

# HEINL RADIO BUSINESS LETTER

2400 CALIFORNIA STREET

WASHINGTON, D. C.

~~NATIONAL BROADCASTING COMPANY, INC~~  
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## INDEX TO ISSUE OF JUNE 2, 1944.

Petrillo School Music Radio Ban Comes Home To Roost.....	1
Grant First Railway Train Operation Radio Licenses.....	2
Extend Relay Licenses; Transcription Ruling Later.....	3
Conferees Agree To Cuts In FCC Appropriations.....	4
WLB Plea To Avert Broadcast Engineers' Strike.....	4
Senator Wheeler Angrily Hurls Radio Bill Into Ashcan.....	5
Deny Deleting Cantor In Suggestive Song Was Censoring.....	6
RMA To Hear WPB Radio Director Just Back From Russia.....	7
Pearson Corrects Mysterious GE Listening Device Story.....	8
FCC Action.....	9
Trade Notes.....	11

No. 1632

June 2, 1944

## PETRILLO SCHOOL MUSIC RADIO BAN COMES HOME TO ROOST

Involved on three or four other fronts, James C. Petrillo, President of the American Federation of Musicians, no doubt was one of the most surprised men in the country when he learned that Senator Vandenberg (R), of Michigan, had introduced an amendment to the Wheeler-White communications bill calculated to keep the dapper little music czar from throwing any more High School orchestras off the air. There is every reason to believe that Mr. Petrillo thought the incident was closed and that he had gotten away with it, more than two years now having elapsed since he cracked down on the broadcasts of the students at the National Music Camp at Interlochen, Michigan.

However, Senator Vandenberg, like the old elephant, hadn't forgotten about it and rising solemnly in the Senate last Monday said:

"In view of the fact that the Interstate Commerce Committee is considering a new radio code, I ask consent to introduce for the Senator from Idaho (Mr. Clark) a bill to prohibit interference with the broadcasting of any non-commercial, cultural, educational programs. The bill would be presented by the Senator from Idaho if he were not necessarily out of the city, he being Chairman of the Special Committee which has been investigating this matter. The chief and important objective is to release music of American school children from the domination of James Caesar Petrillo. I introduce the bill, and ask that it be referred to the Committee on Interstate Commerce."

There being no objection, the bill (S. 1957) to amend the Communications Act of 1934, as amended, so as to prohibit interference with the broadcasting of non-commercial cultural, educational programs, was read twice by its title and referred to the Committee on Interstate Commerce.

"If we are going to rewrite the radio law", Senator Vandenberg said, discussing his amendment further, "we want this in. It is one notorious phase of the radio situation that will have to be considered if any revision of the Radio Code is to be adequate."

Through his demands for the use of union musicians, Mr. Petrillo has taken high school bands and orchestras off the air, Senator Vandenberg declared. He cited as an example orchestras and bands of High School students assembled from all over the country each year at Interlochen, Mich., for two months' training under expert directors.

"This has been looked on", he said, "as about the finest type of High School musical culture and for years it was on national radio hookups. But Petrillo took it off the air two years ago and kept it off."

The President of the National Music Camp at Interlochen is Joseph E. Maddy who has also bitterly fought Mr. Petrillo and who no doubt was behind the Michigan Senator's surprise move. While it is not believed there is a chance of the White-Wheeler bill becoming a law at this session, due to convention campaign interruptions, nevertheless the bill sooner or later will come up in some form or another and it was bad luck for Mr. Petrillo to have that amendment tacked on - one that will probably stick, and while the broadcasting of school orchestras may not mean much to Mr. Petrillo one way or another, nevertheless it will give him a lot of undesirable publicity especially since it is an amendment which members of Congress are apt to favor. Also banning High School orchestras is a move in which Mr. Petrillo is not on firm ground and in which he may suffer defeat. Especially so if the amendment goes over to the next Congress which is almost certain to be Republican and in which Senator Vandenberg, who evidently intends to see the amendment through, may be a very powerful factor.

