

Crosley Broadcasting Corporation

WLW-TV • television service of the nation's station

CROSLEY SQUARE • 140 W. NINTH ST. • CINCINNATI 2, OHIO

20 June 1955

Mr. Edwin W. Craig
Chairman of the Board
The National Life and Accident Insurance Company
National Building
Nashville 3, Tennessee

Dear Ed:

Thank you for your kind letter of June 15, with regard to the special committee you have established to review the operations of CCBS.

Of course, as you well know, Ed, I am delighted to serve on the committee and I will cooperate to the fullest extent to see that we can make some much needed corrections.

In writing today, Ed, I want to express anew my high regard for Hollis Seavey. I think he is doing an outstanding job for the Group, and my only concern is that he will, one of these days, slip away from us if we're not careful. Specifically, Ed, he was hired in February of 1953, if my memory serves me correctly, and he has not had a raise since that date. His income is \$17,500 per annum, and I feel, in view of men in comparable positions in Washington, he deserves some additional compensation. There are a number of opportunities developing in Washington now for men of his experience, and I am very fearful that we might lose him, Ed, unless we demonstrate our interest in him with an increase in salary. I have never been one to believe in the indispensable man theory, but I think we'd have to look a long time before we could find another Hollis Seavey, so I should like to suggest respectfully, Ed, that we use some of the moneys which we will derive from the cut in legal expenses to compensate more properly for the services of Hollis Seavey.

Radio and Television Stations

AM: WLW CINCINNATI
TV: WLW-TV CINCINNATI • WLW-D DAYTON
WLW-C COLUMBUS • WLW-A ATLANTA

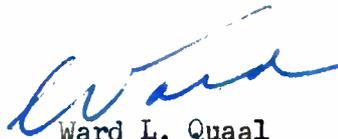
Mr. Edwin W. Craig

-2-

Ed, as far as the lawyers are concerned, I am totally shocked at the fees for 1954. As you know, I have the greatest confidence in that firm, and I feel it has done an outstanding job for the Group over the years, but we must do something to establish a more realistic retainer and fee basis.

Warmest personal regards.

Sincerely yours,



Ward L. Quaal
Vice President-Assistant General Manager
Crosley Broadcasting Corporation

WLQ:mw

cc

Mr. Ralph Evans



File CCBS

CROSLY BROADCASTING CORP.

June 20 1955

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 Chairman of the Board
 The National Life and Accident Insurance Company
 National Building
 Nashville 3, Tennessee

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Ward L. Quaal
 Vice President-Assistant General Manager
 Crosley Broadcasting Corporation

WIQ:mw
 cc
 Messrs.
 Ralph Evans
 John DeWitt

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Chairman of the Board
The National Life and Accident Insurance Company
National Building
Nashville 3, Tennessee

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Of course, as you well know, Ed, I am delighted to serve on the committee and I will cooperate to the fullest extent to see that we can make some much needed corrections.

In writing today, Ed, I want to express anew my high regard for Hollis Seavey. I think he is doing an outstanding job for the Group, and my only concern is that he will, one of these days, slip away from us if we're not careful. Specifically, Ed, he was hired in February of 1952, if my memory serves me correctly, and he has not had a raise since that date. His income is \$17,500 per annum, and I feel, in view of men in comparable positions in Washington, he deserves some additional compensation. There are a number of opportunities developing in Washington now for men of his experience, and I am very fearful that we might lose him, Ed, unless we demonstrate our interest in him with an increase in salary. I have never been one to believe in the indispensable man theory, but I think we'd have to look a long time before we could find another Hollis Seavey, so I should like to suggest respectfully, Ed, that we use some of the moneys which we will derive from the cut in legal expenses to compensate more properly for the services of Hollis Seavey.

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Sincerely yours,

Ward L. Quast
Vice President-Assistant General Manager
Crosley Broadcasting Corporation

WLD:mw
cc
Messrs.
Ralph Evans
John Dewitt

COPY

M E M O R A N D U M

June 2, 1961

TO: THE HONORABLE BUFORD ELLINGTON

FROM: JOHN H. DEWITT, JR.

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There exists a serious inadequacy of nighttime radio service in the United States. The record in the clear channel case, (Docket 6741) clearly shows the Commission has found in its Third Notice of Proposed Rule Making in Docket 6741 (released September 22, 1959), the extent of this inadequacy. The Third Notice shows that more than half of the land area of the United States (excluding Alaska and Hawaii) in which more than 25 million people reside, receives no ground wave service at night from any existing stations and must therefore rely upon the skywave service of the clear channel stations for its only nighttime radio service. The areas dependent upon skywave service at night are known as "white areas." The issue to be resolved in the Clear Channel Case is how best to improve the service to these "white areas." The Commission in its Third Notice proposes to resolve the issue by adding one unlimited time station to each of the existing Class I-A frequencies of the United States.

The evidence of record in Docket 6741 compels the conclusion that these additional nighttime stations would only result in only negligible improvement of service to the "white areas" and at the same time would result in serious additional interference to the nighttime skywave signals of the clear channel stations now serving the "white areas." Historically as shown by the record the assignment of additional stations cannot work any substantial service in the "white area" due to a combination of engineering and economic factors. For example, the addition of 536 nighttime stations between May 1, 1947 and January 1, 1957 decreased the "white area" by only about 77,570 square miles (from 1,802,665 square miles to 1,725,095 square miles). During the same period of time the population residing within the "white area" actually increased (from more than 23 million to more than 25 million people. According to Clear Channel Broadcasting Service engineering studies submitted in response to the Notice the addition of one unlimited time station to each of the Class I-A frequencies as proposed in the Third Notice would further reduce the existing "white areas" in the order of 1¹/₂, 748 square miles

M E M O R A N D U M

June 2, 1961

TO: THE HONORABLE BUREAU DIRECTOR

FROM: JOHN H. DEWITT, JR.

