

HEINL RADIO BUSINESS LETTER

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FRANK E. MULLEN

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November 29, 1944.

CONGRESSMAN DENOUNCES PETRILLO METHODS AS RACKETEERING

Fighting mad, Representative F. Edward Hebert (D), of Louisiana, gave the American Federation of Musicians and James C. Petrillo a vigorous going-over in a brand new Petrillo row in Washington this week. It followed closely the setback given to Mr. Petrillo by the National Labor Relations Board in ruling that the National Broadcasting Company and the Blue Network do not have to employ musicians as "platter turners" except in Chicago where Petrillo originally got away with it and under the present edict will be allowed to continue to do so.

The latest blow-up over Petrillo in the Capital occurred before a House subcommittee when AFM representatives denounced a bill to authorize the use of city funds to support a band for the Washington Police Department. Representative Hebert charged that organized labor's attempt to wreck the Washington Police Band was the first move in an attempt to destroy 25 municipal bands throughout the country.

"If James Petrillo and his musicians' union get away with this window-dressing here in the Nation's Capital", he declared, "it will not be long before the rest of the country's municipal bands become victims of the union."

AFM counsel remarked:

"You seem to have a hatred for the American Federation of Musicians."

The Louisianan, who explains that his name should be pronounced "A-Bear" and who was formerly City Editor of the New Orleans States, replied: "No, I do not. There is no one stronger for the unions than I am, for collective bargaining - but I'm damned if I am for racketeering."

Robert Wilson, AFM lawyer and Paul Schwartz, president of the local affiliate of the Federation, agreed the union had the selfish interest of looking out for jobs of 300 local members, now overseas, who will need jobs when they return to private life.

"Let's leave the war out of this", Mr. Hebert retorted. "You would be here opposing this bill if we had never heard of the war."

When a question was raised as to whether Mr. Wilson was speaking for Mr. Petrillo as head of the Musicians' Federation, Mr.

Hebert declared: "I wonder just how far Petrillo is going? He told the White House what to do - I want to know if he told you what to do here." Later, Mr. Wilson agreed he was speaking for Joseph Padway the Federation's General Counsel, who could not attend the session.

It was reported to the National Labor Relations Board that Petrillo would be asked to call a sympathy strike in support of four transmission engineers who quit work at Station WSIX, in Nashville, Tenn. last Thursday night about the time the station's transmitter went silent.

The station resumed operation and Sunday night, D. M. Morris, representative of the Radio Broadcast Technicians branch of the International Brotherhood of Electrical Workers (AFL), announced his appeal to Mr. Petrillo had been made.

Mr. Morris declared the station returned to the air by employing non-union workers, which he contended constituted a lock-out.

Mr. Morris said the dispute arose over negotiations for a contract, in progress since November 4.

In its "platter turner" decision the National Labor Relations Board concludes:

"The National Association of Broadcast Engineers and Technicians contends that the two system-wide units of technical employees should include 'on the air' playback work in Chicago as well as elsewhere because the turntable is technical equipment and should be operated by a technical employee. The A.F.M. contends that this work pertains to the musical craft because the records played contain music and a musical background is helpful, and consequently the work should be performed by employees in musicians' units everywhere, as it is in Chicago. There was considerable testimony offered to establish, on the one hand, that the operation of turntables requires a knowledge of music and, on the other hand, that it requires technical skill and training.

"The evidence reveals that the quality of turntable work is equally good in Chicago, where it is performed by musicians, as it is in the other stations of the Companies, where it is performed by studio engineers. It also appears from the record that, in radio stations operated by other broadcasting companies, this work is performed by other employees such as announcers, without any noticeable deterioration of quality. Upon the entire record, we are satisfied and find that neither a technical nor a musical skill is essential for this operation.

"In the absence of other compelling circumstances, we are of the opinion that the collective bargaining history is determinative of the issue in this proceeding. The status of turntable operating work has been crystallized by long-standing custom in the Companies. On the one hand, Local 10 has had agreements in Chicago from the very infancy of the radio broadcasting industry which have

covered turntable operators and, in the development of broadcasting techniques, the Companies have adjusted their operations in Chicago by placing their turntables in the broadcasting studios where they can be operated most conveniently by employees in musicians' units. On the other hand, studio engineers, employees in technical units, members of the N.A.B.E.T. and its predecessor, have performed turntable work outside Chicago for at least 4 years. The location of the turntables in the engineer's booth was the inevitable result of this situation. We conclude that the turntable operators outside Chicago should be included in units of technical employees, while those in Chicago should be included in units of musicians."

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BAD INDUSTRIAL PRECEDENT SEEN IN PETRILLO'S COUP

Considering the Petrillo exactions from the record manufacturers so important that he has devoted two articles to the subject, Mark Sullivan wrote in his second article last Sunday:

"The Petrillo Case is important in itself. Even more important is the precedent established, and the application of it to industry generally.

"The same demand now successfully made by Mr. Petrillo can be made by unions in any industry. Unions in the airplane industry can demand a royalty on each plane. In the radio industry the same. Unions in the steel industry can demand a royalty on each ingot and beam. This is likely to follow. Leaders of other unions cannot afford to see Mr. Petrillo make a demand and get it, without making the same demand for their unions.

"Moreover, Mr. Petrillo's device is a way of getting more money for his union without any increase in wage rates. At a time when wage rates are more or less frozen by the 'Little Steel' ceiling, set up by the War Labor Board, devices for getting around the ceiling are eagerly sought. The Petrillo technique is likely to be widely imitated.

"For the innovation Mr. Petrillo has thus introduced into American industry he has a novel theory. Not that the theory matters but it is interesting. Mr. Petrillo says that music records, so-called 'mechanical music', takes work away from musicians. If mechanical music were not used by radio broadcasting stations, and others, the music would have to be supplied by 'live' musicians. So, Mr. Petrillo claims that the musicians thus deprived of work are entitled to compensation from the thing that displaced them. Hence Mr. Petrillo says that on each music record the manufacturer must pay a royalty into the union treasury. The royalties, Mr. Petrillo says, are to be used in part to take care of unemployed musicians.

"By this theory, persons thrown out of work by any mechanical invention would become pensioners upon that invention.

Drivers of horse-drawn vehicles would have been entitled to compensation from manufacturers of automobiles, the compensation to be in the form of royalty on each automobile. Drivers of ice wagons would have been entitled to royalties on each mechanical refrigerator."

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COURT DISMISSES WOW'S TRIPLE DAMAGE SUIT AGAINST ASCAP

Judge James Fitzgerald of the Superior Court of Nebraska Monday, November 27th, dismissed the triple damage suit against the American Society of Composers, Authors and Publishers (ASCAP) brought by Station WOW of Omaha and Joseph Malec on behalf of twenty-four tavern and hotel keepers. Plaintiffs sought to recover license fees to ASCAP for the period from 1937 to 1941 in the amount of three hundred fifty-seven thousand dollars (\$357,000).

The case was tried last June before Judge Fitzgerald in Omaha at which time Louis D. Frohlich of ASCAP's General Counsel staff, Herman Finkelstein, ASCAP Resident Counsel, and Yale appeared on behalf of the Society.

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SENATE TO HEAR CAPEHART CAMPAIGN EXPENDITURE CHARGES

Charges that Republican election officials were in a conspiracy to keep Democrats from voting and that Senator-elect Homer Capehart spent more than the law allows, will be heard by the Senate Committee Investigating Campaign Expenditures next Friday (Dec. 1).

Commenting upon Mr. Capehart's recent visit to Washington, Drew Pearson wrote:

"The Gentleman from Indiana, newly elected Senator "Music-Box" Capehart, staging his first press conference in the Capital, stepped into a tough grilling on his attitude toward a world peace organization.

"At first, he said he would stand with Governor Dewey. Then he backed away from Dewey's declaration to the position: 'Of course I'm for the keeping of world peace.'

"Capehart refused to answer when asked whether he would favor granting our representative on a world security council authority to act independently of Congress, said he didn't have enough facts. This is considered the most important point of U.S. foreign policy raised during the entire campaign. When he was asked if the facts on which he had based his campaign speeches were insufficient, his press adviser interjected:

"How can anyone tell what may happen in the future? None of us knows what may arise 18 or 20 years from now.'

"I take it then, Senator', suggested a newsman, 'that you will have the facts you need toward the end of your third term in the Senate.'

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HOW ABOUT SALUTING GENERAL SARNOFF?

David Sarnoff, President of the Radio Corporation of America, has had quite a string of fancy titles and decorations bestowed upon him as you may see in "Who's Who". These include his nomination as Officer of the Order of the Oaken Crown of the Grand Duchy of Luxemburg, Chevalier de L'Ordre National de la Legion d'honneur (France), and Officer Order of Polonia Restituta (Poland). Probably none of these honors pleased him nearly as much as when he learned that his nomination was to be sent to the Senate as a Brigadier General of the U. S. Army.

Colonel Sarnoff had previously been awarded the Legion of Merit for "outstanding service", his citation reading:

"Col. David Sarnoff, Signal Corps, United States Army, for exceptionally meritorious conduct in the performance of outstanding service while serving as Assistant to the Deputy Chief Signal Officer, Supreme Headquarters, Allied Expeditionary Force, from 23 August 1944 to 16 September 1944. Col. Sarnoff was largely responsible for reopening communications in Paris, thus enabling press communications to resume both to the United Kingdom and to the United States. His ingenuity and resourcefulness made it possible to restore cables which had been severed by the enemy, and allowed French radio experts who had not worked for many years during the occupation to return to their former duties. Colonel Sarnoff's outstanding devotion to duty, courage, and great diplomacy in handling French citizens have aided materially in overcoming the great difficulties in attaining this objective. Entered military service from New York."

Thus the RCA will have the distinction of being headed by two Generals - Lieut. Gen. James G. Harbord, U.S.A. retired, and Brigadier General - you guessed it - our old friend Dave Sarnoff!

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NO NEW BUILDING FOR ASCAP -- YET

The Board of Directors of the American Society of Composers last week rejected the proposal to lease the former Anderson Art Galleries building at 59th Street and Park Avenue.

No other plans concerning a change of address has been proposed.

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Frank Mullen, Vice President and General Manager of the National Broadcasting Company addressing the Chicago Agriculture Club said: "Television is something totally new. It will grow on soil where nothing ever grew before. From the standpoint of employment, it will create new jobs without abolishing any old ones. It will add to employment without subtracting from it."

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GARDNER COWLES SEES ROSY POSTWAR ADVERTISING PICTURE

The Cowles Broadcasting Company has grown to such proportions that a meeting of their staff as was held last week in New York City was a news event of major importance. Furthermore, the optimism of Gardner Cowles, Jr., President, with regard to advertising prospects after the war - radio, newspaper and magazine - was music to the ears of those industries.

"The volume of postwar advertising in all three fields will be terrific", Mr. Cowles declared. It was his opinion that the period would be spread over at least two years and would establish an all-time high.

The post-war period, Mr. Cowles said, will be "very competitive" in both publishing and radio and the Cowles policy is to do the best job of programming and public service possible with the stations, newspapers and magazines now in hand. He included the Minneapolis station for which application is pending.

With FM developing very rapidly, the Cowles stations are planning frequency modulation programs along with the AM broadcasts and Mr. Cowles said he visualizes a need for an FM network only if the time comes when FM stations must have separate programming.

As for television, the picture is "clouded" and there is a lot of arithmetic, such as who is going to pay the bill, which Mr. Cowles admitted is "too deep" for him. If the situation is clarified his company will probably seek television licenses for stations in eastern markets.

It is doubtful, at the moment, he said, whether facsimile will ever reach a mass programming basis. He views it as a specialty.

There will be a plethora of radio stations after the war, he predicted, and radio will have to do "a lot better job than it did before the war in the matter of programs". In this connection, he said the idea that newspaper publishers should move into the radio field "for protection" is "grossly exaggerated". For the number of radio stations in the average town of 150,000 to 200,000 population will multiply by three or four.

"My brother and I are very much sold on the future of radio", Mr. Cowles commented, but he denied there was any plan for setting up a new network. Acquisition of a new station in Boston recently he described as merely "a good business venture - at the price."

At the New York meeting besides Gardner and his brother John, Chairman of the Board, was Vice-President Tam Craven. Also present were Phil Hoffman, Vice-President, in charge of operating KRNT at Des Moines and WNAX at Yankton; Carl Koester, Treasurer; Ted Enns, National Sales Manager; Craig Lawrence, Vice-President of WHOM, Jersey City, and WCOP, Boston; A. N. Armstrong, Jr., General

Manager, WCOP; Merle Jones, General Manager, WOL, Washington; Don Inman, Vice-President and General Manager, WNAX; James Milloy, Vice-President of Look magazine; Karl Haase, Treasure, WHOM and WCOP; and Eugene Katz, Secretary of the Katz Agency, sales representative of the Cowles stations.

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GRAVES, ASSISTANT INTERNAL REVENUE CHIEF, GOES TO KIRO

Closely following the announcement that Paul H. Appleby, Assistant Director of the Budget, is resigning to become Vice-President and General Manager of the Queen City Broadcasting Company (KIRO), Seattle, comes the news that Harold N. Graves, Assistant Commissioner of Internal Revenue, has become an executive of that company.

Mr. Graves entered Government employment as a school teacher in the Philippines in 1908. He served in the old Bureau of Efficiency, the old Personnel Classification Board, and was Assistant Secretary of Commerce under Herbert Hoover, assistant to former Postmasters General Walter F. Brown and James A. Farley, and before taking his present post on July 1, 1943, was assistant to Secretary of the Treasury Morgenthau.

