

# HEINL RADIO BUSINESS LETTER

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No. 1620

April 18, 1944

## WHEELER HINTS LEGAL COMEBACK AT COMMENTATORS "WHO LIE"

Due to the fact that Senator Burton K. Wheeler (D), of Montana, is Chairman of the Interstate Committee, which passes on all radio legislation in the Senate, and is co-author of the Wheeler-White Radio Bill, he is acknowledged to be the most powerful figure in Congress, just as Senator Wallace White (R), of Maine, would be if the Republicans were in the saddle. The Senate Committee, largely dominated by Senator Wheeler, is at the moment rewriting the White-Wheeler bill. This new legislation may have a great bearing on the future of the broadcasting industry. Therefore it is important particularly at this time to know what Senator Wheeler is thinking about.

The Senator isn't much on interviews but his views on free speech were expressed in the debate on the "Freedom of Speech on the Air" in "America's Town Meeting" broadcast over the Blue Net recently. The others participating were Senator Chan Gurney (R), of South Dakota; H. V. Kaltenborn and Gilbert Seldes, NBC and CBS commentators respectively. George V. Denny, as usual, acted as Moderator.

The prepared statements of the speakers were pretty widely printed at the time but now the verbatim report of the questions and answers following the debate, which was the best part of the show, have just come to hand. Here are some spirited exchanges which show how Senator Wheeler's mind was working on that particular night:

Mr. Kaltenborn: What I'm afraid of is that this man - Senator Wheeler, who has had a couple of unhappy experiences with reference to not getting as much time as he wanted - that he should, because of that unhappy experience, feel that freedom of speech is so imperiled that something has got to be done in order to hold it down. That's why I oppose the kind of restrictive law which I believe he has in mind. (Applause.)

Senator Wheeler: To show you how wrong Mr. Kaltenborn is, I've never complained because I haven't had time on the air. As a matter of fact, I've been offered time many times and refused it. What I do object to is some fellow getting on the air and going out and getting under a Washington date line and making an absolutely false statement about some private individual or some public official, and no one being given an opportunity to answer on that man's time. (Applause). After all, some of these commentators that are on the air are on because of the fact that they've got a pretty voice and that's all. (Applause.)

Mr. Kaltenborn: Senator, I'm afraid you don't know quite as much about the radio business, as you know about the Senate's business, because commentators are notoriously not selected for their

voices, and many of them don't have very good voices. I could name several, but I hate, of course, to reflect even to that extent upon one of my fellows. No, it's not because a commentator has a good voice that he gets on the air or stays on the air. It's because he has information, background, experience, and the ability to summarize a tremendously complicated situation in a few crisp, clear, eloquent sentences. (Applause.)

Senator Wheeler: Of course, I'd expect that from Mr. Kaltenborn - a radio commentator - and I'm not reflecting upon him; but I do make the statement that there are a lot of commentators in this country who overnight become experts on foreign policy, who had never been in a foreign country. They don't know what's going on in Washington, and yet they're constantly giving out information as to what is going on in Washington without knowing the first thing about it. (Applause.)

Senator Gurney: I would like to ask Senator Wheeler if he thinks the only way to correct this is to pass a law about it.

Senator Wheeler: No, of course not. As a matter of fact, what ought to happen is that these radio chains and radio broadcasting companies ought to regulate themselves, but when they don't do it, the only thing to do to protect the public is to pass a law. \* \* \*

Senator Wheeler: Now I agree that, generally, the chain broadcasting companies - Columbia and National and Mutual - have afforded most people an opportunity on the main subjects - an opportunity to be heard. And the Blue, too, yes, that's right. All of them have, so far as I know, generally speaking. But that isn't true of all the broadcasting stations in the country. Now when you pass a law, you don't pass a law because the majority of the people are bad. You pass a law because a small minority are bad. You have to pass laws to protect majorities against the small minorities. (Applause.) The majority of the people of this country aren't criminal but you have to pass laws against stealing, you have to pass laws against murder, you have to pass laws against a lot of other things because a small minority of the people of this country do not act decently in accordance with the best interests of the public. (Applause.)

Mr. Kaltenborn: I wonder whether the Senator (Wheeler) really means to make the analogy stick that because many people, or some people, want to steal, we must have a law against stealing. Well, he draws from that the conclusion that because a few people might, on occasion, abuse the privilege of free speech over the air, therefore we should cripple and hamper free speech for those who don't abuse it by restrictive regulations. (Applause.)

Senator Wheeler: As a matter of fact, no one is restricting anybody over the air. All you're saying is - and all I propose to say is - that when somebody goes on the air and lies about somebody and makes a false statement, that the man who's lied about or falsified about shall have an opportunity to go on the air and talk to that same audience and correct the false statements that have been made against him. Is there anything wrong about free speech there? (Applause.)



Mr. Kaltenborn: Well, many people say that they have been lied about when the truth has been told about them. (Applause and cheers) There are other means - libel laws, slander laws - which enable a man to recover if we lie about him. Believe me, we're mighty careful not to do that particular thing - that is, those of us who have a sense of responsibility. I don't see why we, all of us, should be restricted and held down and prevented from doing a good job for the American listener, merely because, occasionally, some public official feels offended by something that is said about him. (Applause.)

Senator Wheeler: Why should Mr. Kaltenborn object, if he goes on and makes a false statement about somebody, that that person should have the right, in the American way, to answer that proposition? (Applause.) Now you can say that he has a right to go in and sue him for libel. Where's he going to sue Mr. Kaltenborn if he lies about somebody out here in this audience? Are you going to New York City and sue him? Are you going down here and sue this station? What chance has some poor individual? He tries to put it on public officials. I'm not interested in public officials. I am interested in the average American citizen of this country, whether he's rich or poor - that no commentator has the right to go on and lie about him unless he has a chance to be answered. (Applause.)

Man in Audience: Senator Wheeler. If radio is to be controlled by law, what will prevent the majority power party in Congress from propagandizing the people to the way of thinking of their party?

Senator Wheeler: The best answer to it is this, if we're going to provide in the law - at least I want to provide in the law - if one party in power goes in and propagandizes the people that the opposite party shall have a right to answer them. That's the very thing that I'm contending for - in the law - that both sides shall be heard.

Man in Audience: Mr. Kaltenborn. Will the complaints of the American people always be heard by uncontrolled networks?

Mr. Kaltenborn: I know of no instance where any complaint by any large portion of the American people has failed to receive its proper place on the air.

Man in Audience: Senator Wheeler. Who is to determine when someone has been lied about on the air? (Laughter and applause.)

Senator Wheeler: Well, I want to say that that's an exceedingly good question and an exceedingly difficult one to answer, but somebody's got to judge. I can give you concrete examples where even the President of the United States has said that one commentator was a liar and everybody else in the Senate admits that he was. I can also call attention to numerous statements in recent years that have been made by commentators about public men, about private men, that were absolutely contrary to the facts and absolutely false. Mr. Kaltenborn says that the American people will be the judges and they will cut the broadcasting station off. Well, let us analyze that.



You are probably familiar with Mr. Brinkley out in Kansas, and with Mr. Baker out in Iowa, and with Mr. Schuler, out in Los Angeles. Each one of them carried on propaganda for themselves for their own selfish reasons and to make money out of selling their own particular product. Now, they were doing a good business and making money because they were using that radio and that wave length which belongs not to that broadcasting station, not to Mr. Kaltenborn, but it belongs to you people out here in the audience. They have a duty to perform to use that wave length in the public interest. When they're not using it in the public interest, they are doing a disservice to the people of the United States. (Applause.)

Senator Wheeler: What is the public interest? Mr. Kaltenborn and these radio stations - they want to say what is in the public interest. The very thing that they are, down in Washington now, asking Congress to do is to stop the Radio Commission from saying when they're operating in the public interest. That's what they're asking for and that's what I'm opposed to. (Applause.)

Senator Gurney: I don't believe the broadcasters are, down in Washington, asking for that kind of a law, stated by Mr. Wheeler. I believe the broadcasters and the listening public are down there because the Supreme Court has decided a radio question entirely contrary to the intent of Congress when the law was passed. In other words, the Supreme Court lately has given to the Federal Communications Commission more power to regulate business practices of broadcasters than was originally intended by Congress.

Senator Wheeler: Well, I can't let that statement go unchallenged because Mr. Trammell, of the National Broadcasting Company, and the President of the Columbia Broadcasting System both testified before my Committee that they wanted no regulation of any kind whatsoever. All they wanted was to have a radio commission that would say whether or not this station was interfering with some other station. That's what they wanted. They have opposed the provision which I have suggested to be put in the bill - that the radio commission should have the power when they renewed a license to say whether or not that station had been operating in the public interest. They are opposed to it.

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#### NEW OWI OVERSEAS POSTS INCLUDING RADIO ABOUT FILLED

Recruitment of men and women by the Office of War Information for important missions overseas in view of impending military operations is now about two-thirds of current requirements, Elmer Davis, Director of OWI, has announced. As military operations advance, it may be necessary, Mr. Davis added, to increase this overseas staff for disseminating information overseas even beyond present estimates.

Actions for appointment of 337 of the 450 persons needed for work in connection with the overseas propaganda program have been started, Mr. Davis said, and many more applications are on file.

The response to an appeal for the additional personnel, issued on February 23, 1944, by representatives of the Newspaper and Radio Advisory Committees of the Domestic Branch of OWI, has included 3,953 letters of inquiry from persons interested in overseas assignment. To date, 2,221 applications have been received.

Appointments which have been recommended include: 12 administrative officers and assistants; 59 information specialists of various grades; 16 language specialists; 94 news men; 39 radio program specialists; 69 Morse Code operators, and 48 radio engineers.

Assisting OWI's Overseas Branch in meeting its new obligations was a special committee of representatives of the Newspaper and Radio Advisory Committees, Domestic Branch, Representing broadcasting, newspaper and advertising professions, they are :

Earl Gammons, Columbia Broadcasting System; Kenneth Berkeley, Blue Network, Charles Barry; Blue Network; Lewis Allen Weiss, Station KHJ, Los Angeles; Carlton Smith, National Broadcasting Company; William Brooks, NBC; Paul West, President, Association of National Advertisers; A. F. Jones, Managing Editor, Washington Post; B. M. McKelway, Associate Editor, Washington Evening Star; Mark Ethridge, Publisher, Louisville Courier-Journal; Palmer Hoyt, Publisher, Portland Oregonian; Fred Gaertner, Jr., Managing Editor, Detroit News; Wilbur Forrest, Assistant Editor, New York Herald-Tribune; H. D. Paulson, Editor, Fargo Forum; Paul Bellamy, Cleveland Plain Dealer; Mason Britton, Executive Vice President, McGraw-Hill Publications; and T. S. Repplier, General Manager, War Advertising Council.

The new personnel will be engaged in preparing material for distribution in enemy and enemy-occupied territory, and will work in close cooperation with the armed forces. Those going overseas will be stationed either in combat areas or in bases serving these areas. None of the newsmen going abroad will work as war correspondents and they are not "covering" the invasion, Mr. Davis said. Their mission, he explained, is propagandizing the enemy, and bolstering the morale of the people in enemy-occupied countries. Their duties include the writing and distribution of leaflets, publishing newspapers in liberated areas until normal conditions have been re-established, and preparing and broadcasting radio programs. Capacity to speak, read and write foreign languages fluently is an asset some of the new personnel will utilize in their work.

Most of the new OWI personnel will be assigned to the European areas, but some will go to the Mediterranean area, and others to Far Eastern theatres of military operations. A few will be stationed in the New York and San Francisco offices, some replacing previously trained personnel which is now being assigned to overseas tasks. Nearly all of those being appointed will be trained for eventual overseas work.

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## LEE STATION MAKES ACROSS-CONTINENT TELEVISION HISTORY

The first time in history of television that such a network has been set up, the Thomas S. Lee Television station W6XAO in Hollywood participated. This was when the across-the-continent preview of the new M-G-M motion picture "Patrolling the Ether", showing the wartime work of the Federal Communications Commission tracking down espionage transmitters, was telecast originating in WNBT in New York. Other stations which picked up the picture a la television were WRGB, Schenectady, WPTZ, Philadelphia, WTZR, Chicago, and KTSL, Hollywood.

Presentation of the film via television was thus made simultaneously across the nation in Los Angeles, New York, Schenectady, Philadelphia and Chicago on what was virtually a nationwide television network created solely for the New York premiere.

Bernard H. Linden, inspector in charge of the 11th District, Federal Communications Commission, which serves Los Angeles, addressed Thomas S. Lee lookers at the same time that James L. Fly, Chairman of the FCC, was addressing the audience in New York. Inspector Linden read a copy of Mr. Fly's speech to the Los Angeles public.

Test pattern transmission started on W6XAO in Hollywood at 7:00 P.M. PWT. The program was heard at 8:00 P.M. PWT, according to Harry R. Lubcke, Director of the station.

The "Patrolling the Ether" picture will not be released to the public until later in the month.

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## WBBM MAY HAVE ITS OWN CONGRESSMAN NEXT SESSION

If the Republican tide runs as strong in the Fall elections in Illinois as it did in the recent primaries, Les Atlass, Vice-President of the Columbia Broadcasting System and head of WBBM, Chicago, will have to get out his silk hat to call on Representative Charles H. Garland in Washington. Mr. Garland, Sales Manager of WBBM, swamped his opponent for the 7th Illinois District Congressional nomination by a 3 to 1 vote.

An old timer in the radio business, Mr. Garland is likewise no novice in Republican politics in which field he has been actively engaged for the past 12 years. He has been Mayor of Des Plaines, Ill., since 1940 and was Alderman during 1937-40. He is Vice-President of the Illinois Municipal League.

Joining WBBM in 1925 as an announcer and program director, Mr. Garland in 1929 transferred to the sales staff, when the station became a CBS affiliate.

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## FCC COUNSEL PROTESTS TIME SPENT IN ANSWERING CONGRESS

It seems only a short time ago that Chairman James L. Fly of the Federal Communications Commission was protesting because he hadn't been given an opportunity to present his side of the case to the House Committee investigating the FCC. Chief Counsel Denny, of the FCC, on the other hand, complained to the Committee yesterday (Monday) that 3,710 $\frac{1}{2}$  man-days have been spent by Commission employees in answering questions propounded by the Congressional group.

"We have done this despite the fact that we have no appropriation nor special staff to do this work", Mr. Denny said in danying that the FCC has refused to cooperate with the investigation.

"Have you kept count", Committee Investigator Harry S. Barger asked, "of the number of hours your force has spent in resisting efforts of the Committee's staff to get vital information?"

Mr. Denny had told the Committee that 10 pieces of evidence - one an asserted threat emanating from the White House against a Commissioner - were not available Monday.

The threat letter was referred to by Mr. Barger as "probably from the White House, stating what would happen to Commissioner (T.A.M.) Craven" if he gave testimony before the Committee damaging to the FCC. Mr. Denny gave no assurance that the letter would be produced.

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## IOWANS FAVOR MOVING CLOCKS BACK AFTER THE WAR

Iowans are not enthusiastic about "war time", 43% considering it "less convenient" and only 17% regarding it as "more convenient", THE IOWA POLL shows. While 40% of the total voted war time "just the same" in convenience compared with central standard time, only 23% approve keeping clocks set ahead after the war.

The farmers showed greatest disfavor, 61% voting it "less convenient", 30% finding no difference, and only 9% finding it "more convenient". Farmers' chief objections were that livestock habits are regulated by the sun, not by the clock and that they cannot begin field work early because of dew.

Though an important objective of setting clocks ahead was to save electric light, 76% did not think that the arrangement resulted in any saving, 17% thought it did and 7% had no opinion.

A bill was recently introduced in Congress to repeal war time. In the 1943 Iowa legislature, a bill to restore standard time passed the House by a vote of 80 to 23 but died in a sifting committee.

The Iowa Poll is conducted by the Des Moines Sunday Register under the same ownership as KRNT and KSO, Des Moines, WMT, Cedar Rapids-Waterloo and affiliated with WNAX, Yankton-Sioux City. These polls are now being reprinted in other newspapers and in Washington, D.C. in particular are attracting much attention.

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## DENVER AND RIO GRANDE JOINS RAILROADS TESTING 2-WAY RADIO

The Denver & Rio Grande Western tried out radio last Sunday on a 70 car freight train between Denver and Salt Lake City with apparently satisfactory results. The engineer in the locomotive was almost a half a mile from the trainmen in the caboose but were kept in constant communication with each other.

Trainmen said such a system installed on all trains would save time and money. R. H. Pardew of Grand Junction, brakeman, cited this as just one example: occasionally an emergency application of air is applied by the conductor, in the caboose, when a flagman is accidentally left behind after a switching operation. A "break" in the train sometimes occurs as a result, with a broken drawbar and knuckle and several hours' delay as the result.

"With two-way radio", explained E. H. Musgrove, the railroad's electronics expert from Denver, "the engineer can be notified at once, no rear-end braking is necessary, and time and equipment are saved."

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## 2500 WAR PLANTS SOUND EQUIPPED; 650 BROADCASTING MUSIC

A group of plant broadcasting system directors from war plants in New York, New Jersey, and Pennsylvania gathered at RCA Victor's Camden headquarters for a two-day conference to discuss newly-developed internal broadcasting techniques that are being utilized to produce an effective blending of manpower, music, and morale.

Discussing the rapid growth of plant broadcasting in the United States, David J. Finn, Sales Manager of RCA's Industrial and Sound Department, told visiting plant broadcast directors that some 2,500 industrial plants are now equipped with sound systems and that more than 650 are broadcasting music.

"A new vitamin has been added to the war worker's diet", said Dan H. Halpin, Manager of RCA's Industrial Music Service. "It's Vitamin M - for music."

The conference was rounded out with a motion picture film entitled "Manpower, Music and Morale", open forum discussions and inspections of industrial sound installations in Camden and Philadelphia.

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## SAFEGUARD AUDIENCE GOODWILL AND CONFIDENCE, SAYS MULLEN

Frank E. Mullen, Vice President and General Manager of the National Broadcasting Company, has urged all NBC officials to "maintain ethical standards of program content and commercial copy in order to retain now and in the future the goodwill and confidence of the listening audience."

Pointing out that "the National Broadcasting Company has always endeavored to maintain the highest possible standards", Mr. Mullen added that "it is more imperative than ever that these standards be maintained and strengthened, not only in respect to network programs but likewise national spot and local announcements."

Mr. Mullen instructed the Continuity Acceptance Department "to follow without deviation the acceptance policies of the company and without being arbitrary or unreasonable about it to insist that the copy which we put on the air conform to all of our standards of good taste, proper programming and ethical advertising."

One source of criticism, he said, "is the spot announcement which oftentimes, due to time limits, does not permit inclusion of proper qualification of claims made."

"While we must make every effort", he continued, "to maintain harmonious relations with our clients and the advertising agencies, these relationships will be improved and not impaired if we insist on proper commercial copy with due attention to the proprieties, matters of good taste, and the elimination of unwarranted or doubtful claims."

Concluding the memorandum, Mr. Mullen said, "We must constantly improve our broadcasting practices to retain now and in the future the complete goodwill and confidence of the listening audience, and the acceptance by them of not only the programs that we send them but also the products which our clients sell."

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## NEW RMA MEMBERS DOUBLE ITS ROSTER

Fourteen new member companies of the Radio Manufacturers' Association have brought the membership total to the 200 mark, virtually doubling the Association's membership during the last two years. The new members are:

Continental Electric Company, Geneva, Ill.; Electronic Corporation of America, New York, N. Y.; Electronic Specialty Co., Los Angeles, Calif.; Harvey-Wells Communications, Inc., Southbridge, Mass.; Industrial and Commercial Electronics, Belmont, Calif.; Kegron Manufacturing Co., Inc., New York, N. Y.; Kuthe Laboratories, Inc., Newark, N. J.; Libbey Glass, Division of Owens-Illinois Glass Co., Toledo, Ohio; Meissner Manufacturing Co., Mt. Carmel, Ill.; Packard Manufacturing Corp., Indianapolis, Ind.; Precision Specialties, Los Angeles, Calif.; Telicon Corp., New York, N.Y.; The Ward Products Corp., Cleveland, Ohio and Western Electric Co., New York, N. Y.

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## MAKE LIFE MISERABLE FOR GERMAN ERSATZ RADIO LISTENERS

Hollanders, according to the Netherlands Information Bureau, so frequently disturb the German system of providing an "ersatz" radio service over telephone connections to subscribers that reception is often impossible. The German newspaper in Holland, Deutsche Zeitung in den Niederlander, disclosed that the police have imposed a number of heavy fines for disturbances of the system, which was extended following the confiscation last May of all privately-owned radio sets in occupied Holland.

"Investigation proved that many inhabitants of Utrecht, for instance, established a connection with the relay system which badly damaged transmitters and the entire transmission of programs sent from Utrecht were disturbed", the newspaper said.

This manner of disseminating "news" and music consists of piping a service from German-controlled Netherlands and German transmitting stations to the subscriber's home through his telephone connection. Resourceful patriots could disturb it in a number of ways, such as overloading the line, shortcircuiting transmission wires, or by creating static.

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## KEN-RAD TUBE CORPORATION SEEKS TO END ARMY CONTROL

The Ken-Rad Tube and Lamp Corporation, whose two plants at Owensboro, Ky., were placed under armed control last Friday by order of President Roosevelt, filed suit in Federal Court at Louisville asking an injunction to restrain the Army from operating the plants, the Associated Press reports.

Earlier, Col. Carroll Badeau, who was assigned by the War Department to take charge of the plants, said he had been told by Roy Burlew, company president, that the Ken-Rad management had "not receded from its position".

Army control was ordered by the President after the Ken-Rad firm refused to comply with a War Labor Board order issued last July allowing the 3,200 workers a wage boost of 3 cents an hour retro-active to Sept. 4, 1942. The company says it cannot afford to pay the increase.

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On the few occasions President Roosevelt has been persuaded to talk campaign, Marquis Childs writes in the Washington Post, Mr. Roosevelt has mentioned eight weeks at the most with all campaigning to be confined to the radio.

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 ::: TRADE NOTES :::  
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James L. Fly, Chairman of the Federal Communications Commission, Secretary of Commerce Jesse Jones, and Senator Burton K. Wheeler (D), of Montana, will be among those to assist in dedicating the plaque to be placed in the Capitol May 24th to observe the 100th anniversary of the birth of telegraph.

Dean Carl W. Ackerman of Columbia University School of Journalism in his annual report wrote:

"The future of journalism is in the air, literally, not figuratively. Scientific developments, in aviation and electronics, via the airways and the airwaves, will have such a profound influence upon the press, radio, television, facsimile and other instrumentalities of communication after this war that they will determine the extent and the content of public education in politics, social and economic relationships and foreign affairs."

RCA's new radio program, "The Music America Loves Best", Saturday nights over the Blue network, is serving not only as institutional advertising vehicle, but also as a continuous promotion for Victor and Bluebird phonograph records through its recording artists. The program name itself is the title of Victor's famous catalogue, "The Music America Loves Best".

Mutual gross billings for the month of March reached the all time figure of \$1,807,031, an increase of 91.9 percent over the figure reached in March, 1943, when the billings totalled \$941,533.

Cumulative gross billings for the months of Jan., Feb. and March, 1944, totalled \$5,173,169, which represents an increase of 87.4 percent over the figure for the same period in 1943, which was \$2,759,722.

Ben Feiner, Jr., for the past six months Assistant in Charge of Program Planning for CBS' Shortwave Department, is transferring to the network's Television Department as General Programming Assistant and director-writer. Mr. Feiner will be succeeded by Dan Russell, formerly CBS Shortwave Production Supervisor and later with the Office of Coordinator of Inter-American Affairs.

Approximately 40,000 hand-wound portable phonographs, which the United States Government will sell as surplus commodities, were given specific dollars-and-cents prices at wholesale and retail levels by the Office of Price Administration.

For the sale of a Model No. 64 Special (with Swiss Motor), a consumer may be charged a maximum price of \$14.25, and for the sale of Model R (rebuilt with American Motor), \$12.75. At wholesale the maximum prices are set at \$8.50 f.o.b. sellers point of shipment for a Model No. 64 Special, and \$7.00 f.o.b. sellers point of shipment for a Model R. These prices are in line with the level of prices in effect during March, 1942, for comparable phonographs.

The provision also requires the retailer to attach a tag to the phonograph showing the model number and ceiling price.

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