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#### GRANT FIRST RAILWAY TRAIN OPERATION RADIO LICENSES

As a result of criticism of alleged antiquated signal methods following the Congressional Limited, Tamiami Special and New York Central railroad wrecks, the Federal Communications Commission last Tuesday issued to the Chicago, Rock Island and Pacific Railway Company construction permits for experimental use in applying radio to railroad train operation. Licenses have been issued to other companies engaged in experimental work for the railroads, such as the Bendix Company, but it was said these were the first licenses given directly to a railroad.

"The Commission granted the applications filed by the Chicago, Rock Island and Pacific Railway Company for four construction permits for experimental Class 2 radio stations to be used in conducting tests of radio communication under actual operating conditions in the railroad yards and on trains of the permittee in Chicago and west to Lincoln, Nebraska", the FCC announced. "The Chicago, Rock Island and Pacific Railway Company has informed the Commission that an actual program of experimentation will be undertaken to develop factual information regarding the use of very high frequency circuits and systems as a means of providing communication between the following points in railroad service:

"1. End-to-end of trains; 2. Two-way yard-to-trains, engines or cabooses; 3. Two-way yard-to-yard; 4. Two-way dispatcher-to trains, engines or cabooses and 5. Two-way brakeman or flagman-to-trains, engines or cabooses.



"Radiotelegraph and radiotelephone emission is authorized, including the use of both amplitude modulation and frequency modulation. Frequencies authorized are within the bands 30 to 40 megacycles and 100 to 400 megacycles, with a maximum power of 10 watts.

"Since these stations will be operated at fixed locations, as well as on moving trains, it was necessary for the applicant to request construction permits, inasmuch as stations on railroad rolling stock only may be licensed without the stations having been previously authorized under construction permits.

The Rock Island Lines have already made emergency use of radio in routing traffic over a thirty-mile stretch after a storm disrupted telephone communication between Colby and Selden, Kansas.

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#### EXTEND RELAY LICENSES; TRANSCRIPTION RULING LATER

The Federal Communications Commission en banc amended Section 4.3(b) of its Rules Governing Broadcast Services Other Than Standard, so as to increase the license period of relay broadcast stations from two to three years and make expiration dates of relay broadcast station licenses as nearly as possible the same as expiration dates of the licenses of the broadcast stations with which they are used. (There are a few cases where a relay broadcast station is licensed for the use of two standard broadcast stations. In such cases, a license for each station will be issued.)

At the same time the Commission amended Section 3.404(a) stating the requirements for program and operating log entries by the licensee of each broadcast station, by adding a fourth requirement "(4) An entry showing, for each program of network origin, the name of the network originating the program."

In view of an apparent misunderstanding on the part of some broadcasters as to the effective date of the Commission's proposed amendment to Section 3.407 of its Rules, relaxing the requirements of identifying announcements for transcribed radio programs, the Commission issued the following statement:

"On May 16, 1944, the Federal Communications Commission in Order 120 proposed an amendment to Section 3.407 of its Rules and Regulations governing announcements of transcriptions. At the same time, the Commission invited interested persons to file statements or briefs on or before June 16, 1944, setting forth why the amendment should not be adopted or why it should not be adopted in the form proposed. No final action will be taken by the Commission on the proposal until after June 16.

"Therefore, pending final action by the Commission, Section 3.407 of the Rules and Regulations, as presently constituted, continues in effect."

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## CONFEREES AGREE TO CUTS IN FCC APPROPRIATIONS

With regard to the Federal Communications Commission appropriations for the forthcoming year, the House and Senate conferees on the Independent Offices Bill agreed to strike out authority for the purchase of passenger-carrying automobiles in the regular and national defense appropriation items, as proposed by the Senate. The conferees agreed to limit funds available for travel under the appropriation for salaries and expenses to \$39,000, as proposed by the Senate, and appropriated \$2,104,500 for salaries and expenses, instead of \$2,209,000 as proposed by the House, and \$2,000,000 as proposed by the Senate; and agreed to appropriate \$4,191,143, as proposed by the Senate, instead of \$4,491,143, as proposed by the House, for salaries and expenses, national defense.

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## WLB PLEA TO AVERT BROADCAST ENGINEERS' STRIKE

In an effort to avert a strike of broadcast engineers and technicians of the National Broadcasting Company, the Blue Network, and Station WOR in Newark, the War Labor Board sent telegrams to all concerned to maintain status quo pending an investigation. It is the contention of James C. Petrillo, President of the American Federation of Musicians, that so long as there is music on records broadcast, the work of handling them is in his Union's field.

The National Broadcasting Company and the Blue network advised the WLB's Acting Disputes Director, Leonard Berliner, they would comply with his request to maintain the status quo. A. T. Powley, President of the National Association of Broadcast Engineers and Technicians, said the Bamberger Broadcasting Co. also had agreed to comply.

Mr. Powley's organization had threatened to strike if the companies gave effect to a contract with the AFL musicians under which the latter union would get jurisdiction over "pancake turning" operations.

In New York, the broadcasters reported everything normal. Mr. Powley said he expected the WLB would set up a panel and hold hearings on the dispute, but Board officials said the next step had not yet been planned.

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When Eddie Cantor returns to the air next Fall, neither he nor members of his cast will use prepared scripts. The step is being taken in preparation for television, Mr. Cantor stated.

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## SENATOR WHEELER ANGRILY HURLS RADIO BILL INTO ASHCAN

Presumably angered by the rebuff his provision, that all news broadcasts be put on a sustaining basis, received and criticism "a few people in the industry" made of other provisions, including a lengthy brief from the National Association of Broadcasters, Senator Burton K. Wheeler (D), of Montana, washed his hands of the Wheeler-White Radio Bill last Wednesday and declared he would give it no further consideration. Which, of course, means no radio legislation this session. Nobody expected the new bill to be passed in its present form but there was general surprise at the unceremonious manner in which Senator Wheeler chucked it.

The first intimation that Senator Wallace White, of Maine, co-author of the bill or any of the members of the Interstate Commerce Committee had of Senator Wheeler's action was when they received a notice calling off a meeting of the Committee next day at which the bill was to have been discussed. It stated that further consideration of the bill had been "postponed indefinitely".

Apparently the thing that angered Senator Wheeler was the criticism of the industry. "There were really very few complaints", Mr. Wheeler declared, "and these few came from the industry."

Senator Wheeler said he had had every disposition to approach with an open mind further discussion of features admitted to be controversial, and added:

"But not only these controversial features, notably the proposed elimination of commercial sponsorship of news broadcasts and commentaries, but other sections to which no reasonable exception could be taken, have already become the subject of so much opposition from the broadcasters that it is apparent that the industry itself does not know from day to day what it wants."

In casting the bill into the ashcan, Senator Wheeler laid the blame on "a little handful of people in New York". In asserting that the radio industry couldn't agree on a number of provisions, Senator Wheeler said:

"They don't want free speech", he declared. "They want to control free speech. They don't want any regulation at all, except regulation of interference with the industry."

Senator Tobey (R), of New Hampshire, expressing surprise over Senator Wheeler's decision, said he had hoped the Committee would "meet, revise and improve the bill", adding, "I don't see anything constructive about doing nothing."

Senator Tunnell (D), of Delaware, said that if the Chairman found "he couldn't get beneficial legislation through, he has done the wise thing, but I had hoped some legislation could be worked out." This also was the view of Senator McFarland, (D), of Arizona.



"I'd like to see a bill perfected and enacted", said Senator Johnson (D), of Colorado. "We are badly in need of legislation on the subject of radio."

Senator Johnson had previously said that the Committee would reject legislation to provide revolving legislation (which would have de-throned Mr. Fly if the Democrats were still in power when the bill passed). Senator Johnson said that he personally was opposed to the provisions that networks must carry news commentators as a public service. However, Senator Johnson had in mind some kind of a Federal system of licensing commentators whereby they could be held responsible for their broadcasts.

"I see no reason for banning commercial broadcasts of news commentators just because some members of the Committee don't like Walter Winchell and Drew Pearson", Senator Johnson concluded.

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#### DENY DELETING CANTOR IN SUGGESTIVE SONG WAS CENSORING

Censoring apparently was the last thing in the minds of National Broadcasting Company officials when they deleted a portion of a suggestive song in a television broadcast in New York and Philadelphia last week of Eddie Cantor. It was probably the first time anybody ever got cut off on a television program. In explanation of NBC's stand, C. L. Menser, NBC Vice-President in Charge of Programs, stood pat, saying:

"When the song entitled 'We're Having a Baby, My Baby and Me', was submitted to NBC, objection was made to certain parts of the lyrics. This objection was immediately communicated to Mr. Cantor's representatives. When Cantor appeared in the studio, he protested the deletion and threatened to cancel the program. Our Program Director was faced with the alternative of canceling the whole show or permitting the song to go and cutting the part deemed objectionable by NBC. He chose the latter course and this had and has our complete approval.

"A statement appears in the press to the effect that the song has been approved for Mr. Cantor's appearance on an NBC program next Sunday, May 28th. This is an error because Mr. Cantor is not scheduled to appear on our network at that time. We regret exceedingly the necessity for cutting any program, but this is the second time it has been necessary to adopt this course in connection with Mr. Cantor's broadcasts. He is thoroughly familiar with our policy, which is based on an obligation to the public to make certain that our broadcasts do not bring into the American home material which the audience would find objectionable."

When Cantor, who was assisted by Nora Martin, came to the words in the song to which NBC objected, the audience heard them not. When Eddie was reported to have done a little hula-hula to illustrate



them, they saw it not, due to the fact that the studio engineer simply turned the camera out of focus

The lyric portion objected to was:

Girl: Thanks to you, life is bright.  
 You've brought me joy beyond measure.  
 Boy: Don't thank me. Quite all right. Honestly,  
 it was a pleasure.  
 Girl: Just think, it's my first one.  
 Boy: The next one's on me.

The television program originated in Station WNBT in New York and was relayed to WPTZ in Philadelphia, where J. H. Carmine, Vice-President of Philco was speaking at the Poor Richard Club. Mr. Carmine was quoted as saying: "It was history making all right; we usually get sound without sight over the air, but here was sight without sound."

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#### RMA TO HEAR WPB RADIO DIRECTOR JUST BACK FROM RUSSIA

The radio industry will be joined by many government officials in discussions of the huge war radio-radar program and also future industry problems at the third War Production Conference of the Radio Manufacturers' Association to be held next Tuesday and Wednesday, June 6th and 7th in Chicago. In conjunction will be held the 20th anniversary meeting of the RMA membership and many Committees and groups. President Paul V. Galvin will preside. About 500 industry executives are expected in attendance, but there will be no exhibits or meetings for the trade and no banquet or other social events.

Ray C. Ellis, Director of the WPB Radio and Radar Division, who has just returned from a visit to the Soviet Union, will speak on "Radio in Russia" at a luncheon meeting on Tuesday, June 6th.

Among the other Government officials who will participate in the RMA War Production Conference will be Maj. Gen. William Henry Harrison, Chief of the Army Signal Corps Production and Distribution Service. "The War Program" will be discussed by General Harrison at the annual membership luncheon Wednesday, June 7th.

Others who will participate at various sessions include: Deputy Director John S. Timmons of the WPB Radio and Radar Division; John Creutz, Acting Chief of the Domestic and Foreign Branch of WPB; S. H. Lebensburger, Director of Requirements Branch, and Derek Brooks of Federal Economic Administration, and a number of Army and Navy officers.

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## PEARSON CORRECTS MYSTERIOUS GE LISTENING DEVICE STORY

Drew Pearson carried the following correction in the Washington Post with regard to a mysterious new listening device which he said had been tuned in on a highly confidential conversation in the Capital, which had been recorded and later replayed for President Roosevelt:

"The other day, this column carried a story involving Charles E. Wilson, Executive Vice Chairman of the War Production Board and a fine public servant - a story which I now find has done him an injustice.

"The story was that, over a year ago, during the heat of the War Production Board row between the Wilson-Nelson forces and the Army-Navy-Eberstadt forces, Wilson probably by accident had picked up, with a new long-distance listening device, a conversation in which Bernie Baruch, Undersecretary of War Patterson, Undersecretary of the Navy Forrestal and others were critical of the WPB and of the President.

"Chief point and occasion for the story was that the President was <sup>a</sup>forgiving person and had appointed Forrestal Secretary of the Navy despite the fact that he knew about this critical conversation. This main point, however, seems to have been obscured in all the speculation as to whether private conversations can be safe in the future. So further elucidation is in order.

"First, however, the main point I want to make here is that I now find Mr. Wilson did not use any long-distance listening device or any other device to listen in on the above conversation. This columnist has often paid tribute to Mr. Wilson and is delighted to take this opportunity to do so again, and to say that, if any false impressions were given, it is deeply regretted. Mr. Wilson had absolutely nothing to do with the incident.

"He has informed me that his former company, General Electric, has not developed any long-distance electronic listening device. Nevertheless, other people have, so it looks as if the privacy of the Nation might not be too sacrosanct in the future.

"One phase of the idea was first developed in Hollywood when movie companies wanted to take a long-distance angle shot and did not want the microphone to appear in the picture. So they used a directional beam microphone, which can pick up conversations a short distance away.

"The radio companies developed the idea further for baseball games in order to focus the microphone on first or third base from the roof of the stadium and pick up an argument with the umpire. This device will not work at long distances.

"However, electronic experts say it is possible to focus a microphone from the top of a fairly tall New York building and pick up conversations in the street below.

"Also a most unique listening device is reported to have been developed by Col. H. O. Bixby, now of the United States Signal Corps, who also developed amazing underwater listening devices. By a small microphone placed in a book or briefcase and without any wires, it is reported that conversations can be transmitted to a receiving set some distance away. This device was developed outside the Signal Corps and, if the Army is using this or a similar device today, it remains a military secret.

"So what with radar and television, we may soon be walking around, both listening in and watching people at the other end of the block.

"Regarding the transcription of the critical Baruch-Forrestal-Patterson conversation, there is no question but that this happened. Their conversation was reported and the general content of it reached the White House, although by whom and how will have to remain one of those Washington mysteries.

"It was so mysterious to Secretary of the Navy Forrestal that, a year ago, when he heard about this whole thing, he had Comdr. Ray Whitely of Naval Intelligence search his house to see where the microphones were located.

"All of which brings us back to the original forgotten point of the original much-controverted story - that the President can be a very forgiving man."

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#### FCC ACTION

The Federal Communications Commission has taken the following action:

Texas Star Broadcasting Co., Houston, Texas, granted petition for reinstatement and conditional grant of application for construction permit for a new station to operate on 1230 kilocycles, 250 watts, unlimited time, in accordance with Commission's policy of Jan. 26, 1944; York County Broadcasting Co., Rock Hill, South Carolina, granted construction permit for new station frequency 1340 kc, 250 watts, unlimited time, subject to conditions provided in Commission's policy of January 26, 1944; KOBH, Rapid City, South Dakota, granted consent to transfer of control of Black Hills Broadcast Company of Rapid City, licensee of Station KOBH, from Tri-State Milling Co. et al, to Robert J. Dean, for the sum of \$32,000.

KOIN, KOIN, Inc., Portland, Oregon and KALE, KALE, Inc., Portland, Oregon, granted petition for postponement of effective date with respect to multiple ownership insofar as Stations KOIN and KALE are concerned until August 1, 1944; KHQ, Louis Wasmer, Inc., and KGA Louis Wasmer, Spokane, Wash., denied petition for extension of licenses of stations KHQ and KGA for such periods as may be necessary



to enable the petitioners to comply with respect to multiple ownership regulation; designated for hearing applications for renewal of licenses; KGKO, KGKO Broadcasting Co., Fort Worth, Texas; WBAP, Carter Publications, Inc., Fort Worth, Texas and WFAA, A. H. Belo Corp., Dallas, Texas, designated for hearing applications for renewal of licenses of Stations KGKO, WBAP and WFAA; WAIT, Radio Station WAIT, Chicago, Ill., denied petition for grant of regular license; designate for hearing application for renewal of license.

Also WCOL, WCOL, Inc., Columbus, Ohio, granted consent to transfer control of WCOL, Inc., from Kenneth B. Johnston to Lloyd A. Pixley and Martha P. Pixley (jointly) and Milton A. Pixley and Grace M. Pixley (jointly), by transfer of 250 shares, or 100% of the issued and outstanding capital stock of the licensee, for a total consideration of \$250,000; KTMS, News-Press Publishing Co., Santa Barbara, Cal., granted Special Service Authorization to permit broadcasting information to longshoremen at 2:30 P.M., PST daily and Sunday, as a public service without charge, from June 2 to August 1, 1944; KFAR, Midnight Sun Broadcasting Co., Fairbanks, Alaska, granted extension of Special Service Authorization to operate on 660 kilocycles, 10 kilowatts power, unlimited time, for the period ending May 1, 1945.

Also, WIBC, Indianapolis, Ind., granted consent to voluntary transfer of control of Indiana Broadcasting Corp., licensee of Station WIBC, from H. G. Wall, Margaret B. Wall and Thelma M. Lohnes, to Indianapolis News Publishing Co., for a consideration of \$440,000, for 1000 shares of capital stock plus \$2 per share for each 30 days between date of agreement (Feb. 16, 1944) and the date upon which actual transfer of shares of stock to transferee occurs; KLRA and KGHI Little Rock, Ark., granted consent to acquisition of control of Arkansas Broadcasting Co., licensee of Station KLRA, from A. L. Chilton by the transfer of 2400 shares, or approximately 64.5% of the issued and outstanding capital stock, to the Gazette Publishing Co., for a consideration of \$275,000. Granted consent to voluntary assignment of license of Station KGHI from the Arkansas Broadcasting Co. to A. L. Chilton and Leonore H. Chilton, a partnership d/b as KGHI Broadcasting Service, in return for which Chilton will surrender all his remaining 348 shares of stock in Arkansas Broadcasting Co.

Also, granted Evening News Press, Inc., Port Angeles, Wash. petition to reinstate and grant conditionally application for construction permit for new standard station to operate on 1450 kilocycles 250 watts, unlimited time, in accordance with January 26, 1944 policy; engineering conditions; KXOX, Sweetwater Radio, Inc., Sweetwater, Texas, granted consent to transfer of control of Sweetwater Radio, Inc., licensee of Station KXOX, from the 9 present stockholders to Wendell Mayes, J. S. McBeath and Mittie Agnes McBeath, by the transfer of 100 per cent of issued and outstanding capital stock for a total consideration of \$27,646.48.

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 ::::TRADE NOTES::::  
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Purchase of WHOM, Jersey City is not the first step in acquiring a radio chain by the Iowa Broadcasting Company, according to the Editor & Publisher, which quoted Gardner Cowles, Jr., President of the Company as saying:

"I don't intend to start a chain, although I might buy an additional station. I happen to be very optimistic over the future of radio."

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 The House Thursday voted 282 to 46, to abolish all Federal agencies set up by Executive Order unless their existence has been recognized by Congress through direct appropriation or other legislation. This would include the Board of War Communications and Prencinradio. The proviso, already approved by the Senate, was included in a report from Senate-House conferees on the \$8,000,000,000 Independent Offices appropriation.

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 Walter Winchell was among those to be given "Page One Awards" by the New York Newspaper Guild.

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 To Dr. Edwin H. Armstrong, Professor of Electrical Engineering at Columbia University and inventor of frequency modulation in radio reception, was given Thursday the first Chief Signal Officer's certificate of appreciation, awarded by the War Department. The award was established to honor civilians who have made extraordinary contributions to the war, but who are not eligible for awards made to civilian employees of the War Department or for the Army-Navy E given to industrial organizations under direct control of the War Department.

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 The article prepared for the Reader's Digest but held up because of the protest of Chairman James L. Fly of the Federal Communications Commission, has been printed in full in the Congressional Record of June 1 (Page A2905) at the request of Representative Eugene Cox (D), of Georgia.

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 We have one radio for every three people; Russia one for every 90 people, S. B. Pettengill writes in a pamphlet "As We Go Marxing On" distributed by the Committee for Constitutional Government, 205 E. 42nd Street, New York City.

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 Daniel Saidenberg, cellist and conductor, formerly of the Philadelphia and Chicago Symphony Orchestras, has joined the Overseas Branch of the Office of War Information as Chief of the Music Department of the Radio Program Bureau.

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 It seems to us that Henry Ford is quietly stealing the show Saturday nights with his "Early American Dance Music" on the Blue. Or maybe it is just because we are old enough to enjoy and appreciate it. In any case we believe stations who are seeking a musical novelty would do well to listen to this.

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