Mr. Graves also was Acting Commissioner of Internal Revenue after Robert E. Hannegan resigned.

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MBS BOARD TO MEET NEW PRESIDENT DECEMBER 9

Members of the Board of Directors, Shareholders, and Executive Committee of the Mutual Broadcasting System, will gather for their fourth meeting of the year in New York City, beginning Saturday, December 9, when they will meet Edgar Kobak, the new MBS President.

The Executive Committee includes Chesser Campbell, WGN, Chicago; H. K. Carpenter, WHK, Cleveland; John Shepard III, Yankee Network, Boston; Theodore C. Streibert, WOR, New York; Lewis Allen Weiss, Don Lee, Hollywood, and Mr. Kobak.

On Sunday and Monday, the Board of Directors and Shareholders of the network will meet. Alfred J. McCosker, Chairman, will preside.

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CIVILIAN TUBE SHORTAGE MAY LAST SOMETIME AFTER WAR

Scarcely half enough radio receiving tubes have been available during the last two years to replace those worn out in civilian receiving sets, and the shortage is expected to continue until several months after the defeat of Germany and Japan, the War Production Board said today (Wednesday).

WPB explained the civilian replacement tube shortage by the fact that military demands increased from 16 percent of the total production in 1941 to 65 percent the next year, 82 percent in 1943, and 86 percent in 1944. Labor is in short supply, but sufficient facilities and materials are available so that if 6,000 more female workers could be obtained, production of receiving tubes both for military and civilian programs could be stepped up, allowing an increase in civilian replacement tubes up to 4,000,000 a month, WPB Radio and Radar Division officials said.

During 1944, replacement tubes available to civilians cannot exceed 19,000,000, as against demands exceeding 36,000,000, the Division said. The 19,000,000 tubes should enable home owners to maintain at least one radio receiver in operation, WPB said. No tubes for new home radio receivers have been manufactured since 1942 owing to military demands on the electronics industry.

The present schedule for the production of civilian receiving tubes in the first quarter of 1945 is set tentatively at about 2,000,000 a month, an increase of about 500,000 tubes a month over past WPB authorization. However, the estimated monthly production can be attained only if increased labor is obtained and military demands do not increase, WPB said. If conditions are anticipated correctly, it is hoped that civilian tubes may be produced at the rate of 4,000,000 a month within about four months after "Victory in Europe" Day, the agency added.

Total employment in radio receiving tube plants was only 15,000 in 1941, but has increased to 39,000 today.

Military radio tube requirements have been programmed at the minimum realistic level sufficient to cover military equipment needs and to prevent depot stocks from falling off dangerously, WPB officials said.

According to Major W. A. Gray, of the Vacuum Tube Section, Radio and Radar Division, strenuous efforts have been made by the tube industry to utilize all available labor efficiently. To this end, the manufacturing companies in tight labor areas have established a total of 16 feeder plants outside those areas.

Under the conditions imposed by military demands, receiving tubes available for the public's use dropped gradually from 30,000,000 in 1941 to present renewal shipments of 19,000,000 tubes a year.

One of the present unfilled civilian demands is for tubes for so-called "midget" receivers, which are required in the greatest quantities as replacements.

Army and Navy tubes that are not actually needed are being channeled back to the original manufacturers through the Defense Supplies Corporation for redistribution, first for other war requirements as they may occur and then to civilians.

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"TAKE PETRILLO'S FOOT OFF CHILDREN'S NECK" - VANDENBERGH

James C. Petrillo came to the attention of Washington and the country again Tuesday when the Senate Interstate Commerce Committee by a unanimous vote approved a bill by Senator Arthur H. Vandenberg (R), of Michigan, making it unlawful for any person to "interfere with, intimidate . . . hinder, extort, delay, prevent or conspire" for the purpose of preventing noncommercial educational or cultural broadcasts presented by any academically accredited tax-exempt institution. The bill was sponsored by Senator Vandenberg as the outgrowth of Petrillo's two year ban on broadcasts by the National Music Camp at Interlochen, Michigan.

Senator Vandenberg summed up the abstruse legislative phraseology in ten words: "It takes Petrillo's foot off the necks of our school children."

Petrillo's opposition to "free broadcasts" of school music was deep-seated, and it was against these that the AFM czar struck first.

In July, 1942, one month before he moved against the manufacture of recordings, he banned the broadcasting of non-commercial radio programs by the children of the National Music Camp at Interlochen, Mich., attended by student musicians carefully picked from High Schools in every State.

In the Fall of 1942, he blocked broadcasts of music programs by students of the Eastman School of Music and the Cincinnati Conservatory of Music

In the January, 1944, issue of "The International Musician", official publication of the AFM, he discussed the controversy stirred up by his school music moves.

"However", he reported, "when all the shooting was over and we came to the Summer of 1943, there was no Interlochen High School student orchestra on the air. Nor was there in the year 1943 any other school band or orchestra on the networks and there never will be without the permission of the American Federation of Musicians."

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BBC HEAD AGAINST RADIO BECOMING "GLORIFIED JUKE-BOX"

W. J. Haley, Director General of the British Broadcasting Corporation, in an address before the Radio Industries Club in London was quoted by the Associated Press as saying that in postwar plans "we shall sacrifice nothing in the quality or quantity of our entertainment, but we shall safeguard broadcasting from becoming a glorified juke-box."

Mr. Haley said that the future of international broadcasting must be a matter of major international policy. He added that he believed that no great nation could act unilaterally in this matter. He proposed the continuance of a "sensibly modified system of world broadcasting", and he added:

"There are nations, as well as nature, who abhor a vacuum, and, if the truth is removed from the international ether, someone will eventually be tempted to see if a few half-truths can't prevail."

All the BBC's sister organizations in the Dominions will confer in London in February, he said.

Mr. Haley also announced that, after the war, the BBC, which carries no commercials or advertising, planned to operate three separate simultaneous programs on three different wave-lengths. He conceded that the BBC now had bad as well as good shows and that it would be a mistake for Americans to believe that there was a continuous string of hit performances, just as it would be for "us to believe every United States radio show is a Charlie McCarthy or a Bob Hope. Until Britain has its Hollywood it is no use blaming the BBC for not finding stars that are non-existent."

He said that the BBC was about to try "one of the boldest experiments ever made at the microphone" - an eight-night discussion "of jobs for all" during the peak listening period.

Mr. Haley said "the spoken word can supplement the written word; it cannot supplant the written word."

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PROMOTION TO MAJOR FOR H. LESLIE ATLASS, JR.

Congratulations were being received by H. Leslie Atlass, of Chicago, Vice-President in charge of the Columbia Broadcasting System's Western Division in Chicago, upon the promotion of his son H. Leslie Atlass, Jr., to the rank of Major.

Major Atlass is overseas with the Army.

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MAYBE NO FCC ALLOCATIONS UNTIL JAN. 1

The Federal Communications Commission cannot announce its postwar allocations for FM and television on December 1st, as hoped for, and, according to a Radio Manufacturers' Association bulletin, it appears improbable that the Commission will make any allocation decisions before January 1st.

Despite intensive work by the FCC staff on the voluminous record and allocation recommendations made by the RTPB and industrial representatives during the Commission's hearings which concluded November 2nd, RMA is officially advised that at least several weeks or more will be required before FM, television or any other decisions are possible. Former Chairman Fly, in concluding the FCC hearings, expressed a hope for FM and television decisions by December 1st, so that manufacturers could prepare for FM and television production.

The State Department will hold another international allocations conference early in December, but the FCC will advise the Department that the problems and work involved from its recent hearings are too heavy and that the FCC cannot now make any recommendations to the State Department conferees. FCC also will hold preliminary conferences with IRAC before making any recommendations to the State Department.

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RYAN PLEDGES RADIO'S 25TH ANNIVERSARY YEAR TO VICTORY

Radio's twenty-fifth anniversary year was pledged to victory Tuesday by J. Harold Ryan, President of the National Association of Broadcasters.

Calling on all stations and networks to observe the progress and achievements of the first quarter century of broadcasting in America, Mr. Ryan announced plans for dedicating 1945 anniversary activities to the winning of the war.

The twenty-fifth anniversary symbol is "XXV", which has been designed with a dominant "V for Victory". A musical signature is in process of preparation which will combine the now famous musical "V" with the "XX", both taken from the Continental code.

Plans for extensive coordination of station and network facilities beginning on New Year's Day include dramatizations on the historical side of radio, resurrection of early day programs and appearances of veteran performers, all speaking on the theme of Americanism and victory in the present world conflict.

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BLOW-UP OVER WMCA SECRET HEARINGS BREAKS CASE WIDE OPEN

It is believed that the attempt of the House Committee Investigating the Federal Communications Commission put the soft pedal on the probe of the sale of Station WMCA by closing the hearings to the public will have just the opposite effect. There will surely be further eruptions in the House and the Senate.

Charges of "whitewash" and "scandal" were quickly raised when the story broke Tuesday and as a dramatic climax, John J. Sirica, counsel for the Committee, resigned and the police had to be called to drag Philip Handelmann, an attorney for Donald Flamm, from the room as he explosively denounced the Congressional Committee for voting to hold further sessions behind closed doors.

"There is great public interest in this case", Mr. Sirica, who had succeeded Eugene Garey as Committee counsel and who had likewise resigned with a loud protest, declared. "I don't want it on my conscience that I submitted to a whitewash. Therefore I am tendering my resignation effective at once."

Mr. Sirica, who was accused of unfairness by Edward J. Noble, who purchased WMCA from Mr. Flamm, was defended by Representative Lea (D), of California, Chairman of the House Committee:

"In accepting the position of Committee counsel, which he did not seek, Mr. Sirica who is my appointee, said he would do so only on the understanding that he would be permitted to 'go down the line, letting chips fall where they may'. He has done so, and in my opinion justified abundantly my judgment in appointing him.

"Since the charges were made in public, the vindication they seek also should be sought in public, and my own feeling is that in due respect not only to Congress but to public opinion in this country our dealings with it should be open and above board. For these reasons it is in my opinion unfortunate to depart from the policy of public hearings.

"It is in my opinion unfortunate also for those charged with what is, as I look at it, a serious offense. Where else than in this forum could they have a better opportunity to enter a straightforward, manly defense against these charges? Yet instead of welcoming it, they have walked away from it."

Representative Wigglesworth (R), of Massachusetts, declared:

"How any one who has listened to the testimony during the last three days * * * can vote to close these hearings to the public at this time is beyond my comprehension. * * *

"Ever since the start of this investigation, this Committee and its staff has met with constant obstruction, intimidation and underhand tactics from those in high places in the attempt to hamstring its work and to suppress the truth."

Those who voted for the closed sessions were Representatives Edward J. Hart (D), of New Jersey; Percy Priest (D), of Tennessee, and Louis E. Miller (R), of Missouri. Those who voted against it were Chairman Lea and Mr. Wigglesworth.

Things began to liven up at the sessions last week when Gen. Edward M. Watson, aide to President Roosevelt, advised the Committee that the President had sought a full investigation of the story that WMCA had been sold "under pressure from the White House" as has been charged. General Watson said, however, he had previously discussed the matter with F. C. C. Commissioner Norman S. Case.

Then last Monday along came former F.C.C. Commissioner George Henry Payne, who declared that the White House advised the Federal Communications Commission to "forget" the accusations that the station had been sold under "duress".

Mr. Payne said the allegations came from William Weismann, an attorney for Donald Flamm. Mr. Payne quoted Weismann as saying, in substance, that there had been "persecutions, injustices, etc.", attending the sale. That was after the FCC had approved the transfer, Mr. Payne said.

Members of the Commission, he testified, felt it best to notify the White House of the charges to "see if it were interested".

Through an executive clerk of the White House, the late Rudolph Forster, Mr. Payne added, the Commission was advised "to forget all about it".

Leslie Roberts, former Public Relations Counsel of WMCA, told the Committee he had participated in a conspiracy to force Mr. Flamm to sell to Mr. Noble and at a reduced figure.

Mr. Noble made a sweeping denial of the charges saying they had made this "the most astounding and astonishing day I have ever experienced."

Mr. Noble purchased the station in 1940 for \$850,000, which did not include, he testified, fees and other expenses, which brought the total to \$940,000. He said he received \$1,225,000 when he sold it last year to Nathan Straus, New York City financier.

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NOBLE SEEKS PUBLIC INVESTIGATION; "I WANT NO WHITEWASH"

Edward J. Noble, purchaser of Station WMCA, lost no time Tuesday stating his side of the case when the House Committee Investigating the Federal Communications Commission, decided to hold secret executive sessions. He said:

"I want the record to show that I strongly desire that all pertinent facts to the House investigation be made public. I want no whitewash, as has been charged, and I want an opportunity to answer, fully and completely, Mr. Flamm's allegations.

"However, I have not thought and I do not think now, that it is proper for John Sirica, the Committee's Counsel, to use his position with the Committee to try a private law suit, which Flamm has brought against me. We have no opportunity to cross-examine witnesses, no opportunity to present our side of this case. The Committee's Counsel has employed every effort and artifice to build up the testimony of witnesses friendly to Flamm, and to undermine the testimony of witnesses friendly to me. Even that might be excusable, if the subject matter involved public officials and accordingly the public interest. It does not, however, do that. Both Flamm and Committee Counsel, as well as previous investigations, have absolved the White House and the Federal Communications Commission of any impropriety.

