly visited reprisals on those who opposed him and cited the case of one high Naval officer who was "practically cashiered and put on the retired list because he opposed a Fly decision". Although Mr. Craven did not name him, the officer referred to was generally understood to be Rear Admiral S. C. Hooper, formerly Chief of Naval Communications, internationally known communications expert, who, along with the late Admiral Bullard, was one of those who had to do with organizing the Radio Corporation of America.

Representative Warren G. Magnuson (D), of Washington, asked Commander Craven if he had specific evidence that the status of a member of the armed forces could be affected by an altercation with a man who had no jurisdiction over him.

"I was told this personally by the man himself", Mr. Craven replied.

Committee Counsel Eugene L. Garey added that the same information had been given him.

"Did the Secretary of the Navy say reprisals had been visited upon this man?" Representative Magnuson inquired.

"Yes", answered Mr. Garey.

Commissioner Craven's disclosure came shortly after he had refused to name two men who influenced a decision he had made because he feared "reprisals would be visited on them".

Commissioner Craven told the Committee that members of the Inter-department Radio Advisory Committee had vainly requested Mr. Fly to submit to the President recommendations of their department.

The witness warned the Senate Committee that, in his opinion, the FCC was just about ready to burst forth with recommendations for legislation which would prevent future acquisition of radio stations by newspapers.

"Tam" took quite a wallop at the FCC's so-called Radio Intelligence Division. Supposed to be in search of spy transmitters and employing almost 900 people and having hundreds of mobile units, Mr. Craven declared that all the division had succeeded in doing was tracking down:

1. Some boys in Omaha using a school radiator as a sending antenna.
2. Several race track touts broadcasting track results.
3. A secret station operated by the FBI.
4. Two bona fide enemy spy transmitters.

The kibosh was put on this line of testimony when someone from the FCC suggested that the subject be dropped for military reasons.

Commissioner Craven revealed the fact to the House Committee that Dr. Goodwin Watson and William E. Dodd, Jr., of the FCC, who along with Dr. Robert M. Lovett, former Secretary of the Virgin Islands, had been held unfit for Government service because of their activities in radical organizations, had finally been pried loose from their jobs at the Communications Commission. Mr. Craven said, however, that the two FCC employees had been allowed to remain at their desks from November 15 to November 21, one week after Congress had ordered they be discharged unless they were appointed by the President and confirmed by the Senate.

The purpose was to give the two men an opportunity to sue the United States Government for their salaries in the Court of Claims, in the hope that eventually the United States Supreme Court would have an opportunity to rule on whether Congress had a constitutional right to order the discharge of specific administrative employees.

Mr. Craven said he understood that there had been an arrangement with the Department of Justice, in the absence of a judicial ruling, to expedite the case.

Asked if the FCC did not itself violate the law forbidding the Government to accept gratuitous services (the reason for the \$1 payment for \$1 a year man) in permitting the men to remain at their desks after their salary had been legally stopped, Commissioner Craven said he had been advised it did not.

Counsel Charles Denny said that when the FCC decided on its plan of action, which he admitted he outlined, that the matter of gratuitous services had been considered, but as the FCC was willing to pay the men if the court action was favorable, he did not believe the statute was violated.

Although Mr. Denny admitted that to the contrary an Act of Congress is presumed to be legal, he said that he believed the FCC took the proper course of action.

Mr. Craven said that although he had "felt for a long time that Congress had been correct in respect to Watson", he had not disapproved the method used to present his case and that of Mr. Dodd before the courts. He said he was willing to give the two an opportunity to test the constitutionality of the law, although he had felt that the FCC should not have fought against the Congressional determination not to have the men on the public payroll.

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"PHILADELPHIA BULLETIN" NOW SELLS RADIO PROGRAM LISTINGS

It is believed that many newspapers may follow the Philadelphia Bulletin in selling listings in its radio programs. Under this ruling sponsors' names may be given and the name of the show at a flat rate of five words for \$2.50 if used daily.

Until the new order came in, no commercial names were mentioned and the program was of the usual almost meaningless type, such as "music" or "variety".

The move is considered significant because of the fact that the Bulletin, with a daily circulation, is 623,157, one of the largest circulations of any evening newspaper in the United States. The Bulletin is a conservative paper on the order of the Washington Star and the New York Times. The Bulletin has also announced that it will no longer list radio give-away shows or quiz contests and that if these are to be mentioned, it will have to be through paid space.

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SENATOR CHARGES COMMENTATORS WITH DISTORTING REMARKS

Senator Nye (R), of North Dakota, rose in his wrath on the floor of the Senate to charge that certain commentators and columnists, following a Chicago press conference, recently had misquoted what he said, resulting in a first class "smear".

"I hesitate taking any of the time of the Senate at this hour to do what I am about to do, but there is a spreading of insidious poison by newspapers such as the Communist Daily Worker, PM, the

Chicago Sun, the Chicago Daily News, the New York Post, and individuals such as Edgar Mowrer, Dorothy Thompson, Walter Winchell, and other radio and newspaper commentators, which makes it impossible for me to ignore a recent undertaking of theirs without seeming to give acquiescence to their accusations and insinuations.

"It remained for Dorothy Thompson to do the No. 1 job of deceiving her readers on this whole smear effort. Big Dotty buckled on her shooting pistols and really went to town in her column. What this pistol packin' mama did not do to my thin skin is not worth mentioning.

"I have never known such libelous reports and representations to flow from a single interview as have resulted from this Chicago interview as have resulted from this Chicago interview of November 17. I shall not dare to hope that the Sun, Daily Worker, Daily News, or PM correspondents covering this interview will bear me out in just what I did say then and there in answer to their own questions. But there were still other correspondents present who I know will bear true testimony concerning my declarations respecting fascism and its future as a form of government.

"I suppose I have no right to be surprised that my Chicago interview should have been treated by some writers and commentators as it was treated. When I see the millions that are being spent to break down the spirit of nationalism, when I see the expensive jobs of propaganda and foot work that have been done to purge men who have dared to stand up for their own country, then I suppose I ought to be ready for and expect this artistic smear job that was done at my expense during the past week."

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FULTON LEWIS STILL THINKS THEY TRIED TO BURN HIM OUT

Fulton Lewis, Jr., Mutual-Don Lee commentator, apparently was still not convinced after a police investigation of a fire which destroyed a mattress and a bed in a hotel suite in Los Angeles occupied by himself and his secretary, Fred Morrison, who was slightly injured. Mr. Lewis was asleep in the next room and charged that it was "more than just an accident".

Whereupon the police and the hotel manager got busy on the theory of Lewis that an attempt had been made to interfere with his broadcasts. The commentator said "the circumstances look as if they might be suspicious" but the hotel manager said he believed the fire was started by a cigarette.

In some quarters here the incident was apparently taken lightly. Claude Mahoney, a popular Washington Blue Net commentator, remarked that sometime ago when he (Mahoney) fell off his bicycle and hurt his knee "he didn't believe that was sabotage".

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George Dixon, a columnist on the Washington Times Herald wrote:

"Fulton Lewis, Jr., radio commentator, reported to Los Angeles police yesterday that the mattress and bed in his hotel room had been set afire. No comment."

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PRESS WIRELESS ASKS FCC CURB; CIO WANTS PAID TIME

Appearing before the Senate Interstate Commerce Committee hearings on the Wheeler-White Bill, Joseph Pierson, President of Press Wireless, Inc., complained that the Federal Communications Commission had this organization stymied by denying all applications filed since December 1942. He declared this practically excluded Press Wireless from the war zone. Mr. pierson, endorsing the White-Wheeler Bill, advocated legislation to protect radio communication of news from the "official caprice" of the FCC.

The C.I.O. disceded upon the Senate Committee with the demand that it should be allowed to buy time in addition to being represented on the unpaid programs.

Mr. Pierson complained that the FCC asked Press Wireless to surrender 10 of its 48 frequencies for military purposes, and it has developed that "at least one of our frequencies is being used by the OWI". Furthermore, the FCC says it does not regard itself as bound to return the frequencies after the war, he said.

The witness told of the rejection of Press Wireless applications in favor of Mackay and the Radio Corporation. This included denial to Press Wireless of facilities in Algiers, Oran, Tunis, Palermo, Brazzaville, Madagascar, Reunion and Tahiti; and even Santiago, Chile, on the ground that since it had not been its policy to handle commercial messages, it was not an "eligible" company, despite its willingness and ability to do so in each of the cases involved.

On the recommendation of the joint chiefs of staff, only one carrier can be licensed to operate in these war zones. The designation of the company is left to the FCC, which has divided them between RCA and Mackay and not until last month granted even a hearing to Press Wireless, Mr. Pierson said.

Press Wireless serves press associations and newspapers, including the Associated Press, United Press, International News, New York Times, New York Herald-Tribune, Chicago Tribune, Christian Science Monitor.

Declaring that labor felt itself at a disadvantage as compared with the employing and business interests of the country, Ien DeCaux, Publicity Director of C.I.O., asked the Senate Interstate Commerce Committee for removal of restrictions on the right of labor

organizations to buy radio time and for provision of "sufficient sustaining time for labor, on a regularly recurring basis, on both networks and local stations."

Disagreeing with Philip Pearl, Publicity Director of the American Federation of Labor, who told the Committee the day before that no network had ever denied any reasonable request of his organization for time on the air, Mr. DeCaux charged that time was not being allotted with fairness to labor but was largely monopolized by programs sold to employing and business interests.

Both Mr. Pearl and Mr. DeCaux agreed, however, in opposing the clause in the Code of the National Association of Broadcasters which holds that radio time should be neither given nor sold for the solicitation of membership.

This provision, Mr. DeCaux told the Committee, "could be interpreted by anti-labor station owners as barring labor organizations from any time whatever, paid or free, on the ground that increasing union membership is a primary purpose of every labor organization."

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SENATE BARS RADIO AND OTHER PROPAGANDA TO TROOPS

An amendment by Senator Taft (R), of Ohio, accepted by the Senate after a hot fight Thursday, restricts the kind of material sent to our troops overseas during the forthcoming presidential campaign.

The amendment prohibits any one employed in the executive branch from delivering material paid for or sponsored by the Government to servicemen if the material contains political argument or propaganda. Radio broadcasts are similarly banned.

However, servicemen's papers and magazines may print political argument if equal space is allotted each party and Government controlled radio stations may re-broadcast political addresses if equal representation is given each political party.

Books, magazines and newspapers with a general circulation in the United States may be distributed to members of the armed forces under the bill, but the selection "shall be fair as between the different political parties".

In presenting a modified amendment Thursday, Senator Taft said:

"The modification I have made is in accordance with two or three suggestions made yesterday in the debate on this question. The first modification is to make it clear that the prohibition against broadcasts applies only to broadcasts sponsored or paid for by the Government. There was an ambiguity before, which made it appear to prevent any broadcasts.

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"At the same time, in order to meet the objection made by the Senator from Connecticut (Mr. Maloney), there is inserted this new clause:

"'Nothing herein shall prohibit the rebroadcast over Government-controlled radio stations of any political address, but equal time must, if requested, be given for such purposes to representatives of each political party presenting a candidate for President at the election'

"That is the rule which prevails today among commercial radio stations. It is reasonable that if the Government-sponsored short-wave stations are to rebroadcast over the entire world any political address for one party - an address by the President, for example, as suggested by the Senator from Connecticut - the other party should also have similar time to rebroadcast its addresses.* *

"As to at least 5,000,000 men overseas, all means of communication are in the hands of the United States Government, and the Government may permit access to such means of communication, or it may not, as it sees fit. All my amendment would do would be to set up a flag, and to say, 'The Congress expects the Government, in getting this information to the soldiers, to be fair as between political parties.' That is the purpose, and the only purpose. If no one were ever convicted, that would not bother me, because I am satisfied that if Congress says what the law is, practically every department in the Government will comply with the law. But if we leave the law open, and if a captain can say to a soldier, 'There is nothing illegal in your conducting a political campaign in the Army', or if a commanding officer in a section can tell the editor of a magazine, 'Be very careful not to attack the President in this election campaign, but always support him', and if there were nothing illegal in doing so, that situation might easily arise in the Army or Navy, or any other department of the Government. Men are naturally partisan; and if Congress refuses to say that such activity is illegal, it seems to me they would have a perfect right to engage in it. I think many of them would."

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William H. Howe, Lowell, Mass., engaged in selling Lady Ashton Foot Ease, is charged in a complaint issued by the Federal Trade Commission with misrepresenting the effectiveness of the preparation.

In advertisements, disseminated through the United States mails and by means of folders, circulars and radio continuities, the respondent, the complaint alleges, has represented that his preparation, when used as directed, will completely remove foot callouses, prevent their recurrence, and relieve all painful conditions of the feet. According to the complaint, these representations are false and deceptive.

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GOLD WINGS FOR FCC SECRETARY FROM MARINE ACE JOE FOSS

If anyone deserved wings it was Miss Mary O'Leson, Assistant in the Information Office of the Federal Communications Commission. Sure enough she received them not from Heaven (where her chances are exceedingly good) but from one who has flown almost as high - her cousin, the famous Marine Corps flyer and great war hero, Major Joe Foss.

Major Foss and Miss O'Leson grew up together near Sioux Falls, S. D. The latter has grown up with radio. She began as an assistant to the late Frank Wisner, who was Chief of Press in the old Federal Radio Commission. Because of her helpfulness and un-failing courtesy, she soon became indispensable to the newspaper men covering the Commission. When the FCC was created, Miss O'Leson was, of course, retained in the press section. Today she is one of the best informed women in the country on the subject of radio regulation.

It was a happy day for Miss O'Leson when Major Foss came to Washington last May to receive the Congressional Medal of Honor from President Roosevelt. It was another memorable day last Monday when the gold wings arrived for her from her distinguished cousin.

Speaking of him, Miss O'Leson said:

"Joe was a jolly, good natured, handsome kid. He once owned a Chevrolet, which, he said, wasn't much for looks but it would go fast and he was crazy about it for that. On one occasion he made a 425 mile trip in six hours, proving his record by sending his mother a telegram announcing his safe arrival.

"He is fond of music and played in the High School band. As a child he could recognize all the birds of the prairie country and learned to imitate their songs. He also knew the names of all the flowers, bushes and trees that grew there. His teachers thought him a dreamer, but he seems to have developed into a very active one."

A new book "Joe Foss, Flying Marine" by Walter Simmons, tells the story of his adventures on Guadalcanal, and Lowell Thomas' recent book "These Men Shall Never Die", devotes a chapter to the personality and exploits of Joe Foss, who is today America's number one flying Ace.

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The address by David Sarnoff, President of the Radio Corporation of America, "Industrial Science Looks Ahead" given before the Lancaster Chapter of the American Association for the Advancement of Science, is now available in printed form.

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SAYS RADIO'S RETAIL SHOW IS LONG BUT HAS PUNCH

Coming from a quarter expected to be critical - because up to now newspapers apparently felt they had a corner on retail advertising - T. S. Irvin, writing in the Editor & Publisher says the presentation of the radio industry in the drive for retail advertising "is long - long because it is really four or five presentations shown consecutively. Part of it consists of sound movies, part conventional easel turn-back, part slide film with sound. The exposition shifts from one technique to another and then back again for more than an hour and a half, unquestionably one of the most varied and expensive barrages ever devised to sell advertising.

"We have no idea what this presentation will accomplish, but we left the auditorium with these scattered thoughts:

"1. It has been a long time since anyone has made such an elaborate fuss over retailers. A presentation costing a \$100,000 or so followed by cocktails and hors d'oeuvres can't help but warm a few hearts. The newspaper boys have been taking the stores for granted for years now. When an affectionate stranger comes along he'll at least get a hearing.

"2. A movie of an enthralled family clustered about the radio listening to a soap opera, with flash backs to the studio showing the action going on, may seem corny to the sophisticates but it sure does dramatize radio. How long is it since any of us has conveyed to any customer, new or old, the romance and drama of newspaper making?

"3. Retail merchants are going to have to adopt many new methods and new ways of doing business after the war. Their promotion activities undoubtedly will change. Are we going to let radio imply that 'change' requires a new medium or are we going to understand retail problems and demonstrate how they can best be solved by evolution within the established newspaper medium?

"4. Radio has set an example of cooperation, of working together toward a single goal which the newspaper industry cannot laugh off. They know what they want and go after it in unison. Something to think about.

"Many newspapermen who saw the presentation didn't like it. You wouldn't expect them to. They criticized the job roundly, but those who thought about it were brought up short by one hard, shiny, insurmountable fact. We wouldn't mention it if we hadn't heard the idea stated several times, independently. 'This radio job is no world beater but - it packs a darn sight more punch than any presentation newspapers have been willing to agree on and finance!'"

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CLAIM BBC'S BROADCASTS TO CHINA MOST INTELLECTUAL

The British Broadcasting Corporation's broadcasts to China are probably the most "intellectual" talks on the air, in the sense of the most technical, the current issue of London Calling states. However, of course, there are limits to what anybody can take in from a radio talk, and these talks are tied as much as possible to advance description of material which is already being flown out to Chungking on microfilm.

The BBC Chinese Service was started in May 1941 as a series of quarter-hour talks twice a week, written and spoken by Chinese of standing in England, and many distinguished speakers took part. From the beginning the BBC broadcasts in Chinese gave much attention to cultural and scientific developments as well as to war news. The full news service had to develop slowly.

At their present stage the BBC Services in Chinese give a daily half-hour in Kyoyu, the national language of China, beamed on to Chungking. In this there is a quarter-hour of news, followed by commentary, music, and cultural or scientific talks. Also there are five quarter-hour periods in the week (two in Kyoyu, two in Cantonese, and one in Hokkien) beamed on to Malaya and other Japanese-occupied territories in the South West Pacific - these naturally concentrate on news of the war as a whole and news of Japanese activities.

The News service itself, like any other, tries to beat the cables with the last-minute news. It gives particular attention to the fighting in the Mediterranean and the Allied air offensive based on Britain, because Britain should be the best qualified news source about the Fronts nearest to her. In doing this the service tries to interpret the news from the west to a Chinese listener in an objective way. Meanwhile it tries to report what the British people and its leaders are thinking about events of world significance, because that itself is news which many listeners want to know.

It aims to tell the Chinese people about the British war effort as a contribution towards the common United Nations victory, about wartime conditions in Britain itself, and about British ideas, proposals and plans for the post-war world. Naturally in planning such a service one has to consider what we in Britain would like to know if we were receiving a similar daily news service from Chungking.

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Dwight B. Herrick, Assistant to the Manager of NBC's Public Service Department, has been appointed acting manager of Guest Relations, effective immediately. Mr. Herrick will replace Ted Thompson who leaves Sunday, December 5, for military service.

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