There exists a serious inadequacy of nighttime radio services in the United States. The record in the clear channel case, (Docket 6711) clearly shows the Commission has found in its Third Notice of Proposed Rule Making in Docket 6711 (released September 22, 1959), the extent of this inadequacy. The Third Notice shows that more than half of the land area of the United States (excluding Alaska and Hawaii) in which more than 25 million people reside, receive no ground wave service at night from any existing stations and must therefore rely upon the skywave service of the clear channel stations for its only nighttime radio services. The areas dependent upon skywave service at night are known as "white areas". The issue to be resolved in the Clear Channel Case is how best to improve the service to these "white areas". The Commission in its Third Notice proposes to resolve the issue by adding one unlimited time station to each of the existing Class I-A frequencies of the United States.

The evidence of record in Docket 6711 compels the conclusion that these additional nighttime stations would only result in only negligible improvement of service to the "white areas" and at the same time would result in serious additional interference to the nighttime skywave signals of the clear channel stations now serving the "white areas". Historically as shown by the record the assignment of additional stations cannot work any substantial service in the "white areas" due to a combination of engineering and economic factors. For example, the addition of 230 nighttime stations between May 1, 1957 and January 1, 1957 decreased the "white areas" by only about 77,270 square miles (from 1,802,662 square miles to 1,725,392 square miles). During the same period of time the population residing within the "white areas" actually increased (from more than 23 million to more than 25 million people). According to Clear Channel Broadcasting Service engineering studies submitted in response to the Notice the addition of one unlimited time station to each of the Class I-A frequencies as proposed in the Third Notice would further reduce the existing "white areas" in the order of 1,718 square miles.

COPY

to 132,950 square miles depending upon the combinations of power of Class I-A and Class II stations. The aggregate population affected would be in the order of 183,000 to 952,000 depending on the combinations of power

The only practical way to improve the nighttime radio service to the "white areas" is to increase the power of existing Class I-A stations to 750 KW. This would substantially increase the strength of the signals with resultant improvement in the reliability of skywave service in the "white areas." If it is desired to add stations to the Class I-A frequencies they should be required to protect such sky wave service of the existing Class I-A stations to at least a distance of 1250 miles rather than provide a minimum spacing of 1250 miles as proposed in the Third Notice.

By adding one unlimited time station to each of the existing Class I-A stations as proposed in the Third Report the skywave service of the existing Class I-A stations would not only be degraded through additional interference but pressures would be brought to bear for multiple assignments on the channels resulting in still further interference. Such additional assignments on the Class I-A frequencies, either single or multiple, would effectively preclude improved service of the Clears to the existing "white areas" through higher power due to the fact that such higher power would cause added interference to the new unlimited time stations on the I-A frequencies.

The clear channel I-A frequencies of the United States represent an exceedingly valuable national asset protected by International Agreement. Under the terms of the North American Regional Broadcasters Agreement (to which the United States, Canada, Cuba, Bahama Islands, Jamaica and the Dominican Republic are signatories) the United States is recognized as having Class I-A priorities on all of the frequencies proposed to be duplicated by the Third Notice. This means that the other North American countries have agreed to give them a high degree of protection from interference they might otherwise be caused by stations in those countries to the United States Class I-A stations and to restrict the location and power of any station they might assign to the frequency. The agreement between the United States of America and the United Mexican States has similar provisions regarding the Class I-A stations protecting them from interference and in addition provides that Mexico will not assign any unlimited time stations in Mexico on any of the frequencies proposed to be duplicated by the Third Notice with four specific exceptions of which WSM is not one. If the United States were to add unlimited time stations on its Class I-A frequencies, as proposed by the Third Notice this would have the effect of degrading the frequency to the equivalent of a Class I-B station frequency. Neither of these Treaties has any limitations on the use of power on I-A clear channels. Duplication of these channels would in turn unquestionably encourage other North American countries to assign additional unlimited time stations to the United States Class I-A frequencies in such a manner as to cause more interference to the United State's Class I-A stations than is now permissible under the ARBA and the Mexican Agreements.

COPY

Chronology of this Proceeding

21. By Order dated February 20, 1945 the Commission designated for hearing the following eleven issues:

- (1) What recommendation concerning the matters covered by this order the Commission should make to the Department of State for changes in provisions of the North American Regional Broadcasting Agreement.
- (2) Whether the number of clear channels should be increased or decreased and what frequencies in the standard broadcast band shall be designated as I-A channels and as I-B channels.
- (3) What minimum power and what maximum power should be required or authorized for operation on clear channels.
- (4) Whether and to what extent the authorization of power for clear channel stations in excess of 50,000 watts would unfavorably affect the economic ability of other stations to operate in the public interest.
- (5) Whether the present geographical distribution of clear channel stations and the areas they serve represent an optimum distribution of radio service on whether the fair, efficient, and equitable distribution of radio service among the several states and communities specified in Section 307(b) of the Communications Act requires a geographical redistribution at this time.
- (6) Whether it is economically feasible to relocate clear channel stations so as to serve those areas which do not presently receive service.
- (7) What new rules or regulations, if any, should be promulgated to govern the power or hours of operation of Class II stations operating on clear channels.
- (8) What changes the Commission should order with respect to geographical location, frequency, authorized power or hours of operation of any presently licensed clear channel station.

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- (6) Whether it is economically feasible to relocate clear channel stations so as to serve those areas which do not presently receive service.
- (7) What new rules or regulations, if any, should be promulgated to govern the power or hours of operation of Class II stations operating on clear channels.
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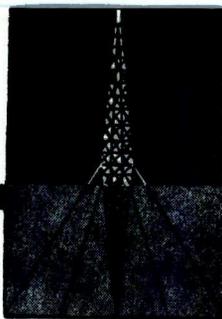
- (9) Whether and to what extent the clear channel stations render a program service particularly suited to the needs of listeners in rural areas.
- (10) The extent to which the service areas of clear channel stations overlap and the extent to which this involves a duplication of program service.
- (11) What recommendation, if any, the Commission should make to the Congress for the enactment of additional legislation on the matters covered by this Order.

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RADIO STATION

**WSM**
INCORPORATED50000
WATTS

650 KILOCYCLES NASHVILLE 3, TENNESSEE

* * * CLEAR CHANNEL * * *

December 28, 1961

Mr. G. William Lang
WGN, Incorporated
2501 West Bradley Place
Chicago, Illinois

Dear George:

Attached is the write-up which I have prepared on covering the defense aspects of the clear channels. I strongly urge that you add to this the fact that Conelrad depends on clear channel stations very strongly and that these stations are used to alert smaller stations over a wide area. Also I think you should mention BROPHECOM.

Best wishes.

Sincerely,

John H. DeWitt, Jr.

JHD:ab

Enclosure



RADIO STATION

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2501 West Bradley Place
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Best wishes.

Sincerely,

John L. Bewitt, Jr.

John
Enclosure

Clear Channels as a Natural Resource

Although there are 107 channels in the broadcast band, the United States under the North American Regional Broadcasting Agreement and the Treaty with Mexico has the use of only 25 of these channels on an exclusive basis at night. It has been demonstrated beyond any doubt that over 23 million people residing in 40% of the areas of the United States must depend on skywave service from clear channels at night as their only source of AM radio service. It has also been demonstrated that clear channels operating at a power of 50KW as is now the case cannot provide service of good reliability over the areas of the country in which skywaves are essential. The people residing in these areas are getting a second class service and there seems to be no other way to provide reliable service except through the use of high power on clear channels. While treaties forbid the operation of other stations on these channels in certain other countries at the present time it seems clear that if the United States placed other stations on the channels within its border then at the next treaty renewal conference the other countries will ask for similar privileges. Experience has shown that once stations are established on a channel it is virtually impossible to get them off. Our 1-A clear channels are therefore a precious national resource which must be guarded well otherwise this resource will be destroyed to the detriment of radio listeners in the United States.

The United States is in a unique position with respect to countries to the east and west of us because of the protection given by the vast ocean distances and the differences in time. It is also a fact that radio transmission across the North Atlantic is extremely poor because of the proximity of transmission paths to the auroral zone. The interference to our channels therefore comes from Latin American countries. At the present time interference from stations in Northern South America and Central America is at an all time high. We do not have agreements with these countries which protect us from this interference and it is anticipated that as the economy of these countries improves interference will become worse as times goes on. Cuba has been a source of interference to our broadcasting channels for many years and is notorious for its lack of respect for radio treaties even before the Castro regime. It is obvious that the best way to protect our sorely needed clear channels from this foreign interference is to increase the power of the stations which now operate on them in our country so as to make the operation of stations on these channels in other countries to the south of us untenable.

Clear Channels in Time of Emergency

The transmitters of the 25 clear channel stations are for the most part located 10 to 20 miles outside of the center of the city which they serve primarily. In case of a direct bomb hit on a city the probability of the transmitter surviving seems quite good. Radio is the No. 1 medium of communications to the public in time of emergency. Over 96% of the homes in the United States are radio equipped and in addition there are the large number of automobile and other battery operated receivers which are now in daily use. Although in case of an attack a few of the clear channel transmitters may be knocked out it will be possible for the public to pick up information from other clear channel stations many miles away provided the channels are not cluttered up with other stations. In 1937 during the great flood of the Ohio and Tennessee, residents of the Louisville, Kentucky area received directions over WSM, Nashville. Millions of other people listened to these broadcasts at distances up to 1,000 miles away. This.

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Although there are 107 channels in the broadcast band, the United States under the North American Regional Broadcasting Agreement and the Treaty with Mexico has the use of only 25 of these channels on an exclusive basis at night. It has been demonstrated beyond any doubt that over 25 million people residing in 40% of the area of the United States must depend on skywave service from clear channels at night as their only source of AM radio service. It has also been demonstrated that clear channels operating at a power of 50KW as is now the case cannot provide service of good reliability over the areas of the country in which skywaves are essential. The people residing in these areas are getting a second class service and there seems to be no other way to provide reliable service except through the use of high power on clear channels. While treaties forbid the operation of other stations on these channels in certain other countries at the present time it seems clear that if the United States placed other stations on the channels within its border then at the next treaty renewal conference the other countries will ask for similar privileges. Experience has shown that once stations are established on a channel it is virtually impossible to get them off. Out 1-A clear channels are therefore a precious national resource which must be guarded well otherwise this resource will be destroyed to the detriment of radio listeners in the United States.

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gives some indication of what might be done with clear channels in bringing information to the general public in case of great disaster. These clear channel transmitters are or can be equipped with auxiliary power supply equipment which can be put in operation in case of total power failure. They can be operated remotely from underground fallout shelters with a minimum of investment. High power clear channel stations which are free of interference will afford the best basic communications system to the public with less vulnerability to attack than any other means of accomplishing the end desired.

Military Use of Clear Channels

Recently it has been found that the clear channel stations can be used to transmit teletype signals by frequency modulation over their carrier waves without interference to programs being carried simultaneously. A system is under development in connection with the U.S. Air Force and the FCC at the present time known as BRECOM (Broadcast Emergency Communications). This system envisages the use of a number of clear channel stations to relay teletype messages. Already it has been found that high reliability teletype circuits can be set up in this manner between stations separated as much as 300 miles. This service can be destroyed through the assignment of daytime and nighttime stations on the clear channels. While these experiments are still in the early stages it appears likely that the use of clear channels for this purpose can be extended for use by other military units over wide areas of the country.

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December 13, 1961
Dic. 12-12-61

Mr. Ward Quaal
WGN, Incorporated
2501 West Bradley Place
Chicago, Illinois

Dear Ward:

Your activities in behalf of the clear channel group, and especially in connection with the meeting of November 29, are greatly appreciated by all of us here at WSM. John McDonald gave me a full report on the meeting and you know how distressed I was at not being able to be present. I feel sure that John conveyed this feeling to you.

I had a letter from Roy Battles in which he suggested that I get in touch with Messrs. Vinson and Russell, which I will do through Leonard Reinsch at the earliest opportunity. I have written Roy acknowledging his letter and asking whether I should wait until after the new session of Congress begins or whether I should undertake this mission while these gentlemen are in Georgia.

George Reynolds is in Washington today at a meeting with the Commission, the Air Force and the Westinghouse people. He, along with Fritz Leydorf, is representing our group and I feel reasonably certain that Westinghouse and the Commission will proceed forthwith with the Plan for teletype communications. I want you to know that your George Lang has done a very fine job in this connection. I talked with him this morning and found that he is now able to pick up WJR and WLW on a regular basis. We are all finding that there will be difficulties during the transition period but we hope to overcome this with the use of a multiplicity of skywave pickups.

My best wishes, Ward, to you and Dorothy for a wonderful holiday season.

Sincerely yours,

John H. DeWitt, Jr.

JHD:ab

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Dic. 12-12-61

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My best wishes, Ward, to you and Dorothy for a wonderful holiday season.

Sincerely yours,

John H. Dewitt, Jr.

JHD:sp

December 13, 1961

Mr. Roy Battles
Clear Channel Broadcasting Service
532 Shoreham Building
Washington, D. C.

Dear Roy:

I think the idea of making contact with Mr. Vinson and Senator Russell of Georgia is an excellent one. I do not know either one of these gentlemen, but will arrange to meet them through Leonard Reinsch. I would like to know whether you feel I should do this before the new Congress convenes.

Best wishes for a very pleasant holiday season.

Sincerely,

John H. DeWitt, Jr.

JHD:ab

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522 Shoreham Building
Washington, D. C.

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JHD:ab



Clear Channel Broadcasting Service

Shoreham Building
Washington 5, D. C.

December 1, 1961

Roy Battles
Director

Mr. John H. DeWitt, Jr.
President & Station Manager
WSM, Inc.
301 - 7th Avenue North
Nashville 3, Tennessee

Dear Mr. DeWitt:

John McDonald and Ward Quaal have probably already reported to you the details concerning our meeting in Chicago last Wednesday.

As usual, we ran out of time before covering adequately some of the items on the agenda.

One such item has to do with the possible role of Carl Vinson of Georgia, Chairman of the House Armed Services Committee, and Senator Richard B. Russell of Georgia, Chairman of the Senate Armed Services Committee.

These people, it would seem, should know of the vital and powerful potential role of Clear Channel AM stations as a defense and national security resource. If you think it wise, you might want to consider reaching these two gentlemen with an accurate portrayal of whatever portion of the national security - defense story that can be told. It would seem to me that if the interests of our country are to be safeguarded in the area of communications that Mr. Vinson and Mr. Russell should know of the absolute necessity of preventing the duplication of any of the present clear channel stations.

You will soon be hearing also from George Lang. It was suggested at the Chicago meeting that Mr. Lang draw up the first rough draft for your consideration and the consideration of others of a statement that CCBS members might be able to use



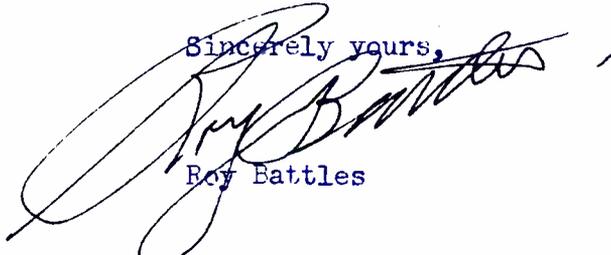
Sponsored by Independently Owned
Clear Channel Radio Stations

December 1, 1961

relating to the defense issue - clear channels - which might be used to go to members of Congress and various organizations, including possibly the American Legion. I know George wanted to clear this with you so you will be hearing from him very shortly.

Best wishes.

Sincerely yours,

A large, stylized handwritten signature in dark ink, appearing to read "Roy Battles".

Roy Battles

RB/bh

cc: Mr. Quaal
Mr. Eagan

A.S.
With respect to Don Venson + Mr. Russell -
let me know if you want me to contact
the WS & people. Otherwise I'll assume
you will handle it. 

December 8, 1961

Dec. 12-4-61

Mr. Edwin W. Craig, Chairman
Clear Channel Broadcasting Service
c/o National Life & Accident Insurance Company
Nashville 3, Tennessee

Dear Ed:

So that you are kept apprised of my activities in working with Roy Battles, this is to advise that my colleagues at WGN and I met with Roy and Farm Directors of the CCBS "family" at our WGN Mid-America Broadcast Center on November 24 and with representatives of general management of the CCBS stations on November 29.

In the case of the former session, the history of CCBS and the general Clear Channel "movement" was traced and much was done by Roy and my WGN associates in stimulating the group to more aggressive activity in working with local, state, regional and national farm groups and in making the Farm Directors more aware of the acute problem facing us in the nation's capital.

At this particular meeting, only EPI was not represented, due to a misunderstanding on the part of the Farm Director, Jim Todd. Certainly there is no lack of interest on the part of EPI ownership and management.

On the meeting on the 29th, we devoted most of our time to basic assignments, station-wise, in contacting members of the House and Senate in behalf of legislation now pending in the nation's capital. Of great interest, Ed, is the fact that WWL, no longer in membership, was represented by its counsel, Robert Marnet, KSL, Salt Lake, was represented by Ted Capner, Farm Director, and WCCO, Minneapolis, was represented by Larry Haeg, General Manager. In regard to membership of these stations, KSL is considering same and I feel almost certain that before 1962 is with us they will be in CCBS. I feel heartened also by the comments of Mr. Marnet in behalf of WWL and I know that after speaking with J. D. Bloom, Chief Engineer

The following information was obtained from the records of the
 Department of the Interior, Bureau of Land Management, regarding
 the acquisition of certain lands in the State of California.
 The lands in question were acquired by the United States
 Government under the provisions of the Act of March 3, 1879,
 which authorized the purchase of certain lands in California
 for the purpose of establishing a national monument.
 The lands were purchased from the State of California for the
 sum of \$100,000.00. The purchase was completed on June 1,
 1880. The lands were then transferred to the Department of
 the Interior, Bureau of Land Management, for its custody and
 management. The lands are now being managed as a national
 monument.

Mr. Edwin W. Craig -- 2

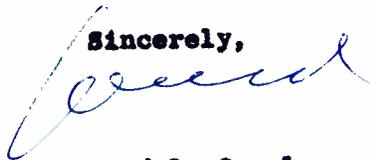
December 5, 1961

of the Loyola station, they will consider re-joining after the first of the year. Larry Haeg wants WCCO in membership, but the negative there stems from his Washington law firm, where a considerable amount of work will have to be done.

While KFI, WBAP and WCAI were not represented at the November 29 meeting, this is no indication of lack of interest. Abe Herman had planned to be there for Harold, but a court case precluded his travelling to Chicago.

Kindest wishes, Ed.

Sincerely,



Ward L. Quaal
Executive Vice President
General Manager
WGN, Inc.

WIQ/ck

cc: John H. DeWitt, Jr. /
Roy Battles

*Jack - John has advised
was most
helpful. Good*

December 5, 1961

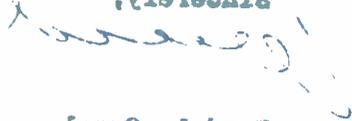
Mr. Edwin W. Craig -- 3

of the Loyola station, they will consider re-joining after the first of the year. Larry Haag wants WCCO in membership, but the negative there stems from his Washington law firm, where a considerable amount of work will have to be done.

While KFI, WHP and WQAI were not represented at the November 30 meeting, this is no indication of lack of interest. Abe Herman had planned to be there for Harold, but a court case precluded his traveling to Chicago.

Kindest wishes, Ed.

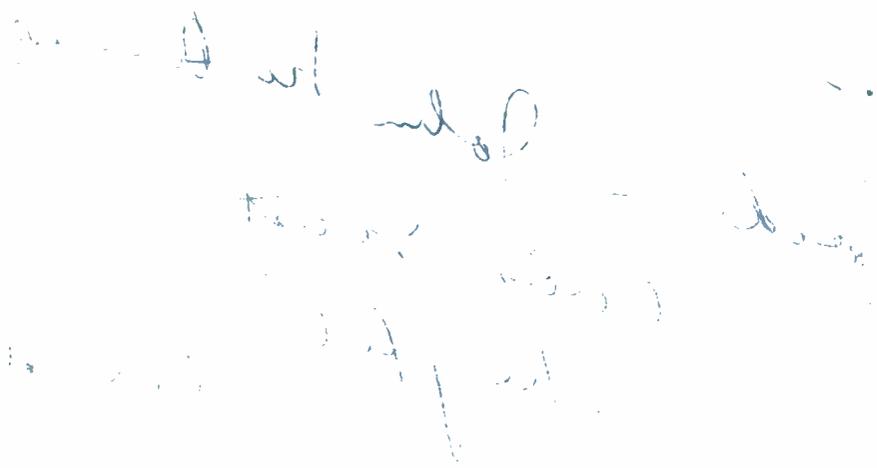
Sincerely,



Ward L. Quast
Executive Vice President
General Manager
WGN, Inc.

WVA/or

cc: John H. Dewitt, Jr.
Roy Rattler



LOUIS G. CALDWELL
(1891-1951)
HAMMOND E. CHAFFETZ
REED T. ROLLO
DONALD C. BEELAR
PERCY H. RUSSELL
KELLEY E. GRIFFITH
PERRY S. PATTERSON
R. RUSSELL EAGAN
CHARLES R. CUTLER
FREDERICK M. ROWE
ALOYSIUS B. MESCABE

LAW OFFICES OF
KIRKLAND, ELLIS, HODSON, CHAFFETZ & MASTERS
WORLD CENTER BUILDING - 16TH AND K STREETS, N. W.
WASHINGTON 6, D. C.

TELEPHONE STERLING 3-3200

CHICAGO OFFICE
PRUDENTIAL PLAZA
CHICAGO 1, ILLINOIS

December 4, 1961

JOSEPH DUCOEUR
RAYMOND G. LARROCA
JOHN P. MANWELL

Mr. John H. DeWitt, Jr.
WSM, Incorporated
National Building
Nashville 3, Tennessee

Dear Jack:

As you will recall, we decided to employ the services of Cooper-Trent, Inc., to locate in the Commission's files the necessary nighttime interference-free coverage maps of all of the nighttime changes or additions which occurred between January 1, 1957, and September 13, 1961, said research to be performed at the rate of \$5.00 per hour. They would then make photostat copies of the maps for which we would be billed their regular photostat rates.

I have made numerous unsuccessful attempts to contact Mr. Felton of Cooper-Trent, Inc., to ascertain what progress he was making. Finally, early last week I succeeded in reaching him, whereupon he explained that two days after I had furnished him with the list of changes, two of his employees had become ill; and, as a consequence, he was having to do the work himself whenever he could spare the time. He promised to let me have those maps which he had already located not later than December 1. Incidentally, I had succeeded in reaching him a week earlier and although he gave me no explanation for his slowness at that time, he promised to send me over as many maps as possible by November 24. Late Friday, December 1, I received a total of 13 maps, two of which were daytime



November 29, 1961

Mr. L. E. McDonald
1102 East 14th Street
Lombard, Illinois

Dear Mr. McDonald:

I am sorry to be slow in answering your inquiry regarding the CCBS job but the position has been open until just last month when it was filled by Mr. Roy Battles. Mr. Battles was formerly Assistant to the Master of the Grange and has many good contacts and a working knowledge of the CCBS operation.

I am enclosing Mr. Quaal's letter to you which you enclosed with your letter to Mr. Craig.

We appreciate your interest in CCBS and shall keep your application on file in the event that anything opens up at a later date.

Sincerely,

John H. DeWitt, Jr.

JHD:ab

C
O
P
Y

November 29, 1961

Mr. E. B. McDonald
1102 East 14th Street
Lombard, Illinois

Dear Mr. McDonald:

I am sorry to be slow in answering your inquiry regarding the CBS job but the position has been open until just last month when it was filled by Mr. Roy Battles. Mr. Battles was formerly Assistant to the Master of the Grange and has many good contacts and a working knowledge of the CBS operation.

I am enclosing Mr. Qual's letter to you which you enclosed with your letter to Mr. Craig.

We appreciate your interest in CBS and shall keep your application on file in the event that anything opens up at a later date.

Sincerely,

John H. Bewitt, Jr.

JHD:ab

COPY



from JACK DeWITT

10/2/61

Mr. Ward Quaal-

Dear Ward:

Thanks for your note concerning the Sponsor problem. As a result of their previous reporting, I cancelled all of our advertising with them and got a loud squawk from Mr. Norman Goldfab.

I would be inter sted to know what you are doing in connection with your advertising.

Best regards.

Jack



FROM THE DESK OF

Ward L. Quaal

9/27

Dear Jack:

You may not have seen this editorial in the September 18 "Sponsor", so I am sending a reprint to you.

The article followed a series of heated meetings I had with Norman Glenn, Publisher, and John McMillin, Editor of the magazine, when I addressed myself to the errors made in reporting on Clear Channel activity from the nation's Capitol. Glenn and McMillin were so shaken by my statements, some of which have been called to the attention of members of our Executive Committee, that they wrote this editorial in conjunction with yours truly. Unfortunately, some of "my copy" was edited for other call letters were mentioned in my "draft" but were deleted in the final process. At any rate, I think the piece is helpful to us.

I directed our merchandising and promotion people to see that every agency in the country handling broadcast traffic receives a reprint of the piece.

Best,



September 27, 1961

Mr. Sol Yaisheff
Broadcasting Publications, Inc.
1735 DeSales Street, N. W.
Washington 6, D. C.

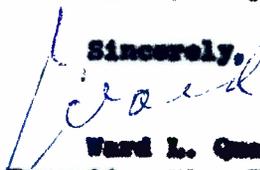
My dear Sol:

Yesterday in our conversation about numerous matters, I failed to mention not only my appreciation but that of the Clear Channel organization for your editorial in the current book.

Like the previous excellent piece carried in early July, this means so much to us at this critical "hour". Therefore, I am writing in behalf of the Executive Committee to express our gratitude and to tell you that your support means so very much to all of us.

All good wishes to you and Betty and, again, many thanks, Sol.

Sincerely,


Ward L. Gural
Executive Vice President
General Manager
WGN, Inc.

WLG/ek

cc: E. W. Craig
Harold Hough
John H. DeWitt, Jr.
James D. Shouse
Victor Sholis
Abe Herman
Rood T. Rolfe
R. Russell Egan

SPONSOR SPEAKS

Big Radio

In our humble opinion, what this country doesn't need is *more* radio stations. According to last count we now have about 3600 am outlets on the air, plus some 900 fmers, with another 150 construction permits.

We strongly urge the FCC to consider seriously the proposals which have been made for a moratorium on new licenses.

What the country does need is more *good* radio stations—stations that take pride in the fact that they're radio and in their ability to render exceptional service.

Good radio stations come in all sizes, shapes, and descriptions. But it's interesting to note that some of the best thirty years ago are still the best today. And it is also interesting to note that community radio hasn't swept away the need for the big area giant that sustained some sledgehammer blows in the early tv years and has now come back stronger than ever.

Sponsors are discovering that big radio delivers big. Many of the big stations perform a heartwarming service in the small-town and rural areas while discovering how to cope with the problems of building a metropolitan rating system.

To name only a few, all radio is proud of the present-day record of such stations as WGN, WHO, WSM, WFAA, WJR, WCCO, WSM, KSL, WSB, KDKA, KLZ, WLW, KMOX, WOW, WNAX, WWL, WSPD, WHAS, WBT, WTIC—obviously we cannot list them all.

The point is that such stations, of which there are perhaps 50 in the country, represent a different breed of radio. The continuing growth of radio as a national advertising force depends in large measure on their continuing growth.

A professional look at the press

Our hats are off to WCBS-TV for their unusually well done series "WCBS-TV Views the Press."

The programs, with Charles Collingwood as commentator, do a thorough and penetrating job of analyzing and criticizing both New York newspapers and national magazines. Best of all they're thoroughly and professionally researched. It is a great job of responsible station editorializing. 

10-SECOND SPOTS

Accidents will happen! In reporting the celebration of RCA chairman David Sarnoff's 55 years in communications, the *New York Times* took a humor tack and attributed his career to an "accident." The venerable newspaper places the date of the accident in September, 1906, when an immigrant boy, age 16, allegedly donned his only good suit and set out for the *New York Herald* office to seek a start in the newspaper world. According to the *Times*, the young chap entered an office building on Herald Square, stated his business to the first official he saw, and was hired as a five-dollar-a-week messenger—all before he realized he was not in the *Herald* building at all, but rather that of the Commercial Cable Co. next door.

CWAFTPOBBAPAACPC: Larry King, heard over WAME, Miami, mornings, originated a character known as Captain Wainright. The Captain is a crooked traffic patrolman who reports on bookmaking activity in Miami. One morning the "Captain" offered to form a special secret society called CWAFTPOBBAPAACPC, "Captain Wainright's Association for the Preservation of Bookmaking Bolita and Payola, and Air Conditioned Police Cars." Members would have to sign a pledge admitting that policemen are people. After the first announcement, 300 pieces of mail reportedly poured into the station and the facetious club became a reality. Now members get pocket cards and bumper stickers for their cars that read, "Officer, Don't stop me, I know Captain Wainright, WAME."

Is that an insult, Suh? At the National Press Club in Washington, D. C., recently, a former mid-Westerner now living in Maryland confessed to Bill Lawrence, ABC TV newscaster, that he disciplined his three youngsters by making them watch the Lawrence news programs. It seems that on a visit to his family back in the mid-West, the gentleman, his wife and the three kids were kidded about their newly acquired Southern drawls. As a result, he told his family to tune in every night to Lawrence—to learn how to talk properly again.

The seller's viewpoint

Flexibility in selecting media patterns is needed, according to George Henderson, general sales manager, WSOC-TV, Charlotte, N. C. "Buyers seem to have developed a somewhat . . . unwavering fixation on (certain) spots . . . that leaves them unreceptive to alternate availability." He feels that when buying tv, the major consideration should be the audience, not what the spot is adjacent to. Also, with improved research information, it is easier to select readily available non-prime time. Henderson contends that often the so-called non-prime time is really prime for specific accounts.



Creating and selling a station's image

There seems to be a reluctance on the part of some advertisers—via their agents and timebuyers—not to settle for anything other than their first choice when buying tv. In other words, on occasion there seems to be a growing tendency to skip television in a market entirely when the buyer's highly particularized order can't be fulfilled.

Buyers seem to have developed somewhat of an unwavering fixation on the spots of their choice that leaves them unreceptive to an alternate availability. For example, when a buyer has his heart set on a *Gunsmoke* spot, he probably won't accept late night spots in its stead, and that's the pity!

In short, media patterns should be flexible, reviewed and adapted market by market.

In buying, it's worthwhile not to lose sight of the overall objectives, or as the ancient saying goes, to lose sight of the forest for the trees. You're not buying an adjacency, you're buying audience, even though it may be a highly specialized audience.

Say a buyer originally wanted to buy a double or triple A spot for a cosmetic account. He finds the right prime time spot is unavailable, so he turns to fringe time instead. It might well be that he can buy two or three fringe spots for the same or slightly more money, for which he reaches considerably more women at a much greater cost efficiency. Result: A better buy.

It is no peculiarity of media men to sometimes do things in preconceived channels just because it has become customary. All of us would do well to occasionally take stock of our operating techniques to determine whether an operating mode which was efficient two years ago is still the

most profitable. Or if the operating mode ever was efficient.

For example, some buyers immediately turn away from a movie, such as the *Tarzan* package, because it immediately conjures up an image of "children." In the instance of our *Sunday Matinee*, which includes this package, this is hardly the case. The timebuyers who fight their preconceived notions and look up the audience composition on this show find that it is divided into a classical one-third each—approximately 33% men, 33% women and 33% children. So in other words this show, which delivers 66% adults, can be purchased at economical afternoon rates. In fact, many fringe times reach more adults than prime time announcements.

Moreover, improved research information available now gives national salesmen an important new tool for selling non-prime time. Now, Pulse has made available qualitative information on specific shows that make known the type of audience the program attracts. Income figures are now available, for example, the number of viewing families are in the various income categories. But more detailed information is available, too. For example, it is now possible to determine the number of viewing families who spent \$3000 or less for a new car, or more than \$3000 for a new car, or even expect to buy a new car this year. It's even possible now to know the number of viewing families who used floor wax three or more times in the past week.

Armed with such detailed information, it may be possible to prove to a buyer that time formerly regarded as fringe, may be extremely "prime" for his specific account.

November 20, 1961

C
O
P
Y

Mr. Johnie S. Campbell
WSM Transmitter
Route 5
Franklin, Tennessee

Dear Johnie:

Mr. Battles and I made a thorough search of all maps in the cabinet and the closet, both on the high shelves and in the barrels, and the only map we could find that I thought was anywhere near what you want is being sent to Ann under separate cover.

The label on this map says it was prepared for the Air Force, 1960. If it is not the right one perhaps it should be returned to this office. Also, if it is not what you want I am at a loss as to where it might be as we opened them all up one by one and this is all we could find.

If you have any other suggestions as to what the one you want looks like, the size, etc., please let us know.

Happy turkey-time to you both and Sydye.

Regards,

Bernice

Bernice Hase

cc: Ann Burnett

*Hi Ann.
Enjoyed your note.
Come back again soon.*

November 30, 1961

Mr. John S. Campbell
W2M Transmitter
Route 2
Franklin, Tennessee

Dear John:

Mr. Battles and I made a thorough search of all maps in the cabinet and the closet, both on the high shelves and in the drawers, and the only map we could find that I thought was any good for what you want is being sent to you under separate cover.

The label on this map says it was prepared for the Air Force, 1940. It is not the right one perhaps it should be returned to this office. Also, it is not what you want I am at a loss as to where it might be as we opened them all up one by one and this is all we could find.

If you have any other suggestions as to what the one you want looks like, the size, etc., please let us know.

Happy turkey-time to you both and yours.

Regards,

Bernice Haas
Bernice Haas

cc: Ann Burnett

*Give me the map soon
The map is in your hands*

COPY

February 15, 1961

Mr. Edwin W. Craig
National Life Ins. Co.
National Building
Nashville 3, Tennessee

Dear Mr. Craig:

Many thanks for your kind and prompt reply to my request for a position with Clear Channel.

As you have probably never heard of me, I got to thinking the enclosed letter from my former boss, Ward Quaal, might be of some help. It is, of course, a cherished letter of mine, and I would appreciate you saving it for me.

Thanks again for your consideration, and I shall await the Committee's decision with fervent hope and prayer.

Sincerely yours,

L. E. Mc Donald

L. E. Mc Donald
1102 E. 14th.
Lombard, Illinois

Nov. 15, 1961

Dear Mr. Craig,

You probably think I'm some kind of nut for writing to you again, but I have had no word from anyone connected with Clear Channel since your letter of June 29.

If a selection has been made, for a new director, will you please inform me, and I will cease thinking I may someday be a member of the group.

Also I would ask for my letter of commendation from Quaal

returned. You see, I have
so few mementos of my
days "in the sun", to reflect
on.

Thanking you for any interest
or effort, I remain

Sincerely yours,

L. E. McDonald

1102 E. 14th.

Lombard, Ill.

June 29, 1961

Mr. L. E. McDonald
1102 E. 14th Street
Lombard, Illinois

Dear Mr. McDonald:

The reason you have not heard from Mr. John H. DeWitt, Jr. is because the Executive Committee's selection for a new director has not been made.

There are pending applications including your own which will receive what I hope will be the early consideration of the Committee.

Sincerely yours,

Edwin W. Craig
Chairman of the Board

C
O
P
Y

June 29, 1961

Mr. L. E. McDonald
1102 E. 14th Street
Tombard, Illinois

Dear Mr. McDonald:

The reason you have not heard from Mr. John H. DeWitt, Jr. is because the Executive Committee's selection for a new director has not been made.

There are pending applications including your own which will receive what I hope will be the early consideration of the Committee.

Sincerely yours,

Edwin W. Craig
Chairman of the Board

COPY

April 10, 1961

Mr. Edwin W. Craig
Chairman of the Board
The National Life Ins. Co.
National Building
Nashville 3, Tennessee

Dear Mr. Craig:

It is two months now since I last heard from you in connection with obtaining employment with the Clear Channel group. Did you receive my letter from Mr. Quaal?

Perhaps the Executive Committee hasn't as yet had a chance to meet. If so, please excuse my impatience.

However, I suppose you can realize my concern, as I do so much want the opportunity. Hoping to hear from you soon.

Sincerely yours,

L. E. McDonald
1102 E. 14th
Lomard, Illinois

P.S. Is my friend John McDonald still operating at the same stand? I heard him broadcast the other day on NBC Monitor.

Original sent to John McDonald with note:

*"Please copy
sent"*

4-13-61

February 15, 1961

Mr. Edwin W. Craig
National Life Ins. Co.
National Building
Nashville 3, Tennessee

Dear Mr. Craig:

Many thanks for your kind and prompt reply to my request for a position with Clear Channel.

As you have probably never heard of me, I got to thinking the enclosed letter from my former boss, Ward Quaal, might be of some help. It is of course, a cherished letter of mine, and I would appreciate you saving it for me.

Thanks again for your consideration, and I shall await the Committee's consideration with fervent hope and prayer.

Sincerely yours,

L. E. McDonald
1102 E. 14th
Lombard, Illinois

*Enclosed is a letter from
Ward Quaal to me on 1/15/61
to Mr. McDonald the letter*

WGN Inc.

441 North Michigan Avenue - Chicago 11, Illinois

August 4, 1960

Mr. Larry McDonald
1102 E. 14th Street
Lombard, Illinois

Dear Larry:

It was good to hear from you and please be assured I will do everything I can in the way of finding something for you in the industry.

We have nothing available here and I know of nothing elsewhere just at the moment, but that does not mean that something will not develop.

Kindest wishes and thank you for taking the time to write and especially to include the CCBS letter which I recall so well writing to you. The commendation was richly merited.

Best wishes.

Sincerely,

Ward Quaal
Vice President
General Manager
WSN, Inc.

Cc and letter to Jack DeWitt

February 9, 1961

Mr. L. E. McDonald
1102 E. 14th Street
Lombard, Illinois

Dear Mr. McDonald:

Let me thank you for your letter of
February 7 and for your interest in the
Clear Channel group.

In a little while now the Executive
Committee will meet to consider the
situation and I will see to it that
your letter is given the thoughtful
consideration of the Committee.

Sincerely yours,

Edwin W. Craig

C
O
P
Y

February 2, 1961

Mr. E. E. McDonald
1102 N. 14th Street
Lombard, Illinois

Dear Mr. McDonald:

