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**JOURNAL OF  
BROADCASTING**

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# JOURNAL OF BROADCASTING

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## THE COMMUNICATIONS CONCEPT

One issue of vital concern to broadcasters and teachers of broadcasting alike is the development of a sound curriculum in broadcast coursework. There is bound to be disagreement—between teachers of broadcasting and broadcasters, and even more disagreement among teachers themselves. Part of the problem can be traced to the rapidly changing broadcasting industry which, to some extent, has left many schools and colleges with instructional programs designed for conditions in broadcasting existing a decade or two ago. Another, and perhaps more significant, part of the problem is the ambiguity of the position of broadcasting in the overall collegiate program.

As Professor Forest Whan of Kansas State College points out in his analysis of schools offering majors in broadcasting (carried elsewhere in this issue), broadcasting courses are offered in a wide variety of departments. Academic “majors” appear under the heading of departments of Radio, Telecommunications, Journalism, Speech, English, etc., each of which tends to mold the broadcasting curriculum in its own field of specialization and thus determines the character and breadth of the overall professional instruction in broadcasting.

Offering both a possible solution and, more probably, further complications is the growing concept of “communicators—encompassing all media, and developing “communicators” rather than “newspapermen” or “broadcasters” as such. This proposal receives great stimulus from schools of journalism, and is of special significance at this time in view of the recent address by President Harold Fellows of the National Association of Radio and Television Broadcasters during 1957 Journalism Week at the University of Missouri. President Fellows’ advocacy of greater emphasis upon the overall “communications” approach to journalism and to broadcasting reveals the extent to which industry leaders are taking interest in the teaching curriculum. The address at Missouri was admittedly controversial,

and is reprinted here to stimulate further thoughtful consideration of a sound broadcasting curriculum, rather than to solicit opinion, or to stimulate argument.

The partnership of college and broadcaster in the Association for Professional Broadcasting Education, and in APBE's publication of the *Journal*, is itself evidence of interest and concern of the industry in education *for* broadcasting. It is hoped that members of the teaching fraternity will reciprocate in exploring this common interest through more research in curriculum problems. The *Journal* will welcome articles based on studies of curriculum, problems of administration, and effectiveness of the teaching program in professional education, not as a forum for debate or expression of opinion, but in furthering the common aim—the development of a sound curriculum and enhancement of the stature of broadcasting instruction in the collegiate program.—THE EDITOR.

## THE EXPANDING SPHERE OF JOURNALISM\*

By HAROLD E. FELLOWS

*President and Chairman of the Board, NARTB*

The word "journalism" has been historically identified in the United States with the publishing of newspapers and periodicals. Its derivation is amply evident, since it is descriptive of the techniques involving writing, selecting, and distributing records of events. It started in the United States in 1690—when the first newspaper, *Publick Occurrences*, issued from the press of Richard Pierce in Boston. Two hundred and thirty years were to pass before the first broadcasting station would go on the air in the United States.

The early newspapers, such as *Publick Occurrences*, were licensed by the Crown. And the radio stations of the United States first were licensed by the Department of Commerce and later by a Federal Commission established by Act of Congress.

The further comparisons between the media which reach the intelligence of the public through the eye and those that reach it through the ear and the eye and the ear simultaneously are numerous:

Invention, of course, was essential to massed distribution of the journalist's product. Movable type, discovered by Gutenberg in 1443, was the forerunner of innumerable refinements that led to the highspeed manufacturing process which today delivers our newspapers within hours instead of days or weeks. Gutenberg's discovery in the Fifteenth Century might, in this context, be compared with the discovery of the audion tube by Dr. Lee DeForest four centuries later.

During the early days of Colonial printing in the United States, the hand press in use—similar to the screw type wine-press—was so small that a four-page paper usually

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\*From an address before the University of Missouri and the Missouri Broadcasters Association, 1957 Journalism Week, University of Missouri, Columbia, Missouri, May 1, 1957.

required four impressions. The paper was moistened before the impression was taken and between runs the paper was suspended from strings to dry. Printing ink was of poor quality, for the most part homemade. It was smeared on the form by hand with a piece of buckskin.

One finds analogy here in the early, faltering development of broadcasting—when the few listeners who could hear stations listened on headphones and found the static as disturbing to their ears as the smeared newspapers were to Colonial eyes.

In 1822 Daniel Treadwell of Boston built a press designed to be driven by steam—and the mechanization of newspaper printing, with an accompanying clarity of visibility, had been launched. A century later, a gentleman by the name of Stuart Ballantyne was to introduce the principle of negative feedback to stabilize and reduce distortion in transmission circuits of broadcasting—and this, as in the case of Mr. Treadwell's invention, was to contribute richly to the intelligibility of listening.

Most of us consider the emergence of broadcasting from a distorted signal reaching a mere handful of people to its position today, thirty-five years later, as a phenomenon.

Yet the newspaper proceeded from small weekly operation with limited circulation to metropolitan daily operation with large circulation in a span of only thirty years—between 1830 and 1860.

In 1775 there were thirty-seven newspapers in the Colonies. In 1840 there were 1,631 in the United States and by 1850 the figure was 2,302. Comparably on January 12, 1922, there were 30 broadcasting stations in the United States; by 1940 there were 814; and today there are over 3,000 AM broadcasting stations, nearly 500 FM broadcasting stations, and 476 television stations. . . .

The point of emphasis here is that inventive development accounted for the increase in both media—innovations which made it possible to establish more units and to extend the coverage of the individual units. This led,

in the final analysis, to greater and more selective service to the American people.

But the analogy is not only mechanical; it extends as well to the status of the media in our great American society. The early American newspapers were licensed by the Crown. Under the masthead there appeared the dictum, "Published by Authority." This licensing authority of the Crown, till finally shaken off by enterprising and courageous editors and publishers, was used as a device to censor the news which reached the people.

We have a licensing process in broadcasting too—a licensed broadcasting induced by the necessity of spectrum control. There is a great demand, of course, for frequencies and channels which are available for radio and television. Someone has to supervise the manner in which these are to be distributed among the people who operate both commercial and non-commercial broadcast facilities. However, acknowledging the perils implicit in licensed authority, the statute which establishes the process in broadcasting in the United States expressly forbids the licensing agency from engaging in any kind of program censorship.

Broadcasting is, therefore, to the extent that the public's convenience will permit, as free as the press.

Much has been said and written, too, about advertising—the free enterprise ingredient of media which makes it possible for them to be self-supporting and not subject to Government subsidy or financing, as is the case especially regarding broadcasting in many other nations.

We have heard a lot about "soap commercials" for example in the thirty-five years that we have had broadcasting. And it is true that the major soap companies have been bulwarks in the construction of our broadcasting system through recognizing these electronic media as vital factors in selling their merchandise. But the earliest soap commercial in recorded United States history actually was written by a newspaperman. Let me read it to you. It appeared in the Eighteenth Century in the Penn-

sylvania Gazette and it stated as follows: "Super-fine Crown Soap—It cleanses fine linens, muslins, laces, chintzes, cambric and so forth with ease and expedition, which often suffer more from the long, hard rubbing of the washer, through the ill qualities of the soap, than the wearing." That so-called soap commercial was written by Benjamin Franklin—who, through his experiments with a kite and a key in relation to electricity, rightfully can be said to have had something significant to do with the origins of broadcasting itself.

Newspapers and magazines inform, interpret and entertain. So do broadcasting stations and networks. Newspapers and magazines deal with local, regional, national and international events. So do broadcasting stations. Newspapers and magazines have staffs of creative people—reporters, writers, artists, and even cartoonists. So do broadcasting stations.

The fundamental difference here, therefore, is in the nature of the conveyance itself—one mechanical and the other electronic—and not in the objectives of the conveyors.

I deal at some length with this background of analogy because I wish to make clear that the word "journalism" . . . does not encompass in its meaning the full scope of the challenge of communication in today's world.

We are living in an age when a word can travel so rapidly by electronic transmission that it can circumvent the world before the human voice, unamplified, can be heard 100 feet away. This development in electronics, therefore, which has placed 145 million radio receivers and 45 million television receivers in the homes of America has forced upon us a new and broader concept of the objectives of communications.

The traditions of free speech and free press are not disturbed, but rather enhanced, by the development of new methods of communicating to large groups of people. It is not this tradition which I would call into question but rather the one which, by nomenclature, would indicate that there is only one method of reporting the news—by the

keeping of a journal. In the arena of mass contact, there are two forms of reporting the news:

First, via the printing press—which establishes a permanent record.

Second, via broadcasting—which is more transient, but no less sweeping in its coverage.

These are callings of great sensitivity—dealing as they do with the chronicle of human lives and events. Those practicing this profession should have high regard for human dignity, an apostle's dedication to fact and a highly developed discretionary sense in presenting the day's events in balance:

For those of us who are listeners, viewers and readers rely upon these media for the truth, which we value highly—for the truth about issues and events and men and women who participate in them, in order that we may reach our own conclusions intelligently.

In our business of broadcasting, one of our most respected business journals early carried on its logotype the phrase, "The Fifth Estate"—referring to broadcasting. The line was taken in orderly progression from "The Fourth Estate," which is attributed to the newspaper business.

In actuality, there is and was no fifth estate. There was an extension of the fourth estate, for as far as the meaning here implied is concerned—the mere development of a new and dynamic method of informing and interpreting.

In this rapidly growing field of gathering and disseminating information, we have need of skilled and alert young people who will move from our colleges and universities into publishing houses and broadcasting stations to take up these demanding duties in the future, as other of us pass out of the picture.

Their training is a matter of great consequence to the profession and thus to the general public which these particular professions serve.

I have had reason in recent months to become familiar with the curricula of many of our schools of higher education in training young people for careers in the expanding field of reporting current events. I believe there are few schools in this nation better equipped for this type of preparation than the University of Missouri. It maintains a full-time commercial television facility which is employed as a laboratory in preparing young people for practical application of their learning in the new visual medium. Corollary laboratories in radio and newspapers are available to the students. It insists that the students prepare themselves adequately with a full background of courses in the political and social sciences, history and economics and in all of the curricula of liberal arts so necessary to their adequate training. Cinematography, television production, radio production, staging techniques, and various related specialized courses of study are offered. The question is: do these fit under the over-all instructional umbrella, traditional and highly regarded I admit, called "Journalism"?

Have we come to the time in this area of higher education when institutions . . . should give consideration to organizing all of these teaching functions under one integrated school of communications?

Let's take an example in reporting and editing. Visualize a legislative hearing such as those that were held recently in Washington before Senator McClellan's committee. Down front there is a press table where a score of reporters are taking notes on the give and take of testimony. To the rear and to the side are television cameras, and toward the back of the courtroom a so-called television producer. He is wearing a pair of earphones and has a microphone. The microphone and the earphones keep him in constant touch with the cameramen. He is directing the cameramen in the selection of pictures.

Now what is happening in the case of the man who is there reporting for a newspaper or a wire service or a magazine? He is taking his notes. He will do one of two things: He will call his story in, dictating from his notes, to a rewrite man at the central office of his publication. Or

he will return to the office and write the story himself. After the story is written it will go to an editorial desk where it will be reviewed by professional people, perhaps cut from length, and possibly edited for style and content. It will then move along through the mechanical process of printing and distribution.

But how about the television producer, so-called? He is performing this entire function himself. He is selecting the pictures and the sounds which, combined, go out as the final informational product. No one is reviewing his product, for editing purposes, except as it might be examined at the central control by the station or the network executive program personnel. He is, in effect, a reporter, an editor and a distributor—all in the same package. Obviously this task requires great skill, concentration, judgment and respect for the viewers.

Is this not journalism of the highest order as we have known it through the centuries of the American free press?

Is this man actually a producer or an editor?

View him now in the context of the future, when television spans the earth and instantaneous broadcasts, including both sight and sound, from points all over the world will be seen and heard in millions of American homes. Let's envision a setting more foreign to us than the domestic legislative inquiry—perhaps a highly significant international conference upon which may hinge the future peace of the world.

The editorial responsibility of this person and his colleagues under such circumstances is one of terrifying proportions. Today's journalist, therefore, is not alone a man who can observe and translate in language what he has seen—which has been true in the past both in the case of newspapers and frequently in the case of radio—but also one who can "frame" a picture, and do it with such artistry and judgment that he conveys a factual and unbiased report to millions and millions of viewers.

He may not, in truth, be a journalist. He may more properly be called a communicator.

And what will be the requirements faced by this "communicator" as time marks the advance of civilization?

We need only look about us today for an answer to that question.

We are adding a city the size of Providence to our population in the United States every month.

Today there are 98 percent more high school graduates in our population than in 1940. More and more of these high school graduates are seeking degrees in our institutions of higher learning.

Therefore, not only are we faced with an expanding population which will require continued growth and improvement in our media, but with a steadily rising level of comprehension in homes throughout the nation.

The communicator of today—even he engaged by the smallest newspaper or broadcasting facility in the land—must be aware of the technical developments which attend news development in such faraway places as Egypt, Jordan, Moscow, Shanghai, and Peiping. He must—at once—be informed in the fields of political science, knowledgeable about the customs of many nations, and sensitive to the deep-running tides of international relations.

This is no theater of operations for the printer's devil in the newspaper or periodical field, or for the facile-tongued alone in broadcasting. News must be reported by individuals fully cognizant of their responsibility for reducing the major complexities of the day to clear and understandable portraits—and capable of doing so because they are not alone observers, but also students of current events.

This is a profession of such demanding exactitude, requiring the ultimate of judgment in handling a perishable and unpredictable commodity—the news of the day—that I believe its practitioners should be schooled with an emphasis no less intensive than that which is placed upon other professions—such as the law, medicine, and teaching itself.

The mechanical skills of setting type, of making up a newspaper, operating a typewriter, editing and rewriting, of riding gain on a program, producing a studio show, are vital indeed—but probably, as is generally recognized in higher educational circles, should occupy no more than 25 per cent of the time of the entire student curricula. The rest of the time should be devoted to intensive and required study in those fields of general background knowledge which will qualify the graduate to enter with confidence upon a career that will demand a full measure of his capacity to understand what's going on in the world.

I, for one, should like to see the time when throughout this nation we had established schools of communication in our universities, incorporating this full activity of training for service in all sorts of journalism—electronic or mechanical—and when from such schools would issue highly qualified graduates with degrees in communication. This will not be a popular idea in all quarters. Some educators will resist it because it breaks with tradition. The same is true among some publishers—a few of whom still look upon broadcasting as a combination of Chautauqua and vaudeville, with light undertones of serious purpose.

To those of us in broadcasting, who are conscious of the day-to-day demands implicit in the responsibility for serving the public interest, the need for able young people is critical.

## WHAT WE KNOW ABOUT AUDIENCES\*

By ROLF B. MEYERSOHN

Two remarkable facts are equally true: 1) how much television resembles radio—as radio used to be—and 2) how different contemporary radio is from its own past and from its main competitor, television; or, to put it another way: a highly irregular cross-breeding has taken place in the genealogy of mass communication. Television has established itself as the direct descendant of old-time radio, and present-day radio seems orphaned and childless—with no ancestors or heirs apparent.

Precisely because there used to be something called “good old days,” or “old time radio,” we tend to regard its present plight as very bad.

I don't know whether this is true. I suppose it depends on “bad for what?” We know that radio isn't dead—that every year more radios than TV sets are sold,<sup>1</sup> that every year there spring up more radio stations,<sup>2</sup> that in the course of a week just about everybody listens.<sup>3</sup>

But still, radio has changed.

I'm going to talk about some of the “distressing” changes in audience attitudes and characteristics, and then tell you why I don't think they are distressing at all. I shall, of course, fall into the well set trap of comparing radio with television—or with “old time radio.”

There are four attitude changes that I'll talk about. The first is the change in apparent *interest* and *information*. A remarkable number of Americans know what is televised. They read about it in papers, subscribe to TV Guide, talk

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\*Text of a speech delivered before the 27th Annual Institute for Education by Radio-Television, Columbus, Ohio, May 9, 1957.

<sup>1</sup>According to the Radio-Electronics-Television Manufacturer's Association.

<sup>2</sup>The approximate increase of licensed AM stations can be charted as follows (according to *Broadcasting-Telecasting*, 1957 Yearbook, p. 383): 1947—1,000 stations; 1950—2,000 stations; 1957—3,000 stations.

<sup>3</sup>During the average week 92% of American radio homes listen to the radio. Cf. Leo Bogart, *The Age of Television*, New York: Frederick Ungar Publishing Co., 1956, p. 109.

about it with friends—this information is part of the current events. And this, of course, once was true for radio, too. People used to know things like the time of Jack Benny's program better than they knew their mother's birthday. But now they haven't the slightest idea whether Benny is on at all. . . .

By now, I suppose everyone knows about one of the more spectacular and successful radio ventures of recent years, NBC's Monitor. No one knows how long it took to get established. We do know that six months after Monitor's inception, a study found that more than 50 per cent of the radio-owning populace had never even heard of it. And Monitor is on not for one or two hours, but for two whole days.

Indeed, audience interest in radio seems to have collapsed. And look at what has happened to their radio sets! The place where the radio used to stand is now occupied by a big fat television set. Or putting it statistically, 85 per cent of all TV sets are in the center of the house—the living room.<sup>4</sup> What happened to the radios we'll take up a little later.

There is another difference in attitudes towards radio and television. It might be called audience *loyalty*. What happens to radio listening when even the TV station hits town? Just about the whole potential television audience is pulled away and sets-in-use decline to around 16 per cent according to one survey—and stay there regardless of how many channels may later be added.<sup>5</sup>

By the way, this kind of incendiary reaction to the first television station is very much like human reaction to other social phenomena. For example, U. S. government surveys on strategic bombing conducted after the war in Germany and Japan tried to determine the effect of light as against heavy bombings on enemy morale. There was apparently very little difference. The greatest decline in morale oc-

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<sup>4</sup>*Ibid.*, p. 89 (Table 34).

<sup>5</sup>*Ibid.*, p. 79 (Table 28).

ers of certain types of programs were likely to view any particular other types; for example, are people who watch educational programs more likely to watch religious programs, or crime programs, or variety shows? Surprisingly enough, no correlations were found whatsoever, indicating that there are no natural groupings among program types.<sup>13</sup>

What this means is that people watch television *as such*, regardless of what is on the screen. As Parker and his colleagues remark: "Since most television viewing is done in the evening, the lack of pattern among program types probably reveals a willingness within the family to compromise individual preferences in favor of a family consensus."<sup>14</sup> Or, as Leo Bogart points out: "Television viewing stays at about the same level every weekday evening, even though the calibre and popularity of television programs may be different on different night."<sup>15</sup>

All this sounds as though people watch television indiscriminately. Not exactly! They appear to be indiscriminate in that they are reluctant to turn off the set and will watch just about anything. At the same time, however, there is considerable discrimination *between* the different programs: according to a report on a recent NBC study—Steve Allen vs. Ed Sullivan—"there is a growing army of what are referred to as 'channel switchers,' a body of 15 million Americans who crouch before their TV sets flicking from one channel to the other attempting to skim off the cream of both programs."<sup>16</sup>

When two high calibre programs are on, apparently the audiences are very fussy; but when nothing good is on, they aren't at all fussy—the set stays on.

We can be sure that radio audiences behave rather differently. As Parker, Barry, and Smythe put it: "People are more likely to look at any program that comes along, just for the sake of viewing television, than they are to listen

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<sup>13</sup>*Ibid.*, p. 194 (Table 68).

<sup>14</sup>*Ibid.*, p. 195.

<sup>15</sup>Leo Bogart, *op. cit.*, p. 79.

<sup>16</sup>National Broadcasting Co., *Steven Allen vs. Ed Sullivan*, March 18, 1957, p. 74.

to whatever happens to be available on radio.”<sup>17</sup> People may be news listeners or soap-opera fans or have a favorite disk jockey; they may listen to ball games or to pop music shows; but they won't listen to all the program types that make up radio content. When they can't find their favorite type of program they don't linger to hear something different, they turn the set off.

We have seen, then, that in terms of interest, loyalty, attentiveness and what might be called a media “enthusiasm,” television certainly wins out. This means that radio has to be regarded as something completely different from the way we used to think of it. As will be seen, these four attitudes are not really so simple as they appear. Only if we *have* to restrict ourselves to comparing radio with its former days or with television and use the standards resulting from comparison are we forced to say that things look bad.

In fact, we probably have no right to make such comparisons at all. The units are different. People at one time used to think about *radio*. Now, when you ask them whether they listen to the radio, it doesn't occur to them that they do. Only when you ask another question: “Do you listen when you're driving?” or “do you use an alarm clock to wake up or a radio?” Then suddenly people remember.

What it amounts to is that it has changed from being an exciting entertainment medium to a medium that has no glamour. When people think of it they tend to regard it as “merely useful”—like a wristwatch—it provides the correct time, accurate weather reports, the news, and background noises—so long as these don't interfere with anything important—like television, for instance. As a matter of fact, in one survey it was found that about twice as many people consider radio a necessity and television a luxury.<sup>18</sup>

What about interest and loyalty? If one looks carefully at people's living habits, it becomes very clear that there

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<sup>17</sup>Everett Parker *et al.*, *op cit.*, p. 195.

<sup>18</sup>Leo Bogart, *op. cit.*, p. 121 (Table 47).

are times when nothing is less needed or wanted than television; that on many occasions, radio is far more desirable.

There are times when one doesn't want to be too much seduced by the delights of entertainment . . . (What one wants is,) at most, a non-attractive, non-seductive broadcast service. Merely some quiet music or somebody reading the news and weather . . . that is *enough* . . . Radio is preferred, not because it is better or more pleasing or more absorbing, but precisely because it is *not*.<sup>19</sup>

Yet, regardless of all the differences between commercial radio and television, and of the paths along which they have converged and separated . . . aren't both of them mass media?—mass produced and mass consumed? And what does that mean? Doesn't it imply definite similarities both in consumption and manufacture? (And this business terminology is chosen quite deliberately; for, as Lyman Bryson has pointed out, the communication content is “essentially merchandise, like food or clothing sold in the market place”<sup>20</sup>—even if intellectuals sometimes find this fact hard to accept.)

Mass production means that no single individual is responsible for the product, that tastes are blended at the source; the economic limitations imposed by manufacturing for mass audiences prevents mass media—I quote Sidney Head—“from confining themselves to the needs and tastes of a small minority of its potential audience.”<sup>21</sup>

The primary criterion for success in any mass medium has always been popularity, regardless of whether it is measured by sets-in-use, circulation, total viewers, or what have you. But still, the two media can't be compared.

For example, on the production side, historical study of radio would undoubtedly find that the growth of the relationship between networks, advertisers, and audiences was “inevitable” only as a matter of hindsight. No one in 1920

<sup>19</sup>William McPhee and Rolf Meyersohn, “Futures for Radio,” *Broadcasting-Telecasting*, January 23, 1956, pp. 78-9.

<sup>20</sup>Lyman Bryson, *The Next America*. (New York: Harper & Brothers, 1952), p. 132. Cited in Sidney W. Head (see below).

<sup>21</sup>Sidney W. Head, *Broadcasting in America*. (Boston: Houghton Mifflin, 1956), p. 348.

could have predicted it. In contrast, a historical study of television would probably show that in television the financial structure *was* inevitable—for it was based on an already established one, namely, radio's. It seems to have been taken for granted by audiences as well as manufacturers, that television would be sponsored as radio had been. Why this is so would tell us a great deal, not only about these two institutions but perhaps about American society as a whole.

Fascinating for me, and perhaps touchy for you, is a derivative problem, the current controversy about subscription television. While television grew out of radio, it is in many structural respects far more like the movies. After all, television is as much a "home movie" as it is a "radio plus picture." Why then didn't it grow out of Hollywood (instead of growing into it—at least in programming)? If it had, undoubtedly subscription television would have seemed far more natural.

Radio and television are both mass media, and both define success in terms of popularity. But they can't be compared. There is still another reason, one which is basic to all the others; it has to do with size.

J. B. S. Haldane has written a charming essay, called "On Being the Right Size"<sup>22</sup> in which he shows that according to the principle of similitude, living creatures all seem to be just about the right size. He points out that if the graceful gazelle with its long thin legs were to become larger, its bones would break—unless some parts of its body were disproportionally changed: either its legs would have to be made stout and thick, like those of a rhinoceros, or its body would have to be compressed, like a giraffe's. Much in the same way that a gazelle can't be enlarged without becoming a rhinoceros or a giraffe, we can't expect television and radio to look alike; television can't be "like radio, only larger." For television to maintain balance between producers and consumers, a number of limbs have had to be extended or compressed. And in the same way,

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<sup>22</sup>Reprinted in *The World of Mathematics*, edited by James R. Newman. (New York: Simon & Schuster, 1956), vol. II, pp. 952-3.

if radio has lost some weight and size, its joints have had to be—or could be and will be—loosened.

In other words, the impossibility of comparing radio and television lies in the differences in their sizes. On the production side, the capital expenditure, the break-even point, the personnel required are all far greater in television; in terms of consumption, the audiences needed to keep the system going are larger.

The size differential implies that television must be more of a mass medium than radio; it has to be more mass produced and more mass consumed. And as might be expected, this leads to definite kinds of programming, to definite kinds of audience attitudes and expectations, to definite kinds of content. The only thing that can attract vast audiences is entertainment; this is what is produced and what audiences expect. And the only kind of entertainment that can be successful (in the massive terms that this medium defines success—namely in the millions and tens of millions) is entertainment programming that is designed to attract *all kinds of people*, that cuts through any number of taste and belief barriers that may exist, that can be applauded by the rich and by the poor, by the educated and by the illiterates, the young and the old.

What the magical formula for such programming is I don't know. One ingredient currently popular seems to be the very explicit cutting across of a number of economic and class lines by featuring "peculiar types"—priests who know all about jazz or Marines who are gourmets.<sup>23</sup> More likely, however, is that there are no magical formulas. One of the things that television has done—and all mass media are alike in this—is to create its own heroes, to build on tastes that had never existed. "Even if most people were neither interested in nor accustomed to crossword puzzles, comedy teams, or serial dramas, mass media developed their own world in which such features became of interest. In this sense, the mass media not only appeal to the lowest common denominators, they make them."<sup>24</sup>

<sup>23</sup>Rolf Meyersohn, p. 354.

<sup>24</sup>*Ibid.*, p. 353.

It stands to reason that a larger medium must have larger or lower common denominators, that its programs must be designed for a less special appeal. Then, by definition, more risks are taken; even the "safest" program on television seems to be riskier than a highly unpromising program on radio.

There is, of course, an additional element; the fact that television is larger also means it has a more pressing hunger for new material. But it seems that its bulk imposes a restriction on the true diversity that new material implies; instead, this hunger seems to be satisfied by exaggerating existing forms, by stretching programs, as it were, from \$64 to \$64,000.

Earlier I talked about the lack of clusters in television viewing in comparison to radio. I also mentioned that radio is far more sensitive to what else is going on and that television is much more "secure," if you like.

But if one looks at larger units, for example, radio and television ratings in the winter, when people are not as tempted to leave the house, one notes a peculiar differential; namely, that radio listening rates remain fairly *constant* while television rates fluctuate very severely.<sup>25</sup> This seems clearly a function of size. Radio has shrunk and now has enough different audiences so that even if one doesn't listen, another will. Television, on the other hand, has only *one* audience to lose. Counting, as it does, on millions of people to watch at home its very few channels, it must, by necessity, suffer more when these millions take off for the beach or the ballpark. Like a rhinoceros, television is stronger, but when it does get shot at, more of it gets hit.

In other words, systematic study of these aggregate trends has not unfortunately been undertaken.<sup>26</sup> It would certainly be useful in enabling us to answer such questions as what the saturation point for entertainment might be—

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<sup>25</sup>Leo Bogart, *op. cit.*, p. 71 (Table 24).

<sup>26</sup>Plans are being made by William McPhee at the Bureau of Applied Social Research, Columbia University, and James Coleman of the Department of Sociology at the University of Chicago, to engage in long-term studies of this problem.

for even in a country whose leisure time has increased enormously and which is certainly "mass media oriented," there must be upper limits to consumption.

In conclusion, let me try to pull some of this material together. Even if people aren't interested in radio as such, this doesn't mean they aren't interested in specific program types. If they don't show radio the loyalty they show television, this doesn't mean they are subversive, only that radio is no longer general entertainment. If they don't pay attention, in part this is due to the fact that as general entertainment goes, radio isn't very interesting; and one naturally pays more attention when one watches and hears something than if one only listens. But they are certainly attentive as listeners to new and other special programs. And if they are doing other things while listening to the radio, doesn't this give radio precisely the flexibility it needs?

What seems to be required for education by radio-television is precisely what present day radio—but not television—has to offer; namely, room for diversity. Presumably, education by radio-television can thrive, on the one hand, only when the medium is diverse enough to allow room for specialized interest programming and when its manufacturers can regard their consumers not as a single mass audience but as many coalitions of different audiences; on the other hand, when audiences regard the medium not only as an entertainment source but as a source for their more particular interests.

Such a conception would lead to the view that radio is far more likely to serve the needs of education. In terms of size, it is small and flexible enough to build on any number of special interest groups—as a matter of fact, it has to. Television, on the other hand, seems forced by its bulk to program mass appeal. If a minimum rating of 20 or 40 is required for television and 2 or 4 on radio, then radio seems a more logical candidate for educational programming.

Why radio hasn't shown its advantages more clearly is hard to say. Perhaps stations have simply taken a seem-

ingly easy way out, by presenting the same background sounds as all other stations, and by being indistinguishable from each other. I don't think audience attitudes have had very much to do with it.

For radio the alternatives seem to be these: 1) whether a radio station, like a television station, should try to give listeners a whole range of programs—not just the top ten tunes—or worse still to try in every single program to try to reach all potential listeners; or 2) whether it should look around, consider itself part of the whole network service and try to fit in. In many ways, this latter choice seems better. Audiences like to keep their sets tuned to a station so long as it presents what they want—which tends to be more or less constant. Music listeners don't want soap operas, soap opera listeners don't want ball games. Why should a station turn the dial every hour, so to speak, when the listeners can turn theirs just as well—and do? In theory, at least, there ought to be more stations, each with its own and distinguishing identity, competing not for the same tiny fraction of the audience, but, as an aggregate, for the combined fractions that make up the special interest groups in this country. Radio is trying to look like a rhinoceros when it doesn't have to—and can't.

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## THE ADVERSARY PROCESS IN POLITICAL PROGRAMMING\*

By WILL WILSON  
*Attorney General, State of Texas*

Someone has said that the future of television lies in selling things which can be held in the hand and deftly illustrated. That may be true insofar as paying the bills is concerned, but my feeling is that the future of television—and of radio, too—will be determined by the industry's ability to retain a broad public confidence while being thrust into the red hot political cauldron. Television and radio in the United States cannot escape being one of the chief means of communication in the democratic processes of government.

In its June 30, 1956 issue, the magazine *Business Week* said:

"The rise of mass communications, and especially of television, has given a new, and still developing, importance to what might be called the art of 'gray flannel politics.'"<sup>1</sup>

The "gray flannel" is a reference to New York advertising agencies. I quote further:

"You might, of course, ask what politicians—themselves past masters of the art of mass persuasion—can learn from experts who are tyros in the ways of politics. The answer seems to be in the specialized techniques needed for modern mass communication media, with which the men in gray flannel are more familiar. At any rate, whatever you call the art of the admen-publicists, it is firmly entrenched in American political life—"though it has so far received skimpy attention."<sup>2</sup>

The September 2, 1955 issue of *U. S. News & World Report* said:

"Television is having a steadily increasing influence on the average adult's political thinking. Nearly all the experts agree on that."<sup>3</sup>

\*Speech before the Texas Association of Broadcasters, Lubbock, Texas, November 12, 1956.

<sup>1</sup>"Madison Ave.'s Hand in Politics," *Business Week*, June 30, 1956, pp. 93-6.

<sup>2</sup>*Ibid.*

<sup>3</sup>"What TV Is Doing to Politics," *U. S. News & World Report*, 39:44, September 2, 1955.

This raises ethical problems for the television and radio industry transcending by far ordinary business problems—problems far more complex and difficult than the daily one of making advertising pay.

About a year ago there appeared in *The Reporter* magazine an article by Robert Bendiner under the intriguing title of "The Engineering of Consent."<sup>4</sup> This article does not deal, as you might suspect, with romance. Bendiner develops, with many fascinating details, the public relations technique used by several railroads to defeat an effort by truck lines to raise the truck load weight limit on highways. As generally happens in most of the state legislatures each year, in 1952 in Pennsylvania the truck lines and the railroad squared off for their annual battle. Load-limit laws affect not only the total weight a truck can carry, but also the size and structure of the vehicle.

That particular year the truckers took the initiative and mounted a vigorous campaign to raise the load limitation. Each group employed a prominent public relations firm to quarter-back their fight—Byoir for the railroads and David Charnay for the trucks. Each public relations firm "fit the battle" with more or less standard techniques, i.e., news releases, articles advancing special arguments, the formation of front organizations to sponsor special interest legislation under the guise of public service, the exploitation of many existing bonafide organizations through committee action, resolutions, etc., the rather adroit use of commercial advertising media, and almost all known types of lobbying. All of this is more or less standard. It would now be forgotten, as numerous other such campaigns have been, were it not for a certain Miss Saroyan. This young lady, a secretary to Mr. Byoir, public relations counsel for the railroads, had the naive belief that if she on her own initiative made extra copies of her boss' correspondence the copies were her personal property. She thought it to be her duty to keep an extra copy for her own personal file of everything that went across her boss' desk.

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<sup>4</sup>Bendiner, Robert, "The Engineering of Consent," *Reporter*, 13:14-23, August 11, 1955.

There came a time when the Byoir firm deemed it to their interest to fire Miss Saroyan. She departed, taking her file with her. She promptly made her way to the Charnay public relations firm representing the truck lines. They, of course, regarded her file as a windfall. It exposed the railroad strategy, tactics, and methods to the bright sunlight of the truckers' examination. This led to the filing of a law suit styled *Noerr Motor Freight, Inc. v. Eastern Railroad President's Conference*. In news parlance in the East this case soon became known as "the truck-railroad brawl."

By depositions and otherwise the information contained in Miss Saroyan's file was rounded out and the whole picture of a public relations fight over legislation was exposed for public view.

This case spotlights some of the ethical problems confronting your industry. . . .

This engineering of consent is nothing new. The courts have always been confronted with it in one form or another. In the law we can look back on centuries of experience in trying to curb and govern it. In remote historical times the engineering of consent of people charged with crime was developed into quite an art in the dungeons of castles where many ingenious forms of torture were applied to obtain confessions which were subsequently introduced in trials as the language of the defendant.

This practice continued until well into recent times. In England during the reign of the first Queen Elizabeth someone said of Lord Coke, her Attorney General, that he was completely loyal to his mistress the Queen. Queen Elizabeth replied that he was completely loyal to his mistress the truth. Nevertheless, it was his practice to obtain what was then called a prerogative warrant for the torture of the accused in order to obtain a confession. Many of the famous state trials of the Elizabethian period were based primarily upon this type of evidence.

Through the development of the common law the courts in their search for truth gradually imposed a form of self-restraint upon themselves and the agents of government.

These we today call "rules of evidence." One of these rules, for instance, is that a confession obtained by coercion or torture is not valid, and a second similar rule, growing from generations of experience, is that the testimony of an accomplice must be corroborated.

The adoption of these rules did not stop the use of torture to obtain confessions. Occasionally we still hear of "the third degree" in police departments. Neither have these rules prevented the conviction of people who have been physically abused in order to obtain a confession, but through the centuries the rules of evidence have been the main influence in severely curtailing the use of physical coercion as a method of engineering consent. Television needs something equivalent to the value of evidence.

This concern about a loyalty to abstract truth in the business of maneuvering the American public's mind can be foreseen as the central ethical problem of both television and radio. . . . This is the problem which will determine the ultimate status of television in our national life.

For a possible guide it might be well . . . to look to the 300 years of experience of the law courts in struggling with the perfecting of techniques for determining the truth about a past event. Television and radio are both so new that the problem of working out rules of thumb as a guide in sifting for the truth is only begun. But the broadcasters' problem is more difficult than that of the courts—the determination of past facts. It is a problem in personality projection—the projection of the true image of the candidate and not a false and deceptive image. In discussing television's impact on the public the *New Republic* in its June 4, 1956 issue said:

"The candidate's contact with the people may be even more remote; worse yet, the impressions created may be all the more superficial and artificial. It is difficult enough to try to judge a politician when he is making a speech in the flesh, as it were. When he is delivering it on television, not only (as in the other case) is he likely to be reading something that somebody else has written, but he may appear *not* to be reading it, thanks to a gimmick called a teleprompter . . . And yet with all the deceptive dangers it holds, with all the capacity it has

for making political histrionics more synthetic and less sincere, television may well hold the magic key to a new and priceless dimension in political campaign: a clear, candid picture of the candidate."<sup>5</sup>

The use of radio as a major weapon in political campaigns did not begin in Texas until the 1930's. At least it was not extensively used before that. In the 1920's Governor Moody made a campaign for Attorney General of Texas on a total of \$1500.00—with no radio at all. A little later Jimmy Allred made a personal campaign of Texas for Attorney General with a very small total expenditure—and no radio. The full impact of radio as a personality projection media first showed up in the person of W. Lee O'Daniel. His history is rather revealing.

The story as I have heard it is about like this: Early in the 1920's the Burriss Mills began the use of radio for advertising purposes. At that time there was no network and they put together an impromptu network of telephone lines. A part of their advertising technique was to bring route salesmen to Dallas and introduce them on radio and let them say something to their friends back home. Each day they had a different man. In that fashion they rotated through their program route salesmen from all over Texas. The salesmen would tell all of his customers to listen as he would be on the Light Crust program.

Among these route salesmen brought in was a young man named Wilbert Lee O'Daniel who was selling flour to country grocery stores. He did so well on radio and seemed to fit it so naturally that he was retained and given a permanent job emceeding the program. . . .

He did this for many years. In the 1937 Governor's race there were already two well known political figures—Messrs. Bill McCraw and Ernest Thompson—when O'Daniel entered the race. Although both McCraw and Thompson had had an enormous amount of newspaper publicity and advertising during their political careers, it is very questionable whether they had had as much actual advertising as had

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<sup>5</sup>Edward P. Morgan, "1956—How Television Could Help the Voter," *New Republic*, June 4, 1956, p. 15.

O'Daniel at that time. In all probability O'Daniel was far better known to more people than either of them, but not many political figures knew this because they had not realized the potential of radio.

Often you will hear people refer to O'Daniel's entry into politics as that of an "unknown." This is anything but true. In my opinion he was then probably better known than either McCraw or Thompson—but in an entirely different fashion.

With O'Daniel's entry into the Governor's race, radio may be said to have made its debut in Texas politics. It soon became one of the principal media for political communication. I would guess that an accurate appraisal of most of the political campaigns between 1938 and 1948 would show that far more money was spent on radio than on any other form of advertising.

With the advent of television there can be no question but that, budget-wise, the candidates and their managers regard television as one of the dominant communications media.

How can television and radio best serve the elective processes of democratic government? There is no question but that they will serve. There is no question but that this will have a determining influence in selecting the people who staff the government.

The television industry has a high patriotic duty to concern itself with political campaigns and political techniques from the viewpoint of their effect upon our government. . . .

In my particular field—that of the law—our ancestors early determined that in the settlement of disputes between citizens the truth is more often obtained by the use of the adversary trial than by independent investigation. That is, we established the law court as a forum in which the litigants are actors and present their own cases with the freedom to develop their own theories and put on the evidence that they want to. The judge does not have independent investigative techniques in the sense that the court can go

out and make independent investigations. The court relies upon the litigants to find and bring forward everything favorable to their case or unfavorable to their opponent. Experience has proven that cross-examination by an adversary is the most effective device we have for guaranteeing true testimony.

For our type of life and our type of people the adversary trial has proven over the long centuries to be the best method of arriving at truth. This differs from the continental system in use by many European countries where the court has independent investigative powers and procedures and can use its own agency to search for the truth in a disputed matter before it.

Likewise, in the matter of promulgating laws, we customarily rely largely upon the adversary process. We elect a legislative body such as Congress in which two great political parties oppose each other. One party advocates a legislative program and the other analyzes and attacks those portions of the program with which it disagrees. We instinctively feel that we get better laws from such an adversary system than we would out of some type of expert body working without it.

Likewise, our political system is an adversary one. This resort to the adversary process in promulgating laws and in determining cases in court is already being adapted to the techniques of television and radio. This fits well into the traditional pattern of thought already established in the broadcast audience and is a natural development from historical traditions. . . .

There are a number of ways of bringing the adversary process into political programming. One of these devices is what we now call a "Meet the Press" program, in which interrogators—usually newspaper correspondents—who are apt to be in a somewhat critical attitude towards the candidate, are seated opposite him and given the freedom to examine the candidate under such circumstances that he cannot be coached or have someone else do his thinking for him. . . .

I might say that in my opinion the integrity of television would be better served if, in the disclaimer, the television station would announce that a candidate was reading from a teleprompter. The audience would know that the thoughts and expressions were not extemporaneous and might have been written and edited by others.

The strength of the cross-examination type program lies in exhibiting to the public the true personality of the candidate. Someone has said that television is the greatest X-ray invented—that it can pierce right through the mask of a man and expose his soul. We all know that this does not always happen.

So, it seems to me that one of the immediate problems of the industry is to formulate rules and procedures which will tend to prevent fraud being worked on the public. We need procedures which will reduce the opportunity to present a candidate in such a way as not to reflect his true personality.

I would therefore urge that all television stations expand the "Meet The Press" type of program in both state and local political races.

Another type of adversary program would be some variation of the old-fashioned debate. This would have to be rather carefully worked out, but I think this effort would be a great public service. Any candidate will be reluctant to appear on the same program with his opponent unless there are ground rules which hold the game within bounds.

The planned friendly interview is not necessarily a good device. Everyone has seen interviews which were obviously mere propaganda devices, so I would recommend that public service program time which the industry wishes to make available in political races (and I think this will greatly increase as the years go by) be devoted to the adversary interview.

Many variations of this could be worked out as, for instance, a program in which a candidate is asked to answer written questions propounded by his opposition. Soon after,

the tables could be reversed and he could be invited to propound questions to be answered by his opposition. In this way could be developed a very controlled and manageable debate which might well have a great deal of audience appeal.

There are probably many other television and radio techniques which will be developed in future political campaigning. It is the duty of the broadcasting industry to see that these grow in the direction of picturing the true knowledge and personality of a candidate. I hope that broadcasters can develop techniques which will prevent demagogues from using television as a method of obtaining power and then using the power to rob the people of their freedom.

The very first to suffer the heavy hand of censorship and control will be the communications media—including television and radio. In this sense broadcasters stand in the forefront in the battle for freedom because your industry will be the first to lose its freedom. It is just as important that techniques be developed for arriving at political truth through the use of television as a communications media as it was for the courts to evolve rules of evidence to guide them in arriving at truth. . . . Candidates and their publicity men can be just as ingenuous in engineering consent as litigants and lawyers in court have been. The broadcasters' problem is to work out the ground rules, just as the courts have done, so that television and radio may reach their full potential of good for our nation and our people.

## THE CONTRIBUTION OF HERBERT HOOVER TO BROADCASTING\*

By C. M. JANSKY, JR.

It was in 1922, just 35 years ago, that the Honorable Herbert Hoover, former President of the United States but at that time Secretary of Commerce under President Coolidge, held the first of four industry-government conferences to deal with the problems of radio regulation resulting from the rapid expansion of radiotelephone broadcasting. The second, third and fourth of these Hoover Radio Conferences, as they came to be called, were held in 1923, 1924 and 1925. . . .

The Hoover Radio Conferences established the basic principles upon which our great American system of free broadcasting, and I include television, has been built. They also were largely responsible for the development of a sound policy with respect to governmental regulation of all uses of the radio spectrum.

It is appropriate that we turn back the pages of the calendar and review briefly the radio situation which existed in the early 1920's. The first radiotelephone broadcasting in this country was done under experimental licenses by a number of our colleges and universities during the period 1916 to 1920. It was my privilege to be associated with some of this early work. However, it was broadcasting by commercial companies in 1920 which resulted in a tremendous increase in public interest in broadcasting. This focused attention on the limitations of the Radio Act of 1912. This law delegated to the Secretary of Commerce very limited authority to regulate the use of the radio spectrum. I use the word "limited" advisedly because in effect the law made it mandatory upon the Secretary of Commerce to issue a radio station license to any applicant.

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\*Address accepting on behalf of the Honorable Herbert Hoover the 1957 Award for Distinguished Service conferred by the National Association of Radio and Television Broadcasters, April 9, 1957, Chicago, Ill.

Then Secretary of Commerce, Herbert Hoover, was quick to see that unless some governmental agency had authority not only to grant but also to refuse licenses to applicants for radio stations, unregulated construction and operation of broadcast stations would result in complete chaos. Therefore, he called the first industry-government radiotelephone conference which met in February and in April of 1922. I wish to quote the opening sentences of Herbert Hoover's address to those of us who comprised this first conference:

"This Conference has been called at the request of the President and its purpose is to inquire into the critical situation that has arisen through the astonishing development of the wireless telephone, to advise the Department of Commerce as to the application of its present powers of regulation and to develop the situation generally with a view to some recommendation to Congress, if it be necessary, to extend the present powers of regulation."

Total membership of the first conference was fifteen. There were nine government members and six non-government members. . . .

The situation which confronted us in February, 1922, is well described by this second quotation from Herbert Hoover's opening address to the first conference:

"We have witnessed in the last four or five months one of the most astounding things that has come under my observation of American life. This Department estimates that today over 600,000 persons possess wireless telephone receiving sets, whereas there were less than fifty thousand such sets a year ago."

Now, 600,000 radio receiving sets in the hands of broadcast listeners is insignificant when compared with 140 million radio-broadcasting receiving sets and 45 million television sets in the hands of the public today. However, an increase of over ten times in the number of broadcast receivers in one year was a portent of the future and forewarning of the necessity for adequate regulatory authority and careful allocation planning.

A good thermometer for measuring the feverish increase in the public interest in broadcasting is the membership of the four Hoover Radio Conferences. There were only 15

members of the first in 1922, and 20 members of the second in 1923. There were approximately 90 members of the third in 1924 but over 400 participated in the work of the fourth held in 1925.

In 1922 our use of the radio spectrum was limited to frequencies between 50 and 3000 kilocycles. Today, the Federal Communications Commission's allocation tables cover a band extending from 10 kilocycles to 30 million kilocycles. In 35 years we have increased the width of the usable radio spectrum over 600 times.

It will serve to set the stage properly for an evaluation of the accomplishments of the Hoover Radio Conferences if I call to your attention briefly some of the fundamental principles which these conferences established.

The Second Hoover Radio Conference in 1923 established the principle that there should be both cleared and shared broadcast channels although they were not so named. Also, this second conference decided that broadcast frequency assignments should be 10 kilocycles apart. One of the reasons for this decision illustrates how limited our vision was with respect to the future of the art. At that time, the highest audio frequency transmitted over long distance wire circuits was 5000 cycles, that is, 5 kilocycles. Therefore, broadcast frequency assignments were spaced 10 kilocycles apart so channels would not overlap.

Today we think nothing of coaxial cable and microwave relay interconnection systems capable of handling television and other transmissions requiring channels several hundred times as wide as were available in 1923. One of the biggest problems which faces the radio and electronic engineer today is to keep his head in the clouds and his feet on the ground at the same time.

Until 1923, all radio broadcasting was limited to three channels, namely, 610, 750 and 830 kilocycles. The second conference in 1923 assigned a band of frequencies to radio broadcasting extending from 550 to 1350 kilocycles. Later, this band was extended to 1550 kilocycles.

At the Third Hoover Conference one of the most contentious issues was whether or not broadcast stations should be allowed "super power". Now, at that time most broadcast stations were of 500 watts power. A few used 1000 watts. The big argument was whether or not broadcast stations should be licensed for the unprecedented super power of 5000 watts. Some thought this might result in a monopoly.

How many realize that in the 1920's, while the importance of a nation-wide system of broadcasting was recognized and particularly by Herbert Hoover, there were wide differences of opinion as to how to build such a system. First, there were those who thought that a large number of individual broadcast stations should be interconnected by wire. Second, another group thought that individual stations should be interconnected by radio circuits. Third, there were those who believed the way to reach the entire nation with an acceptable program was by a single station capable of covering the entire United States.

In the light of our present knowledge of radio propagation phenomenae, today no one would think of trying to deliver good broadcast coverage throughout the United States from a single station no matter how high the power. Yet, in those days our lack of knowledge of fundamental facts was such that this proposal was given serious consideration.

Now, I have not tried to recreate partially for you the conditions which existed in the 1920's just for the fun of it. Rather, I desire to emphasize how important it is to evaluate a man's contributions to an art or a science in the light of the knowledge available at the time he made those contributions and not in retrospect on the basis of present day knowledge. In those early days when radiotelephone broadcasting was in its swaddling clothes and television still a thing of the future, Herbert Hoover defined, explained and advocated certain fundamental principles of public policy which are today the accepted foundation upon which our American system of free broadcasting has been built.

First, Herbert Hoover recognized and fostered the development of a nation-wide system of broadcasting which would enable delivery of programs simultaneously throughout the entire United States. Second, he advocated self-regulation by industry with a minimum of governmental regulation and control. Third, he opposed the ownership of broadcast stations by the federal government, and advocated the independent ownership of broadcast stations operated without government censorship, and subject to government control only to the extent necessary to prevent interference and to provide for the orderly use of the radio spectrum. I think it appropriate that I quote some of the statements he made on these issues at his radio conferences.

First, with respect to the importance of a nation-wide broadcasting system, he said:

“Experimental broadcasting upon a national scale by interconnecting stations by wire during the past year has now brought us to the stage where we know it can be done. It has opened a new vision to us. The local material available for the local program is of the highest importance but is not, in my view, enough to maintain the assured interest necessary for the support of the industry nor to fulfill adequately the broadcasting mission.”

. . . . .

“The local station must be able to bring to its listeners the greatest music and entertainment of the Nation, but far beyond this it must be able to deliver important pronouncements of public men; it must bring instantly to our people a hundred and one matters of national interest. To this it must add its matters of local interest. This can only be accomplished by regularly organized interconnection on a national basis with nationally organized and directed programs for some part of the day in supplement to local material.

“It may be stated with assurance that the greatest advance in radio since our last conference is the complete demonstration of the feasibility of interconnection. We owe a debt of gratitude to those who have blazed the way. The pioneers have been the American Telephone & Telegraph Co. in wire interconnection and the Westinghouse Electric & Manufacturing Co. in radio interconnection through the use of short wave lengths. Their experiments have involved technical skill of the highest character which could be found or contributed by few other organizations in the world. Their expenditures, running into

the hundreds of thousands of dollars, have been made without direct consequential return. It has been possible to broadcast many national events over three-quarters of the United States during the past year, and the whole country has been covered twice. The service deserves the appreciation of the public, for it has demonstrated this great thing to be practicable.

"It is our duty to consider the possibilities and potentialities of interconnection as a regular daily routine of the nation. Unless it be systematically organized we can not expect its continuation. I realize that this matter, except in so far as it may be fostered and encouraged, does not lie in the Government. It would be unfortunate, indeed, if such an important function as the distribution of information should ever fall into the hands of the Government. It would be still more unfortunate if its control should come under the arbitrary power of any person or group of persons. It is inconceivable that such a situation could be allowed to exist; but I am not now dealing with monopoly. Nor is this a question where anyone lays claim to a monopoly."

Herbert Hoover believed in a minimum of government regulation and a maximum of self-regulation by industry itself. Those of us who served as non-government members of the four Hoover Radio Conferences did not serve merely as industry advisors to the government members. We all served as equals. Here are some quotations from Herbert Hoover's addresses in which he defined his concept of the proper relationship between industry and government.

"I have called the conferences of each of the last three years in the confidence that it was only by your cooperation that the requirements of this great service could best be met. There are certain minimum regulatory powers in the Department of Commerce. They are inadequate to meet the shifting situation that this developing art constantly presents. Nor could any legislation keep pace with the changes imposed by scientific discovery and invention now going on in radio. I have been convinced, however, that we could meet these problems by organized co-operation of the industry itself."

. . . . .

"I can only repeat what I have said on these occasions before—that it is our duty as public officials, it is our duty as men engaged in the industry, and it is our duty as a great listening public to assure the future conduct of this industry with the single view to public interest. The voluntary imposition of

its own rules and a high sense of service will go far to make further legislation or administrative intervention unnecessary.”

. . . . .

“The problems in broadcasting are, as ever before in these conferences, of two categories—those, on the one hand, which the industry can and should solve for itself in order to safeguard the public service and its own interest and, on the other hand, those which can only be solved in cooperation with the Government; and again, as before, we should find the solution of as many of our problems as we can in the first category. I have no hesitation in discussing these questions, because, as I have said, the more the industry can solve for itself the less will be the burden on the Government and the greater will be the freedom of the industry in its own development.”

What do we mean when we talk about the American system of free radio broadcasting? What differentiates the American system of sound and television broadcasting from other systems? The following quotation is from Herbert Hoover’s address to the first radio conference:

“In certain countries, the government has prohibited the use of receiving instruments except upon payment of a fee, out of which are supported government sending stations. I believe that such a plan would most seriously limit the development of the art and its social possibilities and that it is almost impossible to control. I believe that we ought to allow anyone to put in receiving stations who wishes to do so.”

Let us consider for a moment the importance of this pronouncement made in 1922, the broadcasting industry was still in its infancy. We were, in effect, at a fork in the road. The choice was between a government monopoly with government-owned transmitting stations supported by license fees charged for the use of receiving sets, on the one hand, or a non-government system supported by other means with no government license requirements for the use of receiving sets, on the other. At this critical time, Herbert Hoover in no uncertain terms pointed the way toward the development of a broadcasting system which, while of necessity regulated by government, nevertheless is neither owner nor censored by government.

The following two quotations are from his address to the Third Hoover Radio Conference, October, 1924:

"Through the policies we have established the Government and therefore the people, have today the control of the channels through the ether just as we have control of our channels of navigation; but outside of this fundamental reservation radio activities are largely free. We will maintain them free—free of monopoly, free in program, and free in speech—but we must also maintain them free of malice and unwholesomeness."

. . . . .

"It is my ideal and yours that this new great implement which science has placed at the disposal of our people shall be developed and expanded in such fashion as to bring the maximum good, and that we may avoid any complaint from our successors that on one hand we sacrifice public interest or on the other we in any way dim that fine sense of initiative and enterprise in our people that is fundamental to all advancement in our Nation."

In November, 1925, at the fourth and last of the four conferences, Herbert Hoover summarized the results of three and one-half years of industry-government cooperative effort under his guidance as follows:

"Some of our major decisions of policy have been of far-reaching importance and have justified themselves a thousand-fold. The decision that the public, through the Government, must retain the ownership of the channels through the air with just as zealous a care for open competition as we retain public ownership of our navigation channels has given freedom and development in service that would have otherwise been lost in private monopolies. The decision that we should not imitate some of our foreign colleagues with governmentally controlled broadcasting supported by a tax upon the listener has secured for us a far greater variety of programs and excellence in service free of cost to the listener. This decision has avoided the pitfalls of political, religious, and social conflicts in the use of speech over the radio which no Government could solve—it has preserved free speech to this medium."

There has been much speculation throughout the years as to the origin of our American system of free broadcasting. The record shows that this system was born at the First Hoover Radio Conference in 1922. By November, 1925, when the Fourth of these conferences was held, our American free system had become so accepted that to date it has easily survived all attacks upon it.

At the radio conferences he sponsored and guided, Herbert Hoover emphasized the importance of nation-wide network broadcasting. He consistently insisted upon a minimum of government control and in its place advocated industry self-regulation. He opposed the taxing and licensing of radio receiving sets. He opposed the government ownership of broadcast stations. Also, he opposed government censorship of broadcast program material. Herbert Hoover's philosophy was like that of Thomas Jefferson who said: "No government has a right to meddle with the human mind or spirit or to dictate what any person can say, think, or believe." If any man should be called the Father of the American System of Free Broadcasting it is the Honorable Herbert Hoover.

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## MULTIPLE OWNERSHIP AND TELEVISION\*

### FCC NETWORK STUDY MEMORANDUM

The trend in multiple ownership indicates that in the future there will be substantial problems of undue concentration of control, in the absence of limitations imposed by the Commission. Interest in television ownership by organizations with powerful financial support is growing. As multiple ownership increases, single-station ownership decreases. The single-station owner is at a bargaining disadvantage and may not be able to compete effectively with multiple owners. To the extent that the multiple ownership rules permit, it is possible that the broadcasting industry will become a multiple-unit industry and the character of a television station as a community institution will be lost. This is the core of the problem which the Commission must solve in reappraising the multiple-ownership rules. The solution may well require further limitation, rather than relaxation, of the existing rules.

#### I. FCC Policies Governing Multiple Ownership

The Congressional policy of maintaining the field of broadcasting as one of full and extensive competition has been implemented by the Commission through the policies of diversifying ownership and control of stations and of favoring local ownership. These two policies are fully consistent with the traditional concept of the broadcast facility as having the character of a local institution. In administering the Communications Act, however, the Commission has occasionally found it necessary to strike a balance with other qualifying or competing policies which has tended to move the Commission away from a strict application of the diversity and local ownership policies. This trend away from the former emphasis placed upon the policies of diver-

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\*Excerpts from "Operation of the Multiple-Ownership Rules in the Television Industry," memorandum (39905R) to the FCC from Roscoe L. Barrow, Director, Network Study, dated January 7, 1957, presented in testimony before the Antitrust Subcommittee of the House Committee on the Judiciary. "Monopoly Problems in Regulated Industries," *Hearings* before the Antitrust Subcommittee, Part 2, Volume 1, Television, Serial No. 22, G.P.O., Washington, D.C., 1957. Pp. 3761-78.

sity of ownership and local ownership, with consequent weakening of the local institution concept has been noted by the court of appeals in the recent *Pinellas* case:

In the case at bar there appears some suggestion that the Commission has changed, or is changing, its view as to the dominant importance of local ownership and as to the evil of a concentration of the media of mass information.<sup>1</sup>

(a) *Service in the public interest*—A fundamental premise of the American system of broadcasting is that there can be no proprietary right in any frequency or channel,<sup>2</sup> that the spectrum is a natural resource belonging to the entire national public, and that the value to be derived from this concept would be destroyed by uncontrolled private exploitation. Frequencies can be used for private purposes only insofar as such use will benefit the public interests to be served.<sup>3</sup> In other words, the right of the public to service is superior to the right of any licensee to make use of any frequency or channel for his own private purposes.

This emphasis on service has played a prominent role in the implementation of the Commission's statutory duty to "encourage the larger and more effective use of radio in the public interest." In its Report and Order of June 26, 1956,<sup>4</sup> the Commission set forth certain objectives considered essential to the development of a nationwide competitive television system. In order of priority, these were: (1) All areas to have at least one service; (2) the largest possible number of communities to have at least one local television station; and (3) multiple services to be made available in as many communities and areas as possible to provide adequate program choice to the public and to encourage the development of competition—among broadcasters, network, and other elements of the industry. Related to these objectives is the concept stressed in the *NBC* case: "The 'public interest' to be served under the Commu-

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<sup>1</sup>*Pinellas Broadcasting Co. v. Federal Communications Commission*, 230 F. 2d 204, 206 (1956).

<sup>2</sup>Communications Act, sec. 301.

<sup>3</sup>Communications Act, sec. 307 (a) (d).

<sup>4</sup>Docket No. 11532.

nications Act is thus the interest of the listening public in the 'larger and more effective use of radio.'"<sup>5</sup> . . .

(b) *Local institution concept*—In emphasizing the broadcasting stations' function to serve the public interest, the Commission has sought to achieve for stations the character of local institutions with a "grassroots" interest in the service and program needs for the community served. This viewpoint was expressed as early as 1928 by the Federal Radio Commission:

In a sense a broadcasting station may be regarded as a sort of mouthpiece on the air for the community it serves, over which its public events of general interests, its political campaigns, its election results, its athletic contests, its orchestras and artists, and discussion of its public issues may be broadcast. If . . . the station performs its duty in furnishing a well-rounded program the rights of the community have been achieved.<sup>6</sup> . . .

Several early FCC cases examine and spell out explicitly the local institution concept of a broadcast facility.<sup>7</sup> It will be recalled also that the main thrust of the *Report on Chain Broadcasting* was to assure the local licensee of greater freedom of action in programming for the needs of his particular community than the highly exclusive and limiting arrangements with networks permitted prior to the adoption of the rules. . . .

A policy favoring local ownership of broadcast facilities, which has been constantly reiterated through the years by the Commission, strongly supports the concept of a broadcast facility constituting a local institution. The propriety of the Commission giving weight in comparative hearings to the factors of local ownership and familiarity with local conditions has been approved by the courts.<sup>8</sup> In numerous cases the Commission has stressed the idea of the desirability of having the licensee closely identified with the community to be served.<sup>9</sup> This implies familiarity with local

<sup>5</sup>*National Broadcasting Co. v. United States*, 319 U.S. 190, 216 (1943).

<sup>6</sup>In *Great Lakes Broadcasting Company*, F.R.C. Docket No. 4900, quoted in *Public Service Responsibility of Broadcast Licensees*, 12 (1946).

<sup>7</sup>See 1 F.C.C. Reports, pp. 239, 242, 255, and 368.

<sup>8</sup>See *Scripps Howard Radio, Inc. v. F.C.C.*, 189 F. 2d 677 (1951).

<sup>9</sup>See, e.g., *In re Application of HDH et al.*, 13 R.R. 507, 586 (1956).

social and economic conditions, the peculiar needs of local civic, social, and business groups, and the various available participants and entertainment talent in the community. It has been assumed that applicants firmly rooted in community background and interest and prominently identified with local business and civic life are in an excellent position to render a sensitive response to community demands. There is a presumption of greater probability that programming promises and commitments will be carried out by an applicant with strong community ties. And it is further presumed that an applicant who is well established in the community to be served will be in a much better position to provide a well rounded and properly balanced program service than a competing applicant, less closely identified with the community, and especially in comparison with a competing applicant who must divide its attention, time, and resources among several markets rather than devoting its full resources to the particular market for which the license is to be granted.<sup>10</sup>

(c) *Diversity of ownership*—The Commission's policy directed to the maximum diversification of ownership of broadcasting stations further implements the local institution concept. Multiple ownership is clearly inconsistent with the policies favoring local ownership and encouraging the maximum number of qualified licensees to participate in the broadcasting industry. And as multiple ownership increases in a medium of limited facilities, the opportunity for entry of single station owners decreases. Carried to its logical conclusion, the local institution concept would, of course, lead to a policy of "one station to a customer." Competing policy considerations have, however, persuaded the Commission, in some situations, to seek a compromise with the maximum diversification of ownership policy. The multiple ownership rules exemplify a moderate relaxation of this policy. Viewed from the other direction, however, the diversification policy may be said to militate against any drastic relaxation of the present ownership rules.

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<sup>10</sup>See, e.g., *In re Application of Valley Broadcasting Ass'n et al.*, 3 R.R. 464, 473 (1946).

The same Commission policies which assume a maximum diversification of ownership for the purpose of preserving the local institution concept also assume a minimum of concentration of ownership and control. That is, maximum diversification and minimum concentration of ownership are virtually identical pillars which support the public interest standard. The compatibility of these two aspects of the public interest is easily shown by again reverting to the multiple ownership rules. In limiting the number of stations a single owner may be granted, it perforce leaves additional room in the industry for more station operators, thereby bringing about greater diversity of ownership.

Opinions of the Commission and the courts have frequently stated that the basic policy consideration underlying the limitation on multiple-station-ownership imposed by the multiple-ownership rules is the promotion of diversified ownership and the prevention of undue concentration of economic power.

The Commission's policy relative to diversification of ownership and control is well stated in its Report and Order of November 25, 1953, amending its multiple-ownership rules:

One of the basic underlying considerations in the enactment of the Communications Act was the desire to effectuate the policy against the monopolization of broadcast facilities and the preservation of our broadcasting system on a free competitive basis. See *Federal Communications Commission v. Sanders Brothers Radio Station* (309 U.S. 470). This Commission has consistently adhered to the principle of "diversification" in order to implement the Congressional policy against monopoly and in order to preserve competition. That principle requires a limitation on the number of broadcast stations which may be licensed to any person or to persons under common control. It is our view that the operation of broadcast stations by a large group of diversified licensees will better serve the public than the operation of broadcast stations by a small and limited group of licensees. The vitality of our system depends in large part on the introduction into this field of licensees who are prepared and qualified to serve the varied and divergent needs of the public for radio service. Simply stated, the fundamental purpose of this facet of the multiple-ownership rule is to promote diversification of ownership in order to maximize diversification of program and

service viewpoints as well as to prevent any undue concentration of economic power contrary to the public interest . . .<sup>11</sup>

The presumption that a high level of diversification of ownership and control of broadcast facilities is consistent with the public interest stems in part from the assumption that a diversified industry structure will encourage competition.<sup>12</sup> From such competition the expectation is entertained that programming of better quality will result as a consequence of the competing licensees' attempting to please the audience served. A highly diversified structure also protects against the abuses frequently attendant upon a high degree of concentration of economic control in any industry segment. Strict limits of multiple ownership substantially lessen the opportunity for a multiple-station licensee to impose various tie-in arrangements, such as: (1) the refusal to sell time on one of his stations to a national spot advertiser unless all of his stations are ordered; (2) the refusal to clear some of his stations for a network program unless the national advertiser orders all of his stations; (3) the refusal to purchase film from a syndicate or for all or several of his stations unless given a highly favorable pricing arrangement. The foregoing and other practices which can result from the use of the leverage of combination may give stations of multiple owners in particular market an undue competitive advantage over singly owned competitors in such market.

A further important consideration underlying the policy of maximum diversification of ownership and control of stations is that such diversification multiplies the number of opinion sources. As was stated in the case of *Associated Press v. United States*: ". . . the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public . . ." <sup>13</sup>

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<sup>11</sup>See Report and Order, Docket No. 8967, *In the Matter of Amending the Rules and Regulations Relating to Multiple Ownership of AM, FM, and Television Broadcast Stations* (November 27, 1953).

<sup>12</sup>See, e.g., *Federal Communications Commission v. Pottsville Broadcasting Company*, 309 U.S. 134, 137.

<sup>13</sup>326 U.S. 1, 20 (1945).

Diversification of ownership has significant implications on the national level. As a multiple owner gains access to more and more markets, the greater the segment of the national audience reached and the greater the potential for imposing a point of view on a substantial portion of this audience, even though this potential may be reduced somewhat by competing program and opinion viewpoints in multiple-station markets. Generally speaking, the potential for abuse by a multiple owner would seem to be greater with respect to national or regional issues than with local controversies. The duopoly rule operates to promote competition in multiple-station markets while the well-rounded program service and fairness doctrines assist in assuring a diversity of programming and viewpoint in single station markets. The duopoly rule tends to compensate for distortions of the balanced-programming doctrine in multiple-station markets while the multiple ownership rules tend to introduce some measure of diversity in the national forum by fragmentation of ownership and hence, viewpoint.

The multiple ownership rules, insofar as they recognize the diversity of ownership policy, support the aforementioned policies associated with the local institution concept of broadcast facilities. As indicated, however, the rules also have the effect of preventing an undue concentration of economic control in the broadcasting industry. It was to this latter point that most of the early attention given multiple ownership was directed.

(d) *History of the multiple ownership rules*—The legislative history of both the Radio Act of 1927 and the Communications Act of 1934 shows that the Congress has from the beginning been vitally concerned with the danger of the development of a pattern of concentrated control within the broadcasting structure.<sup>14</sup> While the Communications Act of 1934 has no express provision regarding multiple ownership of broadcasting facilities, this question was raised in connection with section 12 of the Radio Act of 1927 which, with slight modification, was incorporated into the Communications Act of 1934 as section 310 (b). This section re-

<sup>14</sup>See Warner, *Radio and Television Law*, sec. 52 (b) (1948).

lated to the transfer of broadcast licenses. Following the interpretation given section 12 of the Radio Act of 1927 in *Pote v. F.R.C.*<sup>16</sup> Senator White of Maine stated:

In existing law there is no restraint upon the right of a licensee to transfer his license. We here deny this right except with the consent of the Secretary of Commerce. Freedom to barter and sell licenses threatens the principle that only those who will render a public service may enjoy a license. Its object is to prevent the concentration of broadcast facilities by a few or by a single interest. Your committee felt this a possibility to be guarded against.<sup>16</sup>

The Commission first addressed itself specifically to the question of multiple-station ownership as an industrywide problem in March 1938, when it issued Order No. 37 calling for an investigation of chain broadcasting.<sup>17</sup> The Commission's report on chain broadcasting of May 1941 referred to multiple-station ownership both by networks and by other licensees:

*Assuming that the question was presented as an original matter at this time, the Commission might well reach the conclusion that the businesses of station operation and network operation should be entirely separated.* However, this Commission and its predecessor, the Federal Radio Commission, have heretofore approved as in the public interest the acquisition by NBC and CBS of most of these owned and operated stations and have periodically renewed the licenses of such stations. From a legal standpoint these circumstances confer no vested rights upon NBC or CBS, but we think it inadvisable to compel these networks to divest themselves of all of their stations. (Italics supplied) . . . NBC and CBS have such competitive advantages over any actual or potential rival that no additional stations should be licensed to either and they should be required to dispose of some of the stations now licensed to them. We do not, however, deem it advisable to specify at this time a precise maximum figure for network ownership.<sup>18</sup>

With reference to multiple ownership of AM stations by licensees other than networks, the report stated that:

The Commission has had and still has frequent occasion to deal with this question in its administration of the station licens-

<sup>15</sup>67 F. 2d 509, 510 (1933), certiorari denied in 290 U.S. 680 (1933).

<sup>16</sup>See Warner, *Radio and Television Law*, 548 (1948).

<sup>17</sup>*Report on Chain Broadcasting*, 95-96.

<sup>18</sup>*Id.*, 67, 69.

ing provisions of the Communications Act. In the rules recently promulgated for frequency modulation (FM) and for television, we have established rules restricting multiple ownership of stations furnishing these new broadcast services. Although the rules covering standard broadcast service do not contain comparable provisions, the Commission is working out a policy in its day-to-day decisions.<sup>19</sup>

A 1940 FM rule and a 1941 TV rule, in addition to prohibiting duplicate ownership or control of two stations of the same class in the same community or serving substantially the same service areas (the duopoly rule), also placed limitations on the maximum ownership or control of stations in the nation as a whole. FM ownership or control was limited to six and TV station ownership or control was limited to three. In 1944, the 3-station limit on television station ownership was raised to five. On November 27, 1953, the Commission issued its Report and Order in Docket No. 8967 amending the multiple ownership rules. Maximum limits on station ownership or control was placed at seven FM, seven AM, and five TV. On September 17, 1954, the Commission issued a Report and Order in Docket No. 10822 which permitted the ownership or control of seven TV stations, not more than five of which might be in the VHF band. . . .

(f) *Commission policies qualifying or competing with the diversification policy and the local institution concept*—The basic principle of maintaining the local institution aspect of broadcasting and telecasting has been compromised with other objectives of the Commission. In comparative hearings a proven record of past performance has frequently been given preference over the factor of local ownership.<sup>20</sup> Such evidence has been considered by the Commission as the most persuasive evidence available with respect to the probable future performance of an applicant for a broadcast grant.<sup>21</sup> If the past performance relied upon a comparative hearing for a television grant is past performance in television programming, then such perform-

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<sup>19</sup>*Id.*, at 2.

<sup>20</sup>See, e.g., *In re Application of the Tribune Co. et al.*, 9 R.R. 770 (1954).

<sup>21</sup>See, e.g., *In re Application of KFH et al.*, 11 R.R. 1 (1955).

ance most probably occurred in another market, and, by definition, the applicant relying upon such past performance cannot have strong local ties in both, or all, market areas it serves. Since this holds for all multiple-station owners, it follows that as multiple-station ownership grows the strict "community institution" aspect of telecasting must decline. In point of fact . . . multiple-station ownership has increased considerably in recent years. Indeed, in most large markets the image of a single-station owner with strong local ties giving his individual attention to a particular community is more myth than reality.

Comparative hearing decisions have also tended to encroach upon the basic policy of diversification of ownership of broadcast facilities. The Commission has taken the position that the primary purpose is to achieve diversification in the control of all media of communication and not merely of broadcast facilities.<sup>22</sup> And while diversification of control of communications facilities can turn the balance if all other factors are reasonably equal, this factor must be considered along with other relevant factors in a comparative hearing.<sup>23</sup> The diversification principle has not been decisive in some instances even where it would result in a grant to a new entrant with no broadcasting interests over a multiple owner of broadcast facilities, if the latter applicant is superior with respect to all other material factors.<sup>24</sup> And where the contest is between an existing licensee seeking renewal and a new applicant seeking the same facilities, diversification of ownership is not controlling where the former applicant has been licensed by the Commission for more than one station and operates these stations in the public interest, if the number of licenses held is not in violation of the multiple-ownership rules and where the record does not clearly establish that the control of other broadcast facilities would make renewal not in the public interest.<sup>25</sup>

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<sup>22</sup>See, e.g., *In re Application of Radio Fort Wayne, Inc.*, 9 R.R. 1221.

<sup>23</sup>See *Scripps-Howard Radio, Inc., v. FCC*, 189 F. 2d 677, 680-681 (1951); see also *McClatchy Broadcasting Co. v. FCC*, Case No. 12470, decided January 27, 1956.

<sup>24</sup>See, e.g., *In re Application of Aladdin Radio & Television, Inc.*, 9 R.R. 1, 40 (1953).

<sup>25</sup>See, e.g., *In re Application of Hearst Radio, Inc.*, 6 R.R. 994 (1951).

In statements made by the Commission, however, in both the 1953 and 1954 reports and orders relating to amendment of the multiple-ownership rules, the diversification of ownership policy was given vigorous support. In the November 1953 report and order the Commission stated that the multiple-ownership rules, by providing for diversification of station ownership through limiting the number of stations in which any one person may have an interest, implement "two basic and related policies": (1) they "maximize diversification of program and service viewpoints," and (2) they "prevent any undue concentration of economic power." And in its report and order of 1954 modifying the rules so as to provide for the grant of two UHF stations, the Commission again stressed the diversification policy:

Our decision to permit the ownership of television stations over and above the 5-station limitation presently in the rules in no way is a departure from the recent multiple-ownership report and order in Docket No. 8967. In that report and order the Commission reaffirmed its view that the operation of broadcast stations by a large group of diversified licensees will better serve the public interest than the operation of broadcast stations by a small and limited group of licensees. Thus, the Commission has provided that a grant of even one additional broadcast station will not be made where it 'would result in a concentration of control of . . . broadcasting in a manner inconsistent with the public interest, convenience, and necessity.' Clearly if the only relevant consideration were implementation of the policy of diversification, an absolute limitation of one broadcast station to any one person or persons under common control would best serve the public interest. But, of course, that is not the case. The multiple ownership of broadcast stations does play an important role in our nationwide television system. The ownership of broadcast stations in major markets by the networks, for example, is an important element of network broadcasting. Our nationwide system of broadcasting as we know it today requires that some multiple ownership of broadcast stations in the light of such (other and competing) considerations. Here, too, it is our view that the greater good which will flow from the proposed rule offsets the disadvantage resulting from permitting individual licensees to own a larger number of stations.<sup>26</sup>

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<sup>26</sup>Docket No. 10822 (Sept. 17, 1954).

It can be asserted, therefore, that the declared policy of the Commission supports the view that, within certain tolerable limits, maximum diversification and minimum concentration of station-ownership are still fundamental Commission policy objectives. While the presumption in favor of local ownership (and greater diversification of ownership) has in some comparative hearings given way to a proven past record of satisfactory performance in the public interest, the satisfactory performance factor modifies, but does not vitiate, the basic policy objective of diversity of ownership.

In fact, diversification has not in a strict sense been "maximized" or concentration "minimized," but the multiple-ownership rule limitation on the number of stations a licensee can operate has served to guarantee a level of diversity and a limit on concentration which probably preserves a workably competitive structure, and which may preclude the possibility of pervasive monopoly. For example, the present multiple-ownership rule guarantees the existence of at least 73 different ownership interests for the 468 TV stations, and in fact has tended to provide 346 different ownership interests.

Nevertheless, in terms both of FCC policy statements and in actual fact, the community institution concept has been seriously eroded if this latter concept is defined to mean that television stations are usually locally owned and operated, devote themselves principally to serving local advertisers, and follow a program schedule which affords ample opportunity for access of local entertainment talent and other participants. It is clear that the present industry structure and operation does not conform closely with this definition of the local institution concept, although the present combination of policies may, in the Commission's opinion, offer the highest probability that individual stations will render the best practicable service to the community reached. In any event, a reexamination and restatement of the individual station's responsibility to the community served is needed in connection with any reappraisal of the multiple-ownership rules.

## II. Operation of the Commission's Multiple-Ownership Policy

Notwithstanding the limitation imposed though the multiple-ownership rule, multiple ownership of television stations has grown greatly. A statistical profile of the growth of multiple ownership from 1952 to 1956 reveals a pattern which clashes with the Commission's policies of the community institutional character and diversity of ownership of stations.

Most of the important stations are now operated by multiple-station owners.

As of November 3, 1956, there were 468 television stations in the United States. Of these, 203 were controlled by 81 multiple owners and 265 were controlled by 265 single-station owners. Most of the multiple-owned stations are in the top 100 markets, where 58 ownership interests own 155 of the 203 multiple-owned stations.

Multiple ownership ranges from two stations up to the maximum of seven imposed by the Commission. Of the 81 multiple-station owners: one owns seven stations, three own six stations each, four own five stations each, five own four stations each; 22 own three stations each, and the remaining 46 own two stations each. Probably more multiple owners would have reached the maximum ownership of seven stations were it not for the current unattractiveness of the UHF stations. Five multiple owners have the maximum number of VHF stations in the continental United States, the bulk of which are located in the top 100 markets.

The image of an individual station owner, devoting his TV efforts to serving a single community he has been licensed to serve, is a myth for most large cities, and, hence, for a vast majority of the listening public of the United States.

Of 52 stations located in New York, Chicago, Los Angeles, Boston, Pittsburgh, Cleveland, Minneapolis-St. Paul, Cincinnati, New Orleans, Atlanta, Birmingham, Indianapolis, Rochester, Dayton, Omaha, Syracuse, Oklahoma City, Jacksonville, Salt Lake City, and Tulsa, only one station—WATV in New York—is operated by a single-station owner.

And San Francisco-Oakland; Washington, D. C.; Buffalo; Milwaukee; Portland, Oregon; Memphis; and Des Moines; all of which have three or more stations, contain only one single-station owner each. In the large, commercially important markets, TV stations are typically—almost entirely—multiple-owned. Many of the most important population centers contain no single-station operator; many more contain only one such operator; and preliminary research shows that in a reasonably large number of these cases the single-station operator also operates a newspaper or some other medium.

The high concentration of multiple ownership in the large, prosperous markets suggests that as other markets become economically desirable multiple ownership would expand to these markets.

Multiple ownership typically extends beyond joint radio-TV operations to other communications media.

The one multiple-station owner that controls seven TV stations and has a radio interest also has an ownership interest in newspapers; the three 6-station owners include one ownership interest in motion pictures; the four 5-station owners include two newspaper interests, one magazine interest, and one motion-picture interest; the five 4-station owners include one newspaper interest and two magazine interests; the twenty-two 3-station owners include seven newspaper interests and two magazine interests; and the forty-six 2-station owners include seventeen newspaper interests, one magazine interest, and one motion-picture interest.<sup>27</sup> In total, the eighty-one multiple-TV-station owners control 203 TV stations and represent twenty-eight newspaper interests, seventy-four radio interests, six magazine interests, and three motion-picture interests. All the multiple-media owners, except for six of the twenty-eight newspaper and nineteen of the seventy-four radio interests, are those who operate in the top 100 markets. The fifty-eight multiple-TV-station owners in the top 100 markets account for 55 TV stations and represent twenty-two newspaper, fifty-three

<sup>27</sup>An "interest" is defined here as having stock or other ownership in a particular medium. Data have not yet been compiled to show how many newspaper, magazine, and motion-picture producing establishments each "interest" includes.

radio, six magazine, and three motion-picture ownership interests.

The Commission's diversification policy extends not only to ownership of broadcasting stations but to "cross-channel" ownership of all media of mass communication. The developing pattern of ownership substantially contravenes this policy.

Acquisition of stations from original licensees has accounted for much of the high level of multiple ownership.

In total, the fifty-eight multi-station owners who operate 155 stations in the top 100 markets have made fifty-four acquisitions from others who were originally licensed by the Commission. The one 7-station owner as of November 3, 1956, had constructed three stations—but had acquired four from other licensees; the three 6-station owners had acquired seven of their total of eighteen stations; the four 5-station owners had acquired eight out of twenty; the five 4-station owners, ten out of twenty; the fifteen 3-station owners, thirteen out of thirty-nine and the thirty 2-station owners, ten out of forty-nine. What this means is that: (1) in the case of one out of every three stations operated by multiple owners the station licensee acquired his franchise by transfer, under statutory immunity from comparative contest with other qualified parties; (2) multiple-station ownership does not necessarily increase the number of stations but instead reduces the total number of independent station operators in the country; and (3) any consideration of revision in multiple-ownership rules should recognize the very likely possibility that multiple ownership will in the future vary inversely with the number of independent-station licensees; that is, as multiple-station ownership increases (decreases) the number of independent-station owners will decrease (increase).<sup>28</sup>

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<sup>28</sup>The past and probable future course of multiple-station ownership has significant antitrust implications with regard to sec. 7 of the Clayton Act (as amended). That act forbids the acquisition of the stock or assets of one corporation by another corporation where the effect is "substantially to lessen competition or to create a monopoly in any line of commerce in any section of the country." The act at present exempts corporations over which particular regulatory commissions (the FCC, ICC, CAB, etc.) or the Federal Reserve Board have primary jurisdiction. In current hearings on mergers before House and Senate committees it has been recommended that these exemptions be deleted from the act.

Multiple ownership has increased significantly since 1954, and is still on the increase.

Between January 1954 and July 1956 the percentage of all TV stations in the top 100 markets controlled by multiple ownership increased from 41 to 50 per cent, the absolute number from 84 stations to 119 stations. In terms of ownership of VHF stations only, multiple ownership increased from 35.1 per cent in 1954 to 42.4 per cent in 1956, from 72 stations to 101 stations. Significant increases in station ownership made over the past two years were by firms having other mediums interests.<sup>29</sup>

There are indications that the trend toward multiple ownership will, if anything, be accentuated in the near future. In the year 1956 there was a record number of purchases and sales of radio and TV stations, with the end of December witnessing which has been described as "perhaps the busiest period for station deals in all TV's history."<sup>30</sup> According to one source, virtually every TV station of any consequence has been approached by prospective buyers in recent years, either directly or through a station broker.<sup>31</sup> As of the present time, all of the major movie-producing companies are reportedly laying plans for the acquisition of TV stations.<sup>32</sup> With movie producers, magazine publishers, and investment banking firms actively seeking to acquire new or additional TV stations, it appears that a concentration of ownership in the hands of multiple owners may proceed rapidly in the next several years.

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<sup>29</sup>Such firms which have increased their stations include: Cincinnati Times-Star Co.; Cox newspapers; General Teleradio, Inc.; Time, Inc.; Triangle Publications, Inc.; Hearst Corp.; Cowles Publications; Ridder newspapers; Transcontinent TV Corp.; Wave, Inc.; Knight newspapers; John Perry newspapers; and Loews, Inc. (WGN).

<sup>30</sup>*Television Digest*, vol. 12, No. 51. See also *Broadcasting-Telecasting*, December 31, 1956, p. 36.

<sup>31</sup>*Television Digest*, vol. 12, No. 51.

<sup>32</sup>*Ibid.*, No. 50.

## INTRODUCTION TO RESEARCH

Edited by LAWRENCE MYERS, JR.  
*Syracuse University*

It has been noted that a profession may be distinguished by the degree to which its practices are founded upon a body of intellectual theory constantly expanded by research within the profession. In many institutions broadcast educators sense a reluctance on the part of colleagues to admit that the art and science of broadcasting has even approached, let alone attained, this standard of professionalism.

The fact that colleagues' reluctance to grant status has some justification is demonstrated by the formation of UAPRE and, more recently, APBE. Serious minded educators and broadcasters honestly and boldly believe that broadcasting should be considered a true profession and that they have the challenging task of creating an environment conducive eventually to attaining this goal.

At the present time broadcasting research may also be said to reflect a lack of professionalization. Research pertinent to broadcasting is published wherever an author can find a sympathetic eye. Some articles will find their way into one of the many journals whose principal content may from time to time touch the periphery of broadcasting. Few busy practitioners can spare the time or energy to track down these studies. In limited instances, trade publications will carry brief descriptions, but such articles are so often abridged and "popularized" that they are of little value to the serious student or broadcaster.

Research is basic to broadcasting. But the theories, analyses, and data resulting from various research efforts should be made more easily available to those developing programs of professional training, to practitioners, and to other researchers.

The purpose of this department is to provide a means through which broadcasters may publish the results of re-

search studies. The interests of the department encompass all of broadcasting and will mirror, it is hoped, the status of current research in all areas as well as stimulate further research by radio-television departments on campuses or by commercial broadcasters.

Although no limitations are presently placed on topics suitable for inclusion in this section of the *Journal*, some subjects immediately come to mind.

An area which has been least successfully attacked to date is the determination of the effects of broadcasting—serious or otherwise—on members of an audience. Many studies are carried out on a confidential basis for clients on effect of commercials (and one may wish for more of these studies to be published than is now the case), but much less definitive work is available on cultural, social, educational, or other effects. Another area in need of development is the evaluation of specific programs or program types, or broadcast operations. Relatively few case studies are available for study. Research methodology should be examined in a continuing effort to improve experimental design and research procedures to obtain more efficient and dependable results. Attention should be focussed on the practical short-range problems of hundreds of stations of obtaining useful data to improve their positions in their communities as well as on the long-range problems of improved communications theory and the role of radio and television in an ever-expanding economy and an ever more complex society.

But no matter how many research topics are suggested, the success of this Research in Broadcasting department of the *Journal* is dependent upon its readers and their diligence in submitting material. Contributions to the department are now solicited from educational institutions, broadcasters including stations and networks, advertising agencies and private research firms, individuals, and governmental or other organizations. Communications should be addressed to Professor Lawrence Myers, Jr., Radio-Television Department, Syracuse University, Syracuse 10, New York.

## ATTITUDES AND PREFERENCES OF VIEWERS OF TELECOURSES

By JOHN R. SHEPHERD

The data for this report were obtained from surveys of three separate telecourse audiences. Made consecutively during the academic year of 1955-56, at the University of Washington, the first was of the audience viewing the telecourse entitled, "Intermediate Algebra."<sup>1</sup> The second was of a philosophy course called, "Modern Minds," and the third was of the audience that viewed the "American Painting" telecourse.

In each of the surveys, the assumption was made that the consistent viewer (and therefore the viewer important to the study at hand) would be the individual who purchased the *Viewers Guide* for the telecourse. As the title suggests, the *Guide* was prepared by the instructor, and was designed to aid in a better understanding of the lectures, as well as to supplement them with reading references. These were sold through the University for \$1.00. Each person who ordered a guide was sent a mail questionnaire. Follow-ups were made at approximately three weeks later if there had been no response to the first schedule.

In the first survey, 313 schedules were sent, 81.8% of which were returned. In the second, 85 were sent, 52.9% responding. In the final survey, 121 were mailed, and 53.4% of them were answered.

While the surveys attempted to define a number of characteristics of the audiences, it is the particular purpose of this paper to report only those items dealing with the attitudes and preferences indicated by the viewer.

Why he watches, and what he believes he would like to see in the future, are questions which need to be answered about the educational television viewer. The attempts so far have been relatively limited. Perhaps the most recent study was that one by James E. Lynch, reported in *Speech*

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<sup>1</sup>Report published in *Speech Monographs*, March, 1957.

*Monographs*.<sup>2</sup> Lynch studied the audience viewing "The University of Michigan Television Hour," and reports information on age, education, sex, income and occupations. Only incidentally does Lynch concern himself with the preferences and attitudes of the viewer.

Lewis Diana and Leonore Elkus, in their paper entitled *Educational Television in Pittsburgh*,<sup>3</sup> report a survey of audiences viewing Station WQED, Pittsburgh. This study found only one difference in the choice of favorite television programs between WQED viewers and non-viewers. The non-viewing group rated "soap operas" as their fifth choice, but those who viewed the education station "scarcely mentioned"<sup>4</sup> them.

More directly applicable is the study by Evans, Roney, and McAdams.<sup>5</sup> These researchers, making use of the telephone interview method, contacted 384 subjects, "randomly selected," from the Houston, Texas area, and asked a series of questions related to the extent of use, size of audience, program preference, and suggestions for future programs. The last two items are of importance here. Evans (et al) asked his sample to state preferences for seven types of programs. "Individual lectures," "formal course offerings," and "classical music," were ranked last, and in that order.<sup>6</sup> In regard to the question of preference for future programs, Evans reports the literature indicates "liberal arts courses were preferred to science courses."<sup>7</sup>

In the survey of "Intermediate Algebra," three items were on the questionnaire which are applicable to this report. These viewers were asked to indicate their general television program preference by ranking six common pro-

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<sup>2</sup>James E. Lynch, "An Educational Television Audience," *Speech Monographs*, 23:60-65, March, 1956.

<sup>3</sup>Lewis Diana and Lenore Elkus, "Educational Television in Pittsburgh," *Quarterly of Film, Radio and Television*, 10:312-317. Spring, 1956.

<sup>4</sup>*Ibid*, p. 314.

<sup>5</sup>Richard I. Evans, H. Burr Roney, and Walter J. McAdams, "An Evaluation of the Effectiveness of Instruction and Audience Reaction to Programming on an Educational Television Station," *Journal of Applied Psychology*, 39:277-279, August, 1955.

<sup>6</sup>*Ibid*, p. 278

<sup>7</sup>*Ibid*, p. 277.

gram types. It was found that the respondents preferred these types, in the following order: Drama, Sports, Variety, News, Education, and Music. This result seems to be in general agreement with the literature, as far as program preference is concerned.

In disagreement with the material reported by Evans—that liberal arts subjects are preferred as telecourses—it was found that the algebra viewer wanted more science subjects as future telecourses, rather than liberal arts ones. Of the 369 subjects suggested by these respondents, 35.3% were requests for more science or math subjects, and only two areas outside the science field were mentioned more than ten times. They were General History (15 times) and Spanish (12 times).

Some of the possible motives and attitudes of these viewers were suggested by the answers they gave to a question asking whether or not the telecourse would help in “professional advancement.” (An alternative choice was offered to allow the viewer to indicate that he watched out of “general interest”.) Obviously “loaded,” in the direction of a positive answer, it was not surprising that 67.1% of the total 225 replies to the question were positive. It is enough to say that the response seems to be consistent with the remainder of the data, and that it suggests a specific and explicit purpose in viewing.

Turning now to the second survey, of the audience for the philosophy course, “Modern Minds,” it is interesting to note that some differences exist between these respondents and those of the first study. It should be pointed out, however, that any observations will need to be modified in view of the small number included in this second group. With this limitation in mind, the data is nonetheless of interest.

It was found that these individuals reported a different reason for watching than did the first group. More than three-quarters of them (78.6%) indicated that they watched out of “general interest,” rather than for a specific purpose.

In their preferences for television programs in general, this group differed again from the algebra viewers. In addition to the six categories offered for ranking to the first group, a seventh, "Religious programs," was added. The preferences were expressed as follows: Education, Music, News, Drama, Variety, Religion, and Sports. There is nearly total disagreement here with those preferences listed by the algebra group.

One hundred twenty-two subjects were suggested as future telecourses by the "Modern Minds" viewers. Of these, 77.9% could be classified as "liberal arts," while the remainder could be categorized as "science" subjects. Again, this is quite unlike the preferences of the viewers in the first study.

Another question was included on the second survey, designed to get at the attitude the individual had toward the efficacy of television as a medium of learning. Fifty per cent of the viewers expressed the opinion that they would have learned more about the subject if the same material had been offered as a regular class. 22.7% indicated that they believed that they had learned more from the telecourse than they would have if the same material had been offered as a regular class. 11.4% believed that there was no difference, and 15.1% were undecided. However, when asked if they would come to the University campus to take the course, 95.6% of them said, "No". Problems of transportation and distance were listed as the major reasons for this negative response.

At this point it seems to be clear that there are some differences between the two audiences examined so far. It appears that those interested in the sciences (the algebra audience) have different attitudes and preferences than those in the Arts (the philosophy audience). In order to further check this observation, we should examine the data from the third survey, made of the "American Painting" audience.

The largest percentage of these viewers, 57.6%, also indicated that they viewed the program out of "general

interest." Whereas only 4.8% of the "Modern Minds" viewers said they watched for a specific purpose such as professional advancement, 25.8% of this audience chose that response. 16.7% gave other reasons, such as being "amateur artists," etc., as their motivation.

Using the same seven-item preferential check list as was used in the second survey, it was found that "American Painting" viewers had preferences for general television programs which were similar, although not precisely the same, as those who viewed the philosophy program, and were, therefore, unlike the preferences expressed by the algebra viewer. The preferences were in this order: Education, News, Music, Drama, Religion, Variety and Sports.

Again, like the "Modern Minds" group, and unlike the algebra audience, these individuals in the third survey expressed a strong interest in seeing more "arts" courses than science ones. (Of the 132 courses suggested, 84.1% were requests for "liberal arts" subjects.)

The "American Painting" audience did not seem quite as positive as the philosophy group in regard to the question of whether or not they would have learned more if the same material had been presented in regular class. 28.6% of them said they would have learned more in a "regular class," 34.7% indicated that they felt the telecourse was as effective, 12.2% said there would be no difference, and 24.5% were undecided what the differences might be. Part of the difference in the responses of these two groups might be accounted for in the wording of the question in the third survey. The "class" referred to in this question was specifically defined as an "extension class," and this might well have effected the choice made. Like the audience viewing the philosophy program, this group was not interested in attending the University in order to get the same material, 92.7% of the responses to the question were in the negative. Again, the predominant reason given was because of the distance and transportation problems.

In conclusion, it seems safe to say that there appears to be some differences of attitudes and preferences between

audiences viewing telecourses of differing subject areas. The data suggest these differences are related to the nature of the subject; that is, viewers of science telecourses are interested in science, and viewers of liberal arts telecourses are interested in the arts. If this seems self evident, it should be remembered that it is in contradiction to some of the current literature, and denies the assumption that telecourse viewers indiscriminately watch television programs labeled "education," in an effort toward "self improvement."

Finally, these surveys suggest that the educational telecourse viewer is a highly selective viewer, and that his interest in education on television is limited to that which interests him already. We can, in effect give them "more of the same"; but there is relatively little interest, as indicated by the three groups studied here, in exploring the new.

With this limitation in mind, one is forced to wonder just how much "education," in the classic tradition, educational television can really achieve. Certainly these studies point up the need for continued realistic evaluation of educational television audiences.

*John R. Shepherd is assistant professor of Speech at the University of Oregon.*

## TWO METHODS OF PRESENTATION OF "MEET THE PRESS" COMPARED

By HAROLD E. NELSON

With an ever increasing use being made of television for informational and educational programs the question is raised as to the importance of the audio and video components of the telecasts. G. H. Mowbray,<sup>1</sup> writing in the *Journal of Experimental Psychology*, states "Recent interest in the development of visual and auditory communication systems has led to a consideration of the relative efficiency of vision and audition under conditions of simultaneous stimulation."

Several studies have been made using educational films in comparing the single and combined effects of the picture and sound track. Most of the results have shown that the sum of the two stimuli are best if the two impressions are related, which is not always the case either in television or films when the commentary might be about one thing and the picture about something totally different.

Producers of informational telecasts are becoming aware of the importance of the visuals, as is evidenced by the increasing use being made of graphs and charts in the newscasts. As to how effective these visual aids are remains for research to show.

In the field of educational television straight lectures, often with no, or at the most very few visual aids, are being used. Perhaps it would be as effective to do these over radio or just an audio system, rather than increase the production problems and costs by using television cameras for the video pick-up. In an attempt to partially answer this question the author undertook a study comparing "Meet the Press" as an audio-video program as against a straight audio presentation.

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<sup>1</sup>G. H. Mowbray, "Simultaneous Vision and Audition: The Comprehension of Prose Passages with Varying Degrees of Difficulty," *Journal of Experimental Psychology*, Vol. 46, 1953.

### The Problem and Procedure

"Meet the Press" was chosen for this study partially because the program has enjoyed a long popularity, having been on the air ten years, and also for the reason that it is broadcast both over radio and television. Also "Meet the Press" compares with some straight educational lecture telecasts for the reason that, with the exception of the commercials, no visuals, aside from the participants, are use.

The telecasts of April 15, 1956, with Thomas E. Dewey as guest, and of April 22, with Adlai Stevenson on the panel, were used as the programs for the experiment. One hundred and thirty-one students were used as the subjects for the testing. Most of them were students in the basic speech course at Pennsylvania State University.

The primary objective of the experiment was to see which type of stimuli, the picture and the sound or the sound alone, elicited the greatest number of correct responses when the subjects were given an objective examination over the content of the "Meet the Press" program. The subjects were randomly assigned to rooms where they were either subjected to the audio alone or to the audio and video of the telecasts mentioned above. The signal was picked up on a conventional receiver and then distributed to 24" receivers in the test rooms. The students were proctored by graduate assistants and were told that they were to be given a test at the conclusion of the program.

Current programs were used for the testing because it was felt that if kinescoped recordings were used the responses might be biased due to the fact that the subjects would be influenced by newspaper articles about the content of the programs. Five persons constructed the tests used in the experiment as the program was on the air. Each test contained 28 items made up of the key statements, the correct responses and three distractors. The test covered both the main program content and the commercials.

After the tests were constructed and dittoed, they were administered immediately upon the conclusion of "Meet the Press" to avoid discussion of the program by the test subjects. The testing took about twenty minutes.

The tests were machine scored. The commercials were scored separately, as this portion of the program used visuals to support the commentary.

### Results

There was no statistically significant difference between scores of those who heard and saw the programs and those who only heard the programs. However, there was a highly significant difference in scores based on the commercials between those that only heard the program and those that both heard and saw the program. Those that only heard the commercials scored less than half as many correct responses as those that both saw and heard the commercials.

As a pre-test the students were given the listening test prepared by the Educational Testing Service of Princeton University. However, the correlation between the listening test and the "Meet the Press" test was found to be non-significant. It had been hoped that scores of the listening test could be used to adjust the "Meet the Press" test scores in order to increase the precision of the experimental design. However, since there was no relation between the two tests no adjustment was possible.

### Conclusions

Based on the findings of this study, it would seem that if the primary objective of a program of the type of "Meet the Press" is to impart information, then the purpose could be as well achieved by radio as by television. However, if a wide audience is desired, perhaps this is better achieved by a telecast, in that people might be more likely to "tune in" to hear and see the program rather than to just hear it.

When visuals are added to the audio as they were in the commercials it definitely reinforces recall.

On the basis of this research one can speculate as to whether or not some of the educational programs (straight lectures) now using television could not be as well conducted over radio as over open-circuit television and over a public address system as well as over closed circuit television. Also, it would seem that if straight lectures were supported by visual aids, the amount of learning could be materially increased.

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The Pennsylvania State University.*

## COLLEGES AND UNIVERSITIES OFFERING DEGREES IN RADIO AND TELEVISION: AN ANALYSIS\*

By FOREST L. WHAN

In October, 1956, Professor Harold F. Niven, Ohio State University, made his second annual survey of "Colleges and Universities Offering Course Work in Radio and Television."

Of the 151 schools offering some course work in radio-TV, only 87 were found to offer a "major" or "strong concentration" in radio-TV leading to one or more degrees. Ten of the 87 schools offer the Ph.D. in radio-TV; 48 offer the masters' degree in radio-TV; and 39 offer only the undergraduate degree in this area. Sixty-four other schools offer some radio or television courses, but do not offer a degree with a "major" or "strong concentration" in this field.

The following analysis deals with the 87 colleges and universities reporting a degree or degrees in radio-television, including those schools with strong concentrations in the area, but listing the degree as a degree in Speech, English, Journalism or by the name of some other department.

**DEPARTMENTS OFFERING THE DEGREES.** The student training program in radio and television is relatively new to colleges and universities. For example, one of the first courses known to be offered in radio was at Kansas State College, Manhattan, in 1931, and no major concentration in the area developed at any institution before World War II. Training in television is even newer.

Therefore, until very recently all radio-television courses offered by colleges and universities were offered by departments of Speech, Journalism, English and the like. No departments of Radio-Television existed. In fact, no Radio-Television departments exist today in schools without majors leading to one or more degrees in this area. Where ever the degree is NOT offered courses in radio and television

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\*Based on a survey by Prof. Harold F. Niven, Ohio State University, conducted in October, 1956.

continue to be taught by Speech, English, Journalism or other departments.

As happened with Journalism, Speech, Geography and many other departments now found on college campuses, Department of Radio-Television have been established by splitting them from older departments where the courses were originally offered. And as in the case of other departments, the REASONS for the split differed in the various institutions.

To date, 28 schools have made this split, and established Radio-Television Departments that are separate from departments of Speech or Journalism. The following table reports the number of schools having different types of departments which offer radio-television degrees (as of the fall semester, 1956). Individual institutions differ somewhat in naming these departments, the titles given in the table being those used by the largest number. For example, departments included in the "Radio-Television" group had the following titles: "Radio-Television Department" (17 schools), "Communication Department" (3 schools), "Radio-TV Arts" (1 school), "Radio-TV Broadcasting" (1), "Radio-TV & Films" (1), "Radio-TV & Motion Pictures" (1), "Telecommunications" (1), "Radio Department" (1), "Radio Communications" (1), and "Radio Arts" (1). Similar variances were found in the other groups.

TYPES OF DEPARTMENTS OFFERING RADIO-TV DEGREES  
(Individual institutions differ slightly in the exact title of the department; that given in the table is the one used by the majority)

<i>Schools With Only One Department Granting Radio-TV Degree:</i>	
Department of Speech . . . . .	41 schools
Department of Radio-Television . . . . .	28 "
Department of Journalism . . . . .	4 "
Department of Theater Arts . . . . .	3 "
Department of Language and Literature . . . . .	2 "
Department of English . . . . .	1 school
Committee on Radio-TV (not a department) . . . . .	1 "
<i>Schools With Radio-TV Degrees Granted by More Than One Department:*</i>	
Department of Speech . . . . .	7 schools
Department of Journalism . . . . .	7 "
Department of Education . . . . .	1 school

ADMINISTRATIVE DEPARTMENT'S EFFECT ON ENROLLMENT. Regardless of the reasons behind the establishment of Departments of Radio-TV, an analysis of radio-TV enrollments at the various schools suggests that *establishment of a Department of Radio-TV increases enrollment in this field of study*. An analysis of Professor Nevin's findings shows that larger numbers of students major in the field when a Department of Radio-TV exists, than enroll in this concentration when the work is administered by other departments. This conclusion is supported by every type of analysis applied:

\*These fifteen departments located in seven schools.

comparison of arithmetic averages, medians, modes, the range in numbers of majors, and by simple comparisons of similar schools in the same city or area.

*Comparison of Arithmetic Averages*—The following table compares the average (arithmetic mean) number of majors in radio-television found enrolled at the junior-senior-graduate level by different types of departments in various sized schools. Schools were grouped on a basis of 1953-54 enrollment, the latest available figures. The use of 1953-54 enrollment figures in classifying schools does not invalidate the table for the purpose for which it was prepared. Basically, the schools have experienced similar increases in enrollment since that date.

The table shows that in each sized school much greater numbers of radio-TV majors were found (on the average) where a Department of Radio-TV has been established, than in schools where other departments continue to administer this work.

#### EFFECT OF DEPARTMENTAL ADMINISTRATION ON NUMBER OF MAJORS IN RADIO-TV

(Schools grouped on basis of 1953-54 enrollment; number of majors is arithmetic average for fall semester, 1956, on junior-senior-graduate level)

Schools With Enrollment of:	AVERAGE NUMBER OF RADIO-TV MAJORS WHERE DEPT. IS:		
	"Radio-TV"	"Speech"	Some Other
Over 10,000 students	88	45	50
5,000 to 9,999 students	78	26	29
Under 5,000 students	29	15	23

*Comparison on Other Basis*—The following table analyzes the effect of establishing a Department of Radio-Television on the number of radio-TV majors from several other basis. Ignoring size of school, it compares for the three types of departments the number of majors on a basis of arithmetic mean, median, mode, and range in number of majors. In every type of comparison greater numbers of majors are found in Departments of Radio-Television, than in other departments administering this work.

#### DEPARTMENTAL ADMINISTRATION AND NUMBER OF MAJORS

	28 Radio-TV Depts.	48 Speech Depts.	19 Other Depts.
NUMBER OF MAJORS IN RADIO-TV on Junior-Senior-Graduate level:			
Arithmetic Average (mean)	74	24	38
Median number	57	14	32
Mode (greatest number of Depts.)	50	14	20
Range in Number of Majors:			
Greatest number reported	185	60	136
Smallest number reported	15	3	5

*Comparison Within Areas*—In ten areas it is possible to compare the number of majors in radio-TV at a school having a Department of Radio-TV with majors in a school having this work administered by a Department of Speech, and in three instances by other departments. The following table makes these ten comparisons. In every instance excepting that of Idaho (where few radio stations exist) more majors per 1,000 students enrolled are found in Departments of Radio-TV than in other departments handling this work.

ADMINISTRATIVE EFFECT ON RADIO-TV ENROLLMENT—  
BY AREAS

Area	School	School Enrollment	WHERE DEPARTMENT IS:		
			"Radio-TV"	"Speech"	Other
<i>Calif.</i>	San Francisco St.	8,600	102	....	....
	San Jose State	10,000	....	16	....
<i>Los Angel.</i>	Univ. of S. Calif.	12,000	135	....	....
	Univ. of Calif. (LA)	15,500	....	45	....
<i>Florida</i>	Miami University	7,300	50	....	....
	Fla. St. U. (Talla.)	5,700	....	7	....
	Fla. St. U. (Gaines.)	10,500	....	....	37
<i>Idaho</i>	Idaho University	3,100	15	....	....
	Idaho State College	1,700	....	15	....
<i>Illinois</i>	U. of Southern Ill.	3,400	42	....	....
	Bradley University	2,300	....	8	....
	Univ. of Illinois	23,800	....	....	92
<i>Indiana</i>	Indiana University	21,700	57	....	....
	Notre Dame Univ.	5,400	....	14	....
<i>Mass.</i>	Curry College	12,500	20	....	....
	Mass. University	4,100	....	6	....
<i>New York City</i>	New York University	59,200	100	....	....
	Queens College	3,300	....	5	....
	Columbia University	29,900	....	....	40
<i>Ohio</i>	Ohio University	5,000	84	....	....
	Ohio State Univ.	22,500	....	88	....
	Miami University	5,700	....	24	....
<i>Pa.</i>	Temple University	15,700	150	....	....
	Penn. State Univ.	12,800	....	27	....

ADMINISTRATIVE DEPARTMENT'S EFFECT ON COURSE OFFERINGS. As could be expected, greater numbers of semester hours of courses in radio-TV are offered by Departments of Radio-TV than by other departments granting the radio-TV degree.

The following table compares average number of hours of course work in radio-television offered by the three types of departments with majors in this field. Where schools operate on a basis of the Quarter System, rather than the Semester System, total hours of radio-TV courses have been adjusted to the nearest number of "semester hours."

The table supports the conclusion drawn from previous tables, i.e., that radio-television training does not develop as rapidly or to the

extent it can develop, when administered by departments whose chief interest lies in some other field. Each type of comparison made bears out this conclusion.

#### EFFECT OF DEPARTMENT ADMINISTRATION ON COURSES OFFERED IN RADIO-TV

	28 Radio-TV Depts.	48 Speech Depts.	19 Other Depts.
<b>AVERAGE SEMESTER HOURS OFFERED in Radio-TV Courses:</b>			
Arithmetic average (mean)	50	24	26
Median number	47	22	22
Mode (number most often)	60	18	22
<b>Range in Number of Credit Hours:</b>			
Greatest number reported	127	55	63
Smallest number reported	12	13	8

**ADMINISTRATIVE DEPARTMENT'S EFFECT ON RADIO-TV CORE REQUIREMENTS.** Each school was asked to report the "minimum number of hours" in radio-TV courses required of the major for the undergraduate, the masters and the doctors degree. The following table analyzes replies on a basis of the three types of departments offering the degrees in radio-TV.

The table suggests that differences already noted between Departments of Radio-TV and sections of other departments offering degrees in radio, are due to *differences in interest* on the part of those administering the work, rather than on type of school, age of department, area of the country, or other influencing factors. Students majoring with a Department of Radio-TV are required to have more courses *as a minimum* in this area, than are those receiving "radio-TV degrees" from departments of Speech or from other departments.

The table suggests the tendency on the part of departmental administrators to place emphasis on the "department as a whole," rather than on the division of the department in which the student is majoring. Therefore, the degree in "Radio-Television" represents stronger training in this field than does the degree in "Radio-TV-Speech" or "Radio-TV-English" or "Radio-TV-Journalism."

#### ADMINISTRATIVE DEPARTMENT'S EFFECT ON CORE CURRICULUM REQUIREMENTS

	28 Radio-TV Depts.	48 Speech Depts.	19 Other Depts.
<b>AVERAGE MINIMUM CORE HOURS Required in Radio-TV Courses for BS-AB:</b>			
Arithmetic average (mean)	28	16	22
Median number	27	17	20
Mode (number most often)	30	18	25
<b>Range in number required for BS-AB:</b>			
Greatest number reported	60	32	40
Smallest number reported	12	0	12

## AVERAGE MINIMUM CORE HOURS

## Required in Radio-TV Courses for MS-MA:

Arithmetic average (mean)	20	14	11
Median number	20	12	12
Mode (number most often)	20	12	24
Range in number required for MS-MA:			
Greatest number reported	36	30	24
Smallest number reported	10	3	4

## AVERAGE MINIMUM CORE HOURS

## Required in Radio-TV Courses for Ph.D.:

Arithmetic average (mean)	33	17½	30
Median number	33	17	30
Mode (number most often)	none	none	none
Range in number required for Ph.D.:			
Greatest number reported	40	27	40
Smallest number reported	26	6	20

DEPARTMENTAL ADMINISTRATION & NUMBER OF INSTRUCTORS. As could be expected of departments having more majors and offering greater numbers of courses, Departments of Radio-TV on the average used more full-time teachers for these courses than did other departments offering the radio-TV concentration.

The following table reports and compares average numbers of teachers in the three types of departments analyzed. An instructor was considered "full-time" if as much as two-thirds of his budgeted time was spent in actual teaching of radio-TV courses. If less than that amount was spent in teaching these courses, he was considered to be a "part-time teacher."

INSTRUCTORS IN RADIO-TV—  
IN DEPARTMENTS GRANTING DEGREES

	28 Radio-TV Depts.	48 Speech Depts.	19 Other Depts.
<b>FULL-TIME TEACHERS:</b>			
Arithmetic average (means)	4.3	1.7	1.8
Median number	4	2	1
Mode (number most often)	6	1	1
Range in number of instructors:			
Greatest number reported	9	6	6
Smallest number reported	1	0	0
<b>PART-TIME TEACHERS:</b>			
Arithmetic average (mean)	1.9	1.4	2.9
Median number	1	1	2
Mode (number most often)	0	0	2
Range in number of instructors:			
Greatest number reported	7	6	15
Smallest number reported	0	0	0

*Forest L. Whan is professor of Radio and Television in the Department of Speech at Kansas State College.*

## BOOKS IN REVIEW

Edited by STUART W. HYDE  
*University of Southern California*

Although there were several responses to the initial request for reviewers, the Books in Review department would like to have many more volunteers. Most helpful will be those who are able to suggest a book which they would like to review. Please write the Book Review Editor at the following address:

Professor Stuart W. Hyde  
Department of Telecommunications  
University of Southern California  
Los Angeles 7, California

THE TELEVISION COMMERCIAL, revised edition, by Harry Wayne McMahan. New York: Hastings House, 1957. 223 pp. \$6.50.

Every art should have a standard text; and if the television commercial is an art, then this relatively slim and typographically delightful volume could well serve as its bible.

Even the most casual reader will be immediately impressed with the obvious fact that Mr. McMahan knows whereof he writes—not from the intellectual sidelines—but from the viewpoint of one who has been through the creative and mechanical mill.

For Mr. McMahan attacks his subject with both fact and theory. He studies both ideas and mechanics . . . both advertising strategy and production techniques . . . both effect and cost.

As befits a text dealing with a strongly visual medium, Mr. McMahan's basic do's and don't's are spelled out with limpidly clear illustrations, analyzing the use and advantages of live vs. film production, cartoon, stop motion, photo animation and other techniques. Comparative costs and production problems are featured throughout. Included are special chapters on the singing jingle and sound effects, station break spots, on writing and production responsibilities, and on studies of today's viewer in the light of current psychological and sociological research.

In this reviewer's opinion, this volume is well worth the price if it contained only Chapters 16 and 17, titled respectively:

## The Writer: Man With Four Heads

## The Final Script: 17 Points of Evaluation

Prospective buyers and readers of this volume should know that Mr. McMahan is a battle-sharpened and highly respected veteran of his trade. In 1954 he joined McCann-Erickson, Inc., New York, as vice president in charge of TV commercial production and as a member of the creative plans board. He served as production head on commercials for more than \$140,000,000 in TV billing before leaving that agency to establish his own offices as a TV commercial consultant.

It would be nice to think that this lively, authoritative and succinct volume would become standard deskside reading in certain offices . . . as necessary to the client as his slide-rule, to the TV director as his stopwatch, and to the copywriter as his typewriter. The lives of a lot of advertising agency creative directors would be a lot easier.

ALLEN R. MCGINNIS

*Copy Chief, Batten, Barton,  
Durstine and Osborn, Los Angeles*

THE AGE OF TELEVISION. By Leo Bogart. New York: Frederick Ungar Publishing Company, 1956. 348 pp. \$6.50. Text edition, \$4.75.

Of the mass media that have been introduced into the United States in this century, none has been given closer social study during its first years of public growth than television. Dozens of studies have been tucked away in the files of trade journals, networks, stations, colleges, and learned journals. At the end of the first decade of widespread use of television in this country, the time has come to collect the research results, find some order among the myriad facts, and sum up.

Leo Bogart has done these things admirably well. Drawing upon approximately two hundred books, articles, and other reports, he has presented and interpreted almost a hundred tables. Tables and interpretations are clear and easy to read; they tell some of the most fascinating tales of the age: what has happened to radio, newspaper, and cinema as television has grown, how social life of the United States has undergone several minor revolutions, and the ways in which television has changed politics, economics, and education. The result is an attractive and important document.

Of course there are errors and questionable statements. We are told at page *viii* that "television has become the principle leisure-time companion of the American people," and we wonder whether author and editors had the hang of the principal principle. At page

The book has many of the virtues and shortcomings of almost any selling document. It is remarkably easy reading; the layout is simple and comprehensive; the arguments for the Nielsen service are succinct and in outline form—and every effort has been made to avoid taxing the reader by verbose polemics. Points requiring detailed exposition are discussed in convenient appendices to the body of the book. To round out an impressive case for the author's specialized service, the volume includes a section devoted to actual case histories drawn from Nielsen's experience in the United States.

A word about style is perhaps relevant here. This reviewer was rather surprised by what he felt was a failure to adapt writing style to more typically British selling standards. We submitted the document to a few British friends who found the general tone "extremely high pressure." Apparently the only concession made to British readers was in spelling the word program "programme" and in translating dollars to pounds sterling.

The only serious shortcoming of the book is its wholly quantitative orientation. While no one quarrels with the importance of determining the number of TV sets tuned in during a given minute or to a given program; however, it is certainly of equal importance to know how many people were actually watching their TV screens and what effect was created by the advertiser's message. Nielsen dismisses the controversy about "tuning vs. viewing" first by stating that "viewing cannot be measured with precision," and then, paradoxically, by showing that the actual differences between set-tuning and viewing (as measured by Nielsen, which presumably makes the data adequately precise) is negligible.

While the differences between set-tuning and actual viewing may be quite small in terms of *programs*, we have every reason to believe that this is not correct in terms of *commercials*. In many instances, one may expect a very large proportion of the program viewers to be distracted during the commercials, or actually to leave the room at those times (many of us undoubtedly remember the early Toledo water study). To the British advertiser, this is an extremely important point since in Great Britain advertisers do not sponsor programs. They are limited to spot announcements and thus are interested in the actual number of viewers *attending* the commercials, not the total number of sets tuned in to the program.

The author implies that we cannot concern ourselves currently with *quality* of commercial impression, because our techniques are not yet statistically precise. It might well be argued, however, that we cannot afford to ignore any reasonable data even though they may not be as adequate as we would like. Depth and quality of impression are at least as important as quantity or breadth of impression. Admittedly, Nielsen does a workmanlike job in measuring

the latter. Why not acknowledge the existence and importance of the former?

JAYE S. NIEFELD

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McCann-Erickson, Inc.*

SAY IT SAFELY. By Paul P. Ashley. The University of Washington Press, 1957. 117 pp. \$2.50.

A pocket-sized digest of communication laws recently has come from The University of Washington Press, *Say It Safely*, by Paul P. Ashley. For the price (\$2.50) you can scarcely go without this little, 117-page manual for ready reference. It is designed as a working tool for the working press and for those who write and process copy for broadcasts.

*Say It Safely* is a condensed treatment of legal pitfalls in journalism and broadcasting—libel, privilege, comment, contempt, political broadcasts. The material touches on newspapers, magazines, books, radio, TV, advertising, and it would be useful to persons in public relations, trade associations and other facets of mass communication.

It is a terse guide to the legal danger zones that any communicator risks daily. The author is legal counsel for a broadcasting company and several newspapers. He writes of legal problems in the layman's language.

WILLETT M. KEMPTON

*American University.*

## ANALYSIS OF BROADCAST LITERATURE: PERIODICAL PUBLICATIONS IN LAW

*An annotated bibliography of articles on broadcasting regulation and law published in legal literature from 1920 to 1955.*

Earlier analyses appearing in the *Journal* annotated articles from the *Quarterly Journal of Speech* and from the periodical literature of economics. The periodical literature of law, pertaining to broadcasting, was found to be scattered among some 120 publications. Articles were of three types: leading articles (usually by practicing attorneys or legal authorities); notes and comments (generally by law students); and reports of cases and legislation. About one-half of the total number of references were found to be of the third type—primarily news reports. These were not included in this series of analyses.

The remaining 526 items divided themselves almost equally between *regulation* (45%) and *law* (40%). Materials concerned with international problems and foreign broadcasting accounted for the balance (15%). The first installment of this bibliography consists of materials dealing with broadcast regulation only, and is presented below. Further installments of remaining materials are scheduled for publication in subsequent issues of the *Journal*.

In order to achieve some minimum insight into the gross characteristics of these 526 items, they were analyzed in several ways. Percentages and figures given are relative to the total or fraction of the total 526 items included in this analysis. Distribution by year showed that 16 years (1930-1932, 1936-1941, and 1947-1954) were responsible for almost 80% of the total output. Items per year:

1920.....	0	1926.....	5	1932.....	41
1921.....	0	1927.....	10	1933.....	17
1922.....	0	1928.....	8	1934.....	12
1923.....	1	1929.....	6	1935.....	11
1924.....	2	1930.....	24	1936.....	22
1925.....	0	1931.....	42	1937.....	27

1938.....	34	1944.....	4	1950.....	19
1939.....	36	1945.....	4	1951.....	21
1940.....	39	1946.....	6	1952.....	15
1941.....	25	1947.....	12	1953.....	9
1942.....	7	1948.....	16	1954.....	14
1943.....	8	1949.....	22	1955.....	7

The 107 items of the peak years 1930-1932 were concerned very largely with domestic (47%) and international (15%) regulation. Literature on law sought solution for copyright and patent problems. The case of *Sorenson vs. Wood* caused considerable stir initiating strong precedent for much subsequent discussion. The leading author of the period was Louis Caldwell with 19 papers. The periodicals leading in total output were the *Air Law Review* and the *Journal of Radio Law*, publishing 67 items during the period.

One-half of the 183 items published during the years 1936-1941 concerned domestic regulation and was largely procedural in emphasis. The key issues in the 42% devoted to law were the Summit Hotel case, ASCAP, and "Right of Privacy." Louis Caldwell and Harry Warner were both highly productive authors during the period. The *Air Law Review* alone published 73 of the items included in the analysis. The *Journal of the Federal Communication Bar Association* began publication in 1937 and gave 28 items to this bibliography during the period.

Of the 128 items published during the post-war years 1947-1954 roughly one-half concerned further refinement of the machinery of regulation. "Rights" of privacy, property, and access occupied the attention of authors writing on the law of the period. Material, during these years, was more evenly distributed among a larger number of authors and publications. This dispersion reflected an ever-widening interest in the regulation and law of broadcasting which had developed during the thirty-six years analyzed.

Less objective observations made of this body of literature judged it to be generally informal in style and descriptive in method. The number of items considered highly technical were few. No firmly established legal principle

was discerned, except perhaps a continuing trend toward recognition of federal authority as the agent of broadcast regulation.

Liberal acknowledgement should be directed to Lee Alden, Mark Gilman, Charles Lowry, A. S. Moussa, Michael O'Neil, and Dr. Robert Summers whose tireless efforts and continuing enthusiasm have produced this compilation. Each assumed willing responsibility for a large fraction of the design, search, annotation and analysis. All of us extend our thanks to the staffs of the University of Southern California and Los Angeles County Law Libraries for their kind patience and help.

STUART COONEY

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## BACKGROUND OF REGULATION

### A. History of Regulation

- Ashby, A. L., "Legal Aspects of Radio Broadcasting," *Air Law Review*, 1:331-48, July, 1930.  
Historical study of development of radio in America and abroad since 1920, with discussion of radio Act of 1927 and Davis Amendment.
- Berman, Manuel K., "Regulation of Radio Broadcasting," *Boston U. Law Review*, 13:60-73, Jan., 1933.  
Evolution of broadcasting regulation from its scientific and legal beginning with emphasis upon FRC practice and procedure.
- Donovan, William J., "Origin and Development of Radio Law," *Air Law Review*, 2:107-28, 349-70, 467-77, Apr., July, Nov., 1931.  
Three-part article treating comprehensively history of radio law, including effects of scientific, social, economic and legislative factors upon development of broadcast law. Of special significance is influence of FRC and court decisions in shaping the law.
- McManus, Martin J., Jr., "Federal Legislation Regulating Radio," *Southern California Law Review*, 20:146-71, Feb., 1947.  
Excellent summary of history of regulation and various tests of constitutionality which established congressional power to regulate through its instrumentality—the FCC.
- O'Shea, Carberry F., "Radio—Federal Jurisdiction and Regulatory Power over Radio Communication," *Georgetown Law Journal*, 17:339-47, June, 1929.  
Historical discussion of growth of federal powers in regulating radio. Main feature is Commerce Clause as basis for all federal broadcast regulation.
- Otterman, Harvey Boyd, "Some Legislative Aspects of Radio Control," *Temple Law Quarterly*, 20:73-84, 1946-47.  
Legal developments and importance of international law and agreements, traced from passage of initial legislation in 1902; some reference to American regulation.
- Patrick, Duke M., "The Regulation of Radio and Some of Its Legal Problems," *Michigan State Bar Journal*, 10:233-46, Apr., 1931.  
Development of radio with accompanying legal problems; emphasis upon selected portions of the Radio Act of 1927 and question of property rights in a frequency.
- Note, "Federal Control of Radio Broadcasting," *Yale Law Journal*, 39:245-56, Dec., 1929.  
Summary of legal and legislative attempts to regulate broadcasting.

### B. Philosophy of Regulation

- Brown, Thad H., "State Regulation of Radio," *Journal of Air Law*, 2:35-7, Jan., 1931.  
Discussion of lines of demarcation between federal and state authority. Failure of states to keep abreast of technology considered justification for federal regulation of certain aspects of broadcasting.
- Caldwell, Lewis G., "Principles Governing the Licensing of Broadcasting Stations," *U. of Pennsylvania Law Review*, 79:113-57, Dec., 1930.  
Standard of public interest, convenience and necessity as applied to quasi-judicial functions of FRC. Fourth in a series published in several journals explaining operation of

- FRC and legal principles governing it. (Cf. Radio Practice," 1 *J. Air Law* 144 (1930); "Radio Appeals," 1 *J. Air Law* 274 (1930); "Standard of Public Interest," 1 *Air Law R.* 295 (1930.)
- \_\_\_\_\_, "The Standard of Public Interest, Convenience and Necessity as Used in the Radio Act of 1927," *Air Law Review*, 1:295-330, July, 1930.
- Historical study of the development of the standard, with appropriate cases cited tracing origin of the phrase.
- Davis, Stephens, "The Law of Radio Communication," *Lawyer and Banker*, 20:298-305, Sept.-Oct., 1927.
- Philosophical discussion of Radio Act of 1927 immediately prior to its enactment.
- Dyer, Raymond J., "Radio Interference as a Tort," *St. Louis Law Review* 17:125-41, Feb., 1932.
- Problem of interference between stations and legal recourse available.
- Fletcher, William M., "The Interstate Character of Radio Broadcasting: An Opinion," *Air Law Review*, 11:345-93, Oct., 1940.
- Comprehensive analysis of reasons why CBS should not be fined under Virginia statute for transacting business in the state without first having obtained a "certificate of authority" from the state.
- Fricks, L. Dickson, Jr., "Radio Broadcasting Station as a Common Carrier," *Virginia Law Review*, 19:171-5, December, 1932.
- Comment on an early problem as to whether broadcasting should be considered a common carrier and suggesting the advancing of new legal concepts to fit the broadcasting industry.
- Jameson, Guilford, "The Federal Radio Commission and the Public Service Responsibility of Broadcast Licensees," *Federal Communications Bar Journal*, 11:5-14, Spring, 1950.
- Note tracing influence of FRC decisions embodying principles later appearing in Blue Book. Includes lengthy excerpts from Great Lakes Broadcasting Co. decision.
- Jansky, Maurice M., "An Analysis of the Standard of Public Interest, Convenience, and Necessity," *George Washington Law Review*, 6:21-45, Nov., 1937.
- Analysis of reports of FCC from 1934-36, indicating existence of two distinct sets of principles: objective and subjective.
- Kennedy, Walter B., "Radio and the Commerce Clause," *Air Law Review*, 3:16-26, Jan., 1932.
- Excellent analysis of radio as interstate commerce, therefore under federal regulatory jurisdiction.
- Lambert, I. E., "The Law of the Air," *Lincoln Law Review*, 2:19-21, Jan., 1929.
- Background and need for air regulation, review of European precedent and maritime radio regulation. Problem of ownership of air space as applied to radio outlined, emphasizing need for greater regulation.
- LeRoy, Howard S., "Some Aspects of Air Law," *Federal Bar Association Journal*, 2:27-33, Apr., 1934.
- Clarification of points of difference between radio law and law of aeronautics as parts of 'air law,' Review of controlling court decisions.
- \_\_\_\_\_, "Observations on Comparative Air Law," *Air Law Review*, 8:259-81, Oct., 1937.
- Air law, encompassing both radio and aeronautics, discussed from standpoint of legal aspects of radio interference and liability of aviation with regard to safety factors.
- Masters, Keith, "Governmental Regulation of Radio," *John Marshall Law Quarterly*, 3:167-74, Mar., 1937.
- Elementary discussion of basis of regulation; includes question of ownership of 'ether,' description of Communications Act of 1934, and methods of FCC control.
- Maxwell, Manuel, "FRC—Procedure—Necessity of Hearing Before Modification of Broadcasting Assignments," *Air Law Review*, 2:262-9, Apr., 1931.
- Appellate court upset of FCC decisions in four instances establishes validity of property right concept, in author's opinion.
- McCain, James G., "The Medium Through Which a Radio Wave Is Transmitted as a Natural Channel of Interstate Commerce," *Air Law Review*, 11:144-53, Apr., 1940.
- Federal government possesses paramount authority, but jurisdiction of FCC limited under sec. 301 of Communications Act.
- Miller, Justin, "Principles of Law Limiting Radio Broadcasting," *Federal Rules and Decisions*, 9:217-39, 1939.
- Discussion of constitutional basis of radio law in U.S. and other free nations.
- Penstone, Giles H., "Meaning of the Term 'Public Interest, Convenience or Necessity' under the Communications Act of 1934," *George Washington Law Review*, 9:873-17, June, 1941.
- Attempt to determine whether statutory standard has a well-established meaning or simply reflects transient attitude of Commissioners at time of decision. Covering published decisions of FCC from 1937-40, study concludes that standard must necessarily be flexible and imprecise.
- Richardson, James D., "The Law of the Air," *Proceedings of the Bar Association of Tennessee*, 43rd Annual Session, pp. 190-98, 1924.
- Discussion of "new" problems arising from growth of aviation and radio. Elementary as concerns broadcasting.
- Rowley, Frank S., "Problems in the Law of Radio Communication," *U. of Cincinnati Law Review*, 2:1-35, Jan., 1927.
- Then existing legal problems with respect to operation of radio stations: (1) responsibility to government and constitutionality of federal control, and (2) rights and liability of stations at common law.

- Segal, Paul M., and Harry P. Warner, "'Ownership' of Broadcasting 'Frequencies': A Review," *Rocky Mountain Law Review*, 19:111-22, Feb., 1927.  
 Critical analysis of regulatory philosophy of FCC emphasizing development of inconsistencies in regulation due to series of false legal premises arising from concept of 'ownership' of 'frequencies'. An excellent philosophical study.
- Stewart, Irvin, "The Public Control of Radio," *Air Law Review*, 8:131-52, 1937.  
 Review of fundamental aspects of broadcast law, including administration, distribution of facilities, transfer of licenses, programming, etc.
- Taucher, James P., "The Law of Radio Communication," *Marquette Law Review*, 12:179-92, Apr. 1928.  
 Law of radio communication with particular reference to property right in a radio wave length.
- Wright, Warren J., "State and Federal Regulation of Radio Broadcasting," *George Washington Law Review*, 2:13-34, Nov., 1933.  
 Early discussion of state and federal authority over radio, contending that new legal ideas pertinent to radio unnecessary in view of body of applicable laws then existing.
- Note, "The Radio and Interstate Commerce," *Michigan Law Review*, 26:919-21, June, 1928.  
 Passage of Radio Act of 1927 raises question of power of Congress to regulate entire field of radio communication and broadcasting.
- Note, "Public Interest and the Market in Color Television Regulation," *U. of Chicago Law Review*, 18:802-16, Summer, 1951.  
 Problem of choosing among alternative color standards stimulates discussion of public utility regulation. System of competitive development proposed, involving shifting regulation from government fiat to control by normal operation of the market.

## BASIC LAW OF BROADCASTING

### A. Radio Act of 1927

- Caldwell, Louis G., "Recent Decisions under Radio Act of 1927," *American Bar Association Journal*, 16:19-22, Jan. 1930.  
 Analysis of four broadcast cases involving licensing procedures, hailed as valuable contribution to cause of sound radio jurisprudence.
- \_\_\_\_\_, "Radio Legislation Pending Before Congress," *Air Law Review*, 1:39-46, Jan., 1930.  
 Analytical study of 1912 and 1927 acts, with discussion of proposal to repeal sections of 1927 Act.
- Chamberlain, Joseph P., "The Radio Act of 1927," *American Bar Association Journal*, 13:343-47, June, 1927.  
 Descriptive study of the Act of 1927.
- Davis, W. Jefferson, "The Radio Act of 1927," *Virginia Law Review*, 113:611-18, June, 1927.  
 Another contemporary view of the 1927 Act, outlining developments leading to enactment. Critical of ambiguity in the law requiring more effective legislation to cope with problem of over-crowded airwaves.
- Niles, Russell D., "The Constitutionality of the 1927 Radio Act and Amendments," *Air Law Review*, 1:127-32, Nov., 1930.  
 Question of whether Congress has power to regulate radio broadcasting consistently answered affirmatively by courts.
- Rosenberg, I. Sol and Baruch S. Seidman, "Radio," *Air Law Review*, 4:413-33, Oct., 1933.  
 Analysis of Radio Act of 1927; Davis Amendment and "due process" before FRC.
- Sturtevant, Richard D., "The Law of Radio Broadcasting," *Dakota Law Review*, 3:67-79, April, 1930.  
 Analysis of problems in the broadcasting industry met by Radio Act of 1927, with discussion of cases indicating solution.
- Urela, Charles M., "Regulation of Radio Stations," *Notre Dame Lawyer*, 19:181-83, Dec., 1943.  
 Brief review of and extensive quotation from early legislation, including 1912 and 1927 laws. Documentation of several related cases of special interest, although 1934 Act not mentioned.
- Zollman, Carl, "Recent Federal Legislation: Radio Act of 1927," *Marquette Law Review*, 11:121-27, Apr., 1927.  
 Contemporary report of the 1927 Act and its purpose.
- Note, "The Radio Act of 1927," *Columbia Law Review*, 27:726-33, June, 1927.  
 Excellent analysis of certain features of the 1927 Act: interference, right of appeal, monopoly and censorship. Both strengths and weaknesses of Act carefully examined.
- Note, "Radio Broadcasting Under the Radio Act of 1927," *Michigan Law Review*, 28:1032-41, June, 1930.

### B. Davis Amendment

- Felix, Edgar H., "FRC—Equalization of Broadcasting Facilities Among Zones,"—General Order No. 102," *Air Law Review*, 2:260-62, Apr., 1931.  
 Discussion of difficulties involved in equalizing broadcast facilities in the 48 states.
- Masters, Keith, "Construction of the Equality Clause in the Davis Amendment," *Journal of Radio Law*, 1:1-27, Apr., 1931.  
 Highly controversial issue in broadcast regulation at the time as to method by which radio facilities be allocated equitably by zones. Detailed discussion plus recommendation that Congress adopt a 'hands-off policy' to permit FRC wide latitude.

- Porter, John A., "Radio Act of 1927—Constitutionality of Davis Amendment—Validity of Enforcing Regulations," *Air Law Review*, 4:182-200, Apr., 1933.  
Analytical study of Davis Amendment as to constitutionality of regulations providing for equal allocation of licensing, etc.

### C. Communications Act of 1934

- "Communications Act Amendments, 1952," *Federal Communications Bar Journal*, 12:111-208, Summer, 1952.  
Entire issue devoted to text of amendments, Senate and House reports relative to passage, Conference report, and excerpts from Congressional debate on question.
- Russell, Percy H., Jr., "Suggested Amendments to the Communications Act of 1934," *Federal Communications Bar Journal*, 5:125-33, Feb., 1941.  
Proposal for reorganization of Commission into public and private communications divisions; revision of various procedural, technical and legal sections of the Act.
- Seidman, Baruch S., "The Communications Act of 1934," *Air Law Review*, 5:299-306, July, 1934.  
One of the first notes dealing with the Act. Comparison made with previous legislation, and contents of Act outlined.
- Wall, Thomas H., and John B. Jacob, "Communications Act Amendments, 1952—Clarity or Ambiguity," *Georgetown Law Journal*, 41:135-81, Jan., 1953.  
Detailed study of Communications Act of 1934 as amended. Discussion of 1952 amendments dealing with station transfer, make-up of FCC, cease-and-desist orders and other functions of Commission.
- Webster, Bethuel M., Jr., "Notes on the Policy of the Administration with Reference to the Control of Communications," *Air Law Review*, 5:107-31, Apr., 1934.  
Comprehensive survey of Congressional committee action, and actions of government and private agencies just prior to enactment of the 1934 Act.

## ADMINISTRATION

### A. Regulatory Powers of the Commission

- Brown, Stanley M., and John Wesley Reed, "Business Regulation: Regulation of Radio Broadcasting: Competitive Enterprise or Public Utility?" *Cornell Law Quarterly*, 27:249-60, Spring, 1942.  
Comprehensive review of broadcasting in the U. S., with particular reference to the regulatory powers of the FCC and its limitations. Need for increased regulation of radio advertising emphasized.
- Masters, Keith, "The Present Status of Radio Law—A Survey," *John Marshall Law Quarterly*, 1:211-33, 1936.  
Examination of problems arising out of government regulation with short history and discussion of regulatory powers of FCC.
- Neal, John S., Jr., "Federal Communications Commission and Its Licensing Function in the Public Interest," *Temple Law Quarterly*, 21:135-39, Oct., 1947.  
Analysis of broadcast case in which FCC allegedly exceeded its authority in refusing to hear testimony by one of two competing applicants.
- Scharfeld, Arthur W., "Legal Aspects of the Tentative Television Allocation Agreement with Canada," *Federal Communications Bar Journal*, 9:77-80, Sept., 1948.  
Lack of power of Commission to carry out provisions of international agreement of lower order than treaties, in spite of use of term "treaty or convention" in sec. 303(r) of the Communications Act.
- Note, "Scope of Federal Radio Commission's Power over Licenses," *Yale Law Journal*, 42:1274-6, June, 1933.  
Supreme Court decision established right of FRC to grant and revoke licenses.
- Note, "Administrative Control of Radio," *Harvard Law Review*, 49:133-43, June, 1936.  
Need and constitutionality of a federal regulatory 'tribunal' and dilemmas implicit in its function. Discussion of extent to which care is taken by Commission to avoid public grievance resulting from arbitrary actions especially valuable.
- Note, "Private Transactions of Broadcasting Companies," *Air Law Review*, 9:77-8, Jan., 1938.  
Without amending Communications Act, FCC powerless to intrude into financial affairs of stations as long as service is satisfactory.
- Note, "Administrative Law—Effect of Rule—Federal Communications Commission," *Air Law Review*, 10:377-94, Oct., 1939.  
Questions of degree to which FCC may disregard its own rules and regulations governing hearing procedure.

### B. FCC: Organization and Structure

- Caldwell, Louis J., "Federal Communications Commission," *George Washington Law Review*, 8:749-818, Mar. 1940.  
Comments on the report of the staff of the Attorney General's committee on administrative law.
- Federal Communications Bar Association, "The Proposals of the Association," *Federal Communications Bar Journal*, 6:121-47, 7:20-33, 41-55, Mar. 1942, Jan., April, 1943.  
A three-part series consisting of the text of statement of Herbert Bingham before the House Committee on Interstate Commerce on H.R. 5497, outlining proposals of the

- FCBA for changes in the organization of the FCC, in procedures employed by the Commission, and in certain aspects of the Communications Act. The FCBA favored separation of FCC into two divisions: one concerned with mass communication, the other with regulation of private communication instead of trying to make one set of rules and legal concepts serve two dissimilar types of service.
- Johnson, Edwin C., "Carrying Coals to Newcastle," *Federal Communications Bar Journal*, 10:181-8, Winter, 1949.
- A Senatorial viewpoint on the position of the FCC with respect to executive and legislative jurisdiction and administrative procedures.
- Note, "The FCC, Administrator Extraordinary and Licensor Plenipotentiary, 55 *Virginia Law Review*, 36:230-50, Mar. 1950.
- Growth of the FCC, referring to its vacillating policies and the need to define the limits of its regulatory power.
- Note, "The President's Proposal for Reorganization of the FCC," *Federal Communications Bar Journal*, 3:8-9, Jan., 1939.
- Roosevelt recommendation for reduction of Commission membership to three men, and revision of law to incorporate "clear Congressional policies to guide the new administrative body."
- Note, "Proposed Reorganization of the FCC: The White Bill," *Federal Communications Bar Journal*, 3:6-8, Mar., 1938.
- White Bill provided for an eleven-man Commission to be divided according to administrative tasks, and introduced to provide Congress with alternatives to more controversial recommendations.

### C. Administrative Practice and Procedure

- Bingham, Herbert M., "Notes on Practice before the Federal Communications Commission," *Michigan Law Review*, 38:339-56, Jan., 1940.
- Description of practice and procedure in handling broadcast license applications at that time, with no attempt at analysis or evaluation.
- Notes on Practice before the Federal Communications Commission," *Federal Communications Bar Journal*, 4:61-77, Oct., 1939.
- Resume of procedures unique to broadcasting in appearing before FCC. Cases classified into five types and procedure for each type developed at length. (Cf. Caldwell article below, in Dec., 1939, FCBJ.)
- Caldwell, Louis G., "Practice and Procedure before the Federal Radio Commission," *Journal of Air Law*, 1:144-85, Apr., 1930.
- Comprehensive guide for lawyers on licensing procedure and appearance before FRC. Of historical value primarily, and rather technical.
- Practice and Procedure before the Federal Communications Commission, *Federal Communications Bar Association*, 4:91-113, Dec., 1939.
- This and Bingham articles referred to above constitute a unit describing scope and procedures of FCC. Describes larger historical, legislative and administrative setting within which procedures described by Bingham assume special significance.
- "More about the Report of the Attorney General's Committee's Staff on the FCC," *Federal Communications Bar Journal*, 4:190-3, Mar., 1940.
- Statistical data re FCC procedure including average number of pages of FCC record, average time FCC takes in making a decision, etc.
- Davis, Kenneth Culp, "Administrative Powers of Supervising, Prosecuting, Advising, Declaring, and Informally Adjudicating," *Harvard Law Review*, 63:193-240, Dec. 1949.
- Review of shift from use of judicial review to form procedural safeguards as a cure for bad administration, FCC supervision of radio programs examined as case in point, with FCC practices examined and deficiencies noted.
- Gary, Hampson, "Practice and Procedure Before the Federal Communications Commission," *Air Law Review*, 8:112-30, Apr. 1937.
- Somewhat dated account of procedural problems, with most of material taken directly from FCC Rules of Practice and Procedure.
- Keller, Joseph E., "Report of the Attorney General Committee's Staff on the FCC," *Federal Communications Bar Journal*, 4:182-9, Mar., 1940.
- Description of FCC procedure in filing of applications, preliminary investigation, consideration of petitions, etc.
- Kelley, J. D., "Way of Establishing a Radio Station," *Notre Dame Lawyer*, 19:195-6, Dec., 1943.
- Limited description of legal basis for licensing procedures, quoting Radio Act of 1927 liberally but without mention of Communications Act of 1934.
- Knickerbocker, Daniel C., Jr., "Business Regulation: Radio Broadcasting Licensee's Right to Hearing on Modification of License," *Cornell Law Quarterly*, 34:608-15, Summer, 1949.
- Well documented discussion of question of rights of licensee to a hearing, concluding that his only right to a hearing on modification is to determine whether the public would benefit from such modification.
- Pearlman, Kathryn, "The Effect of the Morgan Decisions on the Position of the Trial Examiner," *George Washington Law Review*, 10:52-62, Nov., 1941.
- Post-hearing procedure under old rules compared with those currently in use in 1941.
- Russell, Percy H., Jr., "New Rules of Practice and Procedure," *Federal Communications Bar Journal*, 4:2-17, Sept. 1939.
- Itemized account of changes in practice of law before the FCC resulting from Rules of Practice and Procedure adopted in 1939. Of little interest for student of broadcasting, but significant in demonstrating cooperation between FCBA and FCC in streamlining procedural aspects of FCC practice.

- Scharfeld, Arthur W., "Statements of Grounds for Decision by Federal Radio Commission," *Journal of Radio Law*, 1:101-17, Apr., 1931.  
Digest of all FRC statements with respect to grounds for decisions in appeal cases, as stipulated in sec. 16 of the Radio Act of 1927.
- Schilz, Harold L., "New Techniques for Expediting Hearings in FCC Proceedings," *Columbia Law Review*, 55:820-46, June, 1955.  
Administrative practice in hearing procedure constituting an excellent albeit technical overview of such procedures.
- Smith, Elizabeth C., "Practice and Procedure Before the FCC as Viewed by a Hearing Examiner" *Oklahoma Law Review*, 7:276-84, Aug., 1934.  
Highlights of adjudicatory proceedings before FCC. Brief description of path of an application for a station through the Commission and outline of functions of hearing examiners.
- Warner, Harry P., "The Administrative Process of the Federal Communications Commission," *Southern California Law Review*, 19:191-243, 312-48, March, July 1946.  
Two-part articles comprising an extremely exhaustive discussion of administrative processes, with point by point examination of FCC policies in dealing with applications and renewals.
- \_\_\_\_\_, "The Economic Basis of Broadcasting," *Federal Communications Bar Journal*, 6:76-84, Dec., 1941.  
Exploration of problem of economic injury in licensing new stations. No solution offered, but past policies of Commission evaluated in terms of then-current administrative practice.
- \_\_\_\_\_, "Some Constitutional and Administrative Implications of the Sanders Case," *Federal Communications Bar Journal*, 4:214-33, Apr., 1940.  
Implications of Sanders Brothers decision which was a precedent case in establishing the economic injury doctrine as a basis for refusing to grant a license.
- Zias, Joseph F., "The Sanders Case," *Federal Communications Bar Journal*, 4:134-41, Jan., 1940.  
Discussion of economic injury claims in several cited cases.
- Note, "The Right to Notice and Hearing Before the Federal Communications Commission," *Yale Law Journal*, 45:934-7, Mar., 1936.  
Discussion following case in which broadcaster's demand for a hearing to contest a competitive license application was rejected.
- Note, "Federal Communications Commission—Administrative Procedure—Rule on Intervention—Enlargement of Issues," *Air Law Review*, 11:73-82, Jan., 1940.  
Note on procedure of intervention and enlarging of issues with a few cases cited.
- Note, "Hearings Before Attorney General's Committee on Administrative Procedure," *Federal Communications Bar Journal*, 4:267-96, June, 1940.  
Testimony of representatives of FCBA and FCC relative to improvement of Commission practices and procedures.
- Note, "Statement by FCC," *Federal Communications Bar Journal*, 4:297-306, June, 1940.  
Report by FCC on practice in intervention petitions, with percentage of reversals of proposed findings after exceptions and oral arguments; details of requests for consent to transfer licenses and requests for special authorizations.
- Note, "Communications Act of 1934—Violation of Section 310," *Air Law Review*, 11:410-13, Oct., 1940.  
Comments on the bases upon which FCC granted renewals to five stations, denied six others.
- Note, "FCC—Renewal of Licenses—Biased Broadcasting as Ground for Refusal to Renew," *Air Law Review*, 12:170-1, Apr., 1941.  
Brief discussion of problem, advocating renewal in such cases rather than deny public of service.
- Note, "The Right to Intervene and Appeal in Federal Communications Commission Proceedings," *Yale Law Review*, 52:671-9, June, 1943.  
Discussion of cases leading to development of right to intervene and appeal.
- Note, "FCC Comparative Hearings," *Harvard Law Review*, 64:947-58, Apr., 1951.  
Emergence of new type of administrative proceeding to evaluate relative merits of applicants. Certain cases analyzed and several fundamental concepts formulated to explain apparent inconsistencies in Commission practice.
- Note, "Comments on Television and the Law," *St. John's Law Review*, 25:245-83, May, 1951.  
Thorough analysis of radio licensing practice and the public interest concept; government censorship of television; and color tv conflict prior to Supreme Court decision.
- Note, "Standing to Protest before the FCC," *Columbia Law Review*, 55:209-55, June, 1955.  
Analysis of effect of provision in 1952 amendment to Communications Act permitting "parties in interest" to protest grants by FCC. Well-documented and a good explanation of grounds of protest and FCC practice.

#### D. Appellate Procedure

- Caldwell, Louis G., "Appeals from Decisions of the Federal Radio Commission," *Journal of Air Law*, 1:274-320, July, 1930.  
Discussion of kinds of decisions of FRC which may be appealed to District Court of Appeals, D.C.
- Dowd, Thomas N., "The Problems of the Stay on Appeals from the Federal Communications Commission," *George Washington Law Review*, 10:598-604, Mar., 1942.  
Rather involved question of power of appellate court to issue a stay of execution of an order of FCC pending an appeal.

- Hayden, James J., "The New Deal in Radio Appeals," *Air Law Review*, 10:271-81, July, 1939. Shift in appellate court procedures predicted as result of Saginaw case, which author contends set a new precedent.
- Malin, Max, "Administrative Rehearings and Judicial Review in Radio Station Licensing," *Georgetown Law Journal*, 27:783-92, Apr., 1939. Discussion of provisions for administrative rehearings by FCC and judicial review by U. S. Court of Appeals, D.C., as set forth in Communications Act of 1934. Ambiguity of language leaves doubt as to which process is to be used first.
- Masters, Keith, "Radio Act of 1927—Function as Court of Appeals," *Journal of Air Law*, 1:353-5, July, 1930. Similarity of Court of Appeals to a "super-commission" concluded since appeal from FRC decision may be made to Court of Appeals but not to Supreme Court.
- \_\_\_\_\_, "Radio Act of 1927—Appealable Decision," *Journal of Air Law*, 1:355-6, July, 1930. Kinds of decisions appealable: construction permit, station license, renewal or modification.
- Seidman, Baruch S., "Radio Act of 1927—Appealable Interest Under Amendment of 1930," *Air Law Review*, 5:201-8, Apr., 1934. Documented brief supporting contention that amendment expanded classification of appealable interests.
- Stern, Joseph, "Radio Act of 1927—Appeals from Orders of FRC," *Air Law Review* 2:502-4, Nov., 1931. Discussion of proper method for stations to use in appealing decision of FRC.
- Note, "Appellate Procedure Under the Federal Radio Act," *Yale Law Journal*, 41:751-7, Mar., 1932. Tribulations of licensee in attempting to appeal decisions of FRC. Radio Act of 1927 held defective and enacted too hastily.

### D. Judicial Review

- Haley, Andrew G., "Court Adjudications on the Licensing and Deletion of Radio Broadcasting Stations," *Federal Bar Association Journal*, 2:277-8, Mar., 1936. Luncheon address in which author pointed out that courts have uniformly sustained Commission actions in deletion cases up to that time.
- Murchison, Wallace C., "Administrative Law—Announcement of Policy as Constituting Order Subject to Judicial Review," *North Carolina Law Review*, 21:68-78, Dec., 1942. Technical and heavily documented review of FCC and court relationships and review procedures.
- Nordhaus, R. J., "Judicial Control of the Federal Radio Commission," *Journal of Radio Law*, 2:447-72, July, 1932. Analysis of control of FRC. Courts found to play only a small part in cases before the Commission. Question of appeals from FRC decisions discussed.
- Warner, Harry P., "Subjective Judicial Review of the Federal Communications Commission," *Michigan Law Review*, 38:632-80, Mar., 1940. Analysis of 1927 and 1934 Acts, with thorough-going analysis of cases brought before the courts.
- Webster, Bethuel M., Jr., "The Power of the Court of Appeals, D.C., To Review Decisions of the Federal Radio Commission," *Air Law Review*, 1:416-18, July, 1930. Chiefly of historical interest, brief account of first radio case brought before the Court of Appeals in 1929.
- Note, "Review of Federal Radio Commission," *St. Louis Law Review*, 16:76-7, Dec., 1930. Power of the U. S. Supreme Court to review decisions of the Court of Appeals of the District of Columbia on granting of licenses. Discussion of *FRC v. General Electric Co.*

## PROBLEMS IN REGULATION

### A. Monopoly

- Foley, James F., "The Newspaper-Radio Decision," *Federal Communications Bar Journal*, 7:11-17, Feb., 1944. Review of question of newspaper ownership of radio stations prompted by dismissal of FCC investigation proceedings into the matter in January, 1944. Background of problem is extensively analyzed in terms of "public interest"; no conclusions are presented.
- Howard, N. Gilbert, "Newspaper-Radio Joint Ownership: Unblest Be the Tie That Binds," *Yale Law Journal*, 59:1342-50, June, 1950. Discussion of Commission action in Mansfield *Journal* case; seen as setting precedent to deny newspapers broadcasting station licenses.
- Heckman, Jerome H., "Diversification of Control of the Media of Mass Communication—Policy of Fallacy," *Georgetown Law Journal*, 42:378-99, Mar., 1954. Discussion of "greater diversification of control" criterion for granting television facilities. Background philosophy of provision and its application in specific cases is covered. Author concludes that rule is to prevent monopoly, but not to prevent radio stations or newspapers from operating television stations.
- Lovett, Eliot C., "The Antitrust Provisions of the Radio Act," *Journal of Radio Law*, 2:1-44, Jan., 1932. A thorough-going analysis of the anti-trust provisions (sections 13 and 15) of the Radio Act of 1927, their relation to each other, and urging repeal of the first and amendment of the second.

- Rodriguez, Elias C., "The Lea Act: An Enactment to Proscribe Certain Coercive Practices Affecting Broadcasting," *Georgetown Law Journal*, 35:79-91, Nov., 1946.  
Review of broadcasting and recording industry battle with American Federation of Musicians, culminating in passage of Lea Act to make coercion of broadcasters by self-seeking groups criminally punishable.
- Warner, Harry P., "Monopoly and Monopolistic Practice and the Communications Act of 1934," *Federal Communications Bar Journal*, 6:26-35, 55-60, Oct., Nov., 1941.  
Legislative history of the monopoly laws and wisdom of Congressional policy in making such laws applicable to broadcasting. Two part analysis, the first part devoted wholly to legislative history, the second with wisdom of Congressional policy. Author doubts that Congressional policy will further broadcast service to public. Especially pertinent in view of current discussion of extent of monopoly practice in broadcasting.
- Weaver, Henry B., Jr., and Thomas M. Cooley, II, "Competition in the Broadcasting of Ideas and Entertainment—Shall Radio Take Over Television?" *U. of Pennsylvania Law Review*, 101:721-39, Apr., 1953.  
Good analysis of problem of cross-channel affiliation, outlining dangers inherent in wholesale licensing of tv channels to radio station owners. Article critical of FCC policy as opposed to maximization of competition and inconsistent with stand previously taken on newspaper-radio affiliation. Excellent and informative summary of a continuing problem.

## B. Network Regulation

- Barber, Oren G., "Competition, Free Speech, and FCC Radio Network Regulations," *George Washington Law Review*, 12:34-53, Dec., 1943.  
Discussion of network rules and authority of FCC to regulate networks. Well-documented analysis of public interests standards and aspects pertaining to free speech.
- Miller, Neville, "Legal Aspects of the Chain Broadcasting Regulations," *Air Law Review*, 12:293-8, July, 1941.  
NAB stand on network monopoly question, supporting need for new Congressional policy or legislation rather than new policy of FCC.
- Russell, Percy H., Jr., "Report of Committee to Supervise the Investigation of Chain Broadcasting," *Federal Communications Bar Journal*, 4:244-51, May, 1940.  
Thorough analysis and liberal excerpts of 138-page report of committee which studied 8490 pages of testimony on network broadcasting. Report deals with network ownership of stations, network operation, affiliation contracts, etc., in considerable detail.
- \_\_\_\_\_, "Chain Broadcasting Report," *Federal Communications Bar Journal*, 5:186-8, Apr., 1941.  
Text of network regulations issued by Commission, with dissenting views.
- Sarnoff, David, "Network Broadcasting," *Air Law Review*, 10:15-17, Jan., 1939.  
Case for networks by a network executive, pointing out contributions of networks and development of governmental and industry self-regulation.
- Warner, Harry P., "A Note on the Regulations Governing Chain Broadcasting," *Federal Communications Bar Journal*, 6:1-12, Sept., 1941.  
Short history of Chain Broadcasting Regulations, containing both Commission and network points of view on each of the regulations. Good historical summary, especially appropriate today with renewal of interest in broadcast monopoly question.
- \_\_\_\_\_, "Supplemental Report on Chain Broadcasting," *Federal Communications Bar Journal*, 6:36-43, Oct., 1941.  
Analysis of modifications of Chain Broadcasting Regulations, comparing majority and minority opinions without comment.
- Note, "FCC's Investigation and Regulations Affecting Chain Broadcasting—An Analysis," *Air Law Review*, 2:187-203, Apr., 1941.  
Examination of original basis for Commission investigation of networks, and effects of eight regulations issued by FCC to end network abuses.
- Note, "FCC—Regulations Affecting Chain Broadcasting," *Air Law Review*, 2:301-16, July, 1941.  
Contrasting views as to legality of Chain Broadcasting Regulations.
- Note, "FCC Regulation of Competition Among Radio Networks," *Yale Law Journal*, 51:448-65, Jan., 1942.  
Discussion of chain broadcasting regulations.
- Note, "Authority of FCC to Regulate Chain Broadcasting," *Michigan Law Review*, 41:1195-7, June, 1943.  
Brief study of *NBC v. United States*, the case which established Commission's authority.
- Note, "The Impact of the FCC's Chain Broadcasting Rules," *Yale Law Journal*, 60:78-111, Jan., 1951.  
Extremely thorough and well-documented study of network practices prior to issuance of network rules contrasted with industry operation under the rules and extent of enforcement by FCC.

## C. Station Transfers

- Jones, Tilford, "Broadcast License Revocation for Deception and Illegal Transfer," *George Washington Law Review*, 15:475-43, Apr., 1947.  
Interpretation of Section 310(b) of the Communications Act governing deception and illegal transfer, citing cases of serious violation.
- Salsbury, Franklin C., "The Transfer of Broadcast Rights," *Air Law Review*, 11:113-43, Apr., 1940.  
A study of the problem of station transfers, calling attention to the fact that the public is often not affected.

Warner, Harry P., "Transfers of Broadcasting Licenses Under the Communications Act of 1934," *Boston U. Law Review*, 21:585-631, Nov., 1941.

An exhaustive study of FCC's handling of transfers and leases under the Act of 1934. Includes considerable legislative background. Well documented.

Note, "Federal Communications Commission—Assignment of Station Licenses," *Air Law Review*, 10:189-91, Apr., 1939.

Brief comment on problem of station transfers, contending that purchase price should not be a matter of consideration in Commission approval, if other factors remain equal.

Note, "Radio and Television Station Transfers: Adequacy of Supervision Under the Federal Communications Act," *Indiana Law Journal*, 30:351-65, Spring, 1955.

Discussion of FCC powers in regulating station transfers, pointing out need for more authority and stricter regulation. Well documented.

### D. Economic and Social Problems

Hettinger, Herman S., "The Economic Factor in Radio Regulation," *Air Law Review*, 9:115-28, Apr., 1938.

Existence, significance and regulation of economic factor considered in terms of allocation and supervision of broadcast facilities. Of special note is section outlining limits within which regulation of economic factor can be conducted in the public interest.

\_\_\_\_\_, "A Commentary on Radio Regulation," *Air Law Review*, 10:28-43, Jan., 1939.

Development of highly interesting insights important to understanding social and economic problems involved in radio regulation.

Smythe, Dallas, "Facing Facts about the Broadcast Business," *U. of Chicago Law Review*, 20:96-108, Autumn, 1952.

Intensive examination of proposals published in an earlier issue ("Public Interest and the Market in Color Television Regulation," 18. *U. of Chi. L.R.*, 802 (1951)). Concludes that broadcast control by operation of a free market is unrealistic. Article followed by rejoinder by Leo Herzog.

Symes, J. Fister, "Discrimination in the Rating of Popular Songs by Radio Programs," *Rocky Mountain Law Review*, 18:131-9, Feb., 1946.

Technical discussion of ability of common law to deal with new social situations. Indirectly related to broadcasting through a discussion of suit involving "Hit Parade" program. (Same reprinted in *Connecticut Bar Journal*, 20:300-8, Oct., 1946.)

### E. Broadcast Rates

Elliott, Sheldon D., "Radio and Rate Regulation," *Journal of Radio Law*, 2:272-86, Apr., 1932.

Not being a public utility or common carrier, broadcast rates cannot be regulated under existing regulatory provisions of law.

Stromberg, Robert E., "Radio Broadcast Rate Regulation," *Air Law Review*, 10:325-36, Oct., 1939.

Summary of proposals and arguments for rate regulation, concluding that competition provides adequate regulation but that broadcaster should share "unearned benefits" from use of public property for private profit.

Note, "Constitutional Law—Broadcasting—Maximum Rate Regulation," *Air Law Review*, 8:348-53, Oct., 1937.

Empowering FCC to regulate broadcast rates held to be a violation of due process clause.

### F. Advertising

Bielaski, A. Bruce, Jr., "Radio Advertising—Control of Quality and Quantity," *Air Law Review*, 5:367-73, July, 1934.

Discussion of powers of newly-formed FCC in this respect.

Gatling, Donald B., "Radio Advertising and the Federal Trade Commission," *Federal Communications Bar Journal*, 9:74-7, Sept., 1948.

Description of functions and procedures of FTC in controlling "unfair methods of competition" through false and misleading advertising.

Harrison, Gordon F., "Liquor and Radio Advertising," *Georgetown Law Journal*, 28:945-50, Apr., 1940.

Question of federal authority to prohibit radio advertising of alcoholic beverages, including several pieces of proposed legislation, but without reaching any conclusions.

Levenson, Leonard B., "Constitutional Law—Prohibition of the Broadcasting of Intoxicating Liquor Advertisements," *Air Law Review*, 5:187-93, Apr., 1934.

Ample documented discussion of how and by whom such control should be exercised.

Note, "Restricting Use of Radio," *Law Notes*, 35:2-4, Apr., 1931.

Crowded air and intrusions of advertising used to justify novel plan to reclassify broadcast stations according to intended programming (music, propaganda, business & commerce, etc.), with support of broadcasting to come from receiver tax thus eliminating necessity of broadcast advertising.

## CONTROL OF PROGRAM CONTENT

### A. Regulation and Censorship—General

Auerback, Erich, "Constitutional Law—Interstate Commerce—State Censorship of Motion Pictures Shown by Television," *Southern California Law Review*, 24:486-9, July, 1951.

Discussion of a precedent case involving conflict of state and federal powers (*Allen B. Dumont Laboratories, Inc., v. Carroll*) where court held that Congress had occupied entire field of radio and tv regulation, including censorship, making attempted regulation by Pennsylvania State Board of Censors an invasion of a field under federal control.

- Bergson, Philip, "State Censorship of Television," *Federal Communications Bar Journal*, 10:151-61, Apr., 1949.
- Inconsistency of state censorship with federal regulation. TV film censorship by states would impose economic burden.
- Boylan, William A., "Legal and Illegal Limitations on Television Programming," *Federal Communications Bar Journal*, 11:137-50, Autumn, 1950.
- Discussion of federal, state, local, and courtroom controls over television programming; TV's problems compared to radio's.
- Caldwell, Edward C., "Censorship of Radio Programs," *Journal of Radio Law*, 1:441-76, Oct., 1931.
- Existing laws of libel, sedition, and conspiracy sufficient to control program content; Commission censorship opposed.
- Caldwell, Louis G., "Legal Restrictions on the Contents of Broadcast Programs," *Air Law Review*, 9:229-49, July, 1938.
- Designation of restrictions by statute, by regulation, and by inference.
- Chapman, Leland R., "The Power of the Federal Radio Commission to Regulate or Censor Radio Broadcasts," *George Washington Law Review*, 1:380-5, Mar., 1933.
- Well documented editorial on censorship power, supporting denial of licenses where necessary as not in opposition to constitutional guarantees of free speech.
- Delany, Hubert T., and Seymour D. Altmark, "Radio Censorship," *National Lawyers Guild Quarterly*, 1:401-8, Dec., 1938.
- NAB, station, and government censorship discussed. Proposal presented to regulate radio as a common carrier.
- Forrest, Herbert F., "Government Regulation of the Program Content of Television Broadcasting," *George Washington Law Review*, 19:312-35, Oct., 1950.
- Editorial covering federal regulations and state regulations.
- Hugin, Adolph C., "Radio Broadcasting Under Government Regulation," *Oklahoma Law Review*, 4:417-44, Nov., 1951.
- Discussion of development of American free enterprise system of broadcasting; analysis of extent of FCC jurisdiction and control over program content of special significance.
- Janaky, Maurice M., "The Use of Radio Facilities for the Discussion of Controversial Public Issues," *Federal Communications Bar Journal*, 8:47-52, June, 1945.
- FCC's power to regulate programming obtained from WHKC decision. Hope expressed for FM as outlet for controversial issues.
- Kassner, Minna F., "Radio Censorship," *Air Law Review*, 8:99-111, Apr., 1937.
- Historical examination of censorship by FCC and by broadcasters. Corrective procedures offered.
- Pumphry, Byron, "Censorship of Radio Programs and Freedom of Speech," *Kentucky Law Journal*, 22:634-41, May, 1934.
- Stations operating in the public interest and presenting various opinions should be protected by Commission.
- Segal, Paul M., "Recent Trends in Censorship of Radio Broadcast Programs," *Rocky Mountain Law Review*, 20:366-80, June, 1948.
- Imposition of political, religious, and public views upon licensees by FCC.
- Siegel, Seymour N., "A Realistic Approach to the Law of Communications," *Air Law Review*, 8:81-98, Apr., 1937.
- Distinction made between regulation of control of traffic and control of content. Examination of FCC content influences through license revocation.
- \_\_\_\_\_, "Censorship in Radio," *Air Law Review*, 7:1-24, Jan., 1936.
- Extensive review of censorship; criticism of ambiguity of Federal statutes and of FCC assumption and judicial functions.
- \_\_\_\_\_, "Radio and Propaganda," *Air Law Review*, 10:127-45, Apr., 1939.
- Relationship of censorship and propaganda evaluated.
- Note, "Indirect Censorship of Radio Programs," *Yale Law Journal*, 40:967-73, Apr., 1931.
- Censorship as a previous restraint only; Commission's censorship power through refusal to grant licenses and revoking licenses.
- Note, "The Freedom of Radio Speech," *Harvard Law Review*, 46:987-93, Apr., 1933.
- Assertion that broadcasters' freedom of speech may be abridged by Commission's examination of program content.
- Note, "Jurisdiction—Service of Process—Implied Consent," *Air Law Review*, 8:164-68, Apr., 1937.
- Investigation of possibilities for acquiring jurisdiction over and determining responsibility for wrongful broadcasts.
- Note, "Broadcasting—Censorship—Suggested Reforms," *Air Law Review*, 9:202-5, Apr., 1938.
- Conclusion reached that public opinion is the most effective censor.
- Note, "Commission's Decision as to Orson Welles' Broadcast," *Federal Communications Bar Journal*, 3:15-16, Nov., 1938.
- CBS promises to restrain use of simulated news broadcast in dramas. FCC decides not to regard complaints when renewing station's licenses.
- Note, "Radio Censorship and the Federal Communications Commission," *Columbia Law Review*, 34:447-59, Mar., 1939.
- Conflict of censorship prohibition and the Commission's licensing authority.
- Note, "Radio Regulation and Freedom of the Air," *Harvard Law Review*, 54:1220-28, May, 1941.
- Documented review of portions of Communications Act of 1934 and of NAB Code that deal with program content restrictions.
- Note, "Radio—Freedom of Discussion of Controversial Issues Over the Air," *Air Law Review*, 12:372-78, Oct., 1941.
- Federal supervision proposed if self-regulation fails.

- Note, "Government Control of the Content of Radio Programs," *Columbia Law Review*, 47:1041-52, Sept., 1947.
- Broadcasters' and listeners' initiative should control content. Description of FCC control.
- Note, "Radio Program Controls: A Network of Inadequacy," *Yale Law Journal*, 57:275-96, Dec., 1947.
- Analysis of FCC, broadcaster, and public control of radio programs.
- Note, "State and Local Censorship of Films Used on Television," *Federal Communications Bar Journal*, 10:193-200, Winter, 1949.
- One of most interesting problems confronting television: authority of state or city to censor tv films. Discussion of implications of first case bearing on the question.
- Note, "Motion Pictures and the First Amendment," *Yale Law Journal*, 60:696-719, Apr., 1951.
- State censorship of television film held invalid.

### B. Political Broadcasts

- Bryant, Dawson, "The Broadcaster's Liability under Section 315 of the Communications Act," *Baylor Law Review*, 4:516-23, Summer, 1952.
- Heavily documented discussion of problems of both station and buyer of political time.
- Goldhill, Walter A., "Censorship of Political Broadcasts," *Yale Law Journal*, 58:787-95, Apr., 1949.
- Discussion of FCC prohibition of political censorship and of some state rulings against defamation.
- Peterson, Ivar H., "Political Broadcasts," *Federal Communications Bar Journal*, 9:20-7, June, 1948.
- Inquiry into the need for clarification of point when candidate legally becomes a candidate.
- Williams, Nathan Boone, "Radio Law in Relation to Election of President and Vice-President," *Temple Law Quarterly*, 11:213-7, Jan., 1937.
- Discussion of weaknesses of Sec. 315, concluding that broadcasters have a legal right to determine candidacy of president and vice-president.
- Note, "Communications Act—Section 315—Censorship—Equal Facilities for Political Candidates," *Air Law Review*, 7:313-7, July, 1936.
- Necessity for freedom of communication of ideas must apply to broadcasting exactly as to the press.

### C. Editorializing

- Griffith, Emily I., "Comments: Mayflower Rules—Gone But Not Forgotten," *Cornell Law Quarterly*, 35:574-91, 1950.
- Argument opposing editorializing, contending that it should be limited to balance individual freedom to speak and public's freedom to hear.
- Note, "Radio Editorials, and the Mayflower Doctrine," *Columbia Law Review*, 48:863-7, July, 1948.
- Analysis of doctrine and whether it is a form of censorship.
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## PURPOSE OF THE ASSOCIATION FOR PROFESSIONAL BROADCASTING EDUCATION

The purpose of this organization is to secure mutual advantages that flow from a continuing relationship between broadcasters and institutions of higher learning which offer a high standard of training and guidance for those who plan to enter the profession of broadcasting.

These are the fundamental objectives of the Association:

- To improve the services of broadcasting.
- To facilitate exchange of information on broadcasting.
- To bring together to their mutual advantage those in broadcasting and those in institutions of higher learning.
- To facilitate employment at maximum effectiveness for those who meet the standards of institutions of higher learning and of broadcasting.