"It becomes accordingly a travesty on the American way, which Mr. Wigglesworth claims to defend, to pervert the processes of a Congressional Committee to the trial of a private civil suit. That is the province of the courts. It has been said that if there is a good defense to that suit, no better place could be found to present it. That might be true - were it possible - but it has become abundantly clear, as my Counsel has repeatedly protested, that it is not possible in these hearings, because of the prejudice and bias of Sirica and his persistence, over the objections of the majority of the Committee, in "prosecuting", as he says, matters solely germane to the private civil suit."

Prior to this, Franklin S. Wood, addressed the following letter to Chairman Lea:

"As Counsel for Mr. Edward J. Noble, former owner of Radio Station WMCA, I must protest vigorously against the prejudicial conduct of Mr. John Sirica, Counsel to the House Select Committee Investigating the Federal Communications Commission, at the current public hearings relating to the purchase of WMCA by Mr. Noble from Donald Flamm in 1940.

"Mr. Sirica, though nominally employed by your Committee to conduct a fair and impartial investigation, has now shown, beyond a shadow of a doubt, that he is prejudiced against Mr. Noble; that he is sympathetic to Flamm, and that he is not only willing but anxious to present to your Committee 'hear-say' evidence, without any attempt to establish the facts.

"At the outset of these hearings, I protested that, since this whole matter is essentially a private dispute and is the subject of pending suit by the plaintiff Flamm in New York County Supreme Court, any further hearings should be held in executive sessions, if prejudice to the defense of that action were to be avoided.

"That is now abundantly clear. The allegations of White House interference and of improper action by the Federal Communications Commission were never anything but wild charges by Flamm, to arouse public interest and gain publicity and have now been disavowed both by Flamm and by your counsel. There remains nothing but

Flamm's allegations of coercion and conspiracy with his employees - which since the abandonment of his efforts at rescission, remains the sole point of his pending court action.

"It has also become abundantly clear that your counsel regards himself and is in truth and fact acting as Flamm's attorney. Any pretense at an impartial investigation of the facts is gone. In his opening statement Wednesday morning (November 22), your counsel outlined his proposed proof of Flamm's charges, and in the Friday afternoon session he boasted that he is, in effect, prosecuting a case against Mr. Noble. The blunt question is: Is he prosecuting a case against Mr. Noble or is he conducting an investigation of the Federal Communications Commission? The facts speak for themselves.

"I delayed this protest, during the first two days of hearings, because I did not desire to be unfair to Mr. Sirica. I can restrain myself no longer, for the reputation and character of Mr. Noble are being unfairly and prejudicially attacked by Mr. Sirica in an obvious attempt to gain publicity for himself at the expense of Mr. Noble. Mr. Noble is a well-known citizen, of good repute and I know you and your Committee do not wish to be parties to an unfair attack on him, particularly in a matter of private rather than public concern.

"In view of these facts, I respectfully request that your Committee direct your counsel to refrain from his one-sided presentation of matters relating to the civil suit, or that your Committee hold these hearings in executive session with the understanding that the testimony will be made public after the civil suit is tried."

In response to inquiries concerning the action of the Select Committee in ordering executive sessions for further hearings on WMCA, the Federal Communications Commission through its Chairman, E. K. Jett, pointed out that it is publicly on record in several instances as asking for a prompt and full investigation of the charges in the WMCA matter.

"The manner of conducting the investigation is, of course, for the Select Committee to determine and the Commission has no comment concerning this action", Mr. Jett said. "As far as the Commission is concerned, we are ready today as we have been for the two years of the life of the investigation to present all the facts we have concerning the WMCA matter - either in public or executive session as the Select Committee sees fit."

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With his being sworn in last Monday, the Senate gets another radio man in Wilton E. Hall of Anderson, S. C., who has been named to succeed the late "Cotton Ed" Smith. However, the appointment is for a brief period - purely complimentary - as Senator Smith's term expires January 3rd at which time Gov. Olin D. Johnston, of South Carolina, takes over for the six year term. Mr. Hall owns Station WAIM, the CBS outlet at Anderson.

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FCC APPLICATIONS RECEIVED ; ACTION

Marcus Loew Booking Agency, Washington, D. C., construction permit for a new commercial television broadcast station to be operated on Channel #8 (162,000-168,000 kilocycles); Same Co., New York, N.Y., construction permit for a new commercial television broadcast station to be operated on Channel #17 (282,000-288,000 kilocycles); Capitol Broadcasting Corp., Charleston, W. Va., construction permit for a new standard broadcast station to be operated on 1240 kc., power of 250 watts and unlimited hours of operation; Taylor Radio & Television Corp., San Diego, Calif., construction permit for a new Standard Broadcast Station to be operated on 1000 kc., power of 250 watts and unlimited hours of operation; Metro-Goldwyn-Mayer Studios, Inc., Los Angeles, Calif., construction permit for a new Commercial Television Broadcast Station to be operated on Channel #8 (162,000-168,000 kc).

Also, Claremont Eagle, Inc., Claremont, N. H., construction permit for a new High Frequency (FM) Broadcast Station to be operated on 48,900 kc., with coverage of 5,100 sq. miles; also construction permit for a new ST Broadcast Station to be operated on 337,000 kc., power of 25 watts and Special Emission; The Crosley Corporation, Cincinnati, Ohio, construction permit for a new Commercial Television Broadcast Station to be operated on Channel #1 (50,000-56,000 kc.); Smoky Mountain Broadcasting Co., Knoxville, Tenn., construction permit for a new Standard Broadcast Station to be operated on 1340 kc., power of 250 watts and unlimited hours of operation; Capitol Broadcasting Co., Inc. (WRAL), construction permit to change frequency from 1240 kc., to 1230 kc.

Also, Jackson Broadcasting Co., Jackson, Miss., construction permit for a new Standard Broadcast Station to be operated on 620 kc., power of 1 KW, unlimited hours of operation and employing directional antenna for night use; Calumet Broadcasting Corp., Hammond, Ind., construction permit for a new Standard Broadcast Station to be operated on 1520 kc., power of 5 KW and daytime hours of operation amended to corporate structure; KECA, Blue Network Co., Inc., Los Angeles, Calif., special service authorization to operate on 770 kc., power of 5 KW and unlimited hours of operation pending completion of construction as contemplated; also construction permit to change frequency from 790 kc., to 770 kc., increase power from 5 KW to 50 KW, install new transmitter, directional antenna for day and night use, move studio and transmitter.

APPLICATIONS GRANTED: WFEA, New Hampshire Broadcasting Co., Manchester, N. H., granted consent to transfer of control of New Hampshire Broadcasting Co., licensee of Station WFEA, from Adeline B. Rines to H. M. Bitner, for a consideration of approximately \$150,000 for 1,000 shares, or 100%, of outstanding capital stock of licensee. Commissioners Walker and Durr voted "for a hearing"; KORE, Eugene, Oregon, granted consent to involuntary assignment of license of Station KORE from Frank L. Hill and Violet G. Hill, co-partners, d/b as Eugene Broadcast Station, to Violet G. Hill Motter and Violet G. Hill Motter, Administratrix of the estate of Frank L. Hill, deceased, d/b as Eugene Broadcast Station; no monetary consideration.

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 ::: TRADE NOTES :::
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A meeting of the Executive Committee of the Radio Manufacturers' Association, called by President R. C. Cosgrove, will be held Wednesday, December 6 in Chicago. Director L. J. Chatten of the WPB Radio & Radar Division will attend the meeting for an informal conference with the RMA Executive Committee regarding the increased industry war program and also the retarded future civilian reconversion plans of WPB.

 Broadcasts originating from Columbia Broadcasting System's huge million-and-a-half dollar shortwave transmitting plant at Delano, Calif., were beamed overseas for the first time Sunday, November 26th.

 Paul V. McNutt, Chairman of the War Manpower Commission, yesterday reported that approximately 90,000 workers are required immediately to man work stations in plants producing "topmust" war items for which there are urgent needs resulting from combat operations in the various theaters of war.

In addition to the small-arms ammunition program, Mr. McNutt listed among the 17 critical war production programs in which the need for workers is urgent - 3,000 in Radar.

 Elmer H. Wavering has been appointed Vice President in charge of the new Automotive Division, and Walter H. Stellner, Vice-President in charge of the new Home Products Division of the Galvin Manufacturing Corporation of Chicago, makers of Motorola Radio.

Mr. Wavering joined the Motorola organization as an engineer in 1930. In 1937 Motorola entered the home radio field, and at that time, Mr. Stellner was appointed Advertising Manager for the Home Radio Division.

 Certain non-critical electronic equipment, parts and components are now available for domestic purchase and export out of idle and excess stocks of war contractors, the War Production Board says.

The action of WPB now permits free sales and movement of many non-critical materials out of war contractors' surplus. The exceptions which now appear on PR 13 are still restricted and require a priority rating of AA-5 or better.

In addition, radio tubes have become more critical than heretofore and will require ratings as high as AA-1 in some cases. Thirty types of tubes have been frozen and cannot be sold except on specific authorization by WPB. It was also pointed out that producers and reproducers are not permitted to buy radio tubes except under the same conditions as affect war contractors.

 Farnsworth Television and Radio Corporation - Six months to October 31: Net profit, after estimated taxes and possible renegotiation, \$592,921, against net profit of \$513,814 for similar period of 1943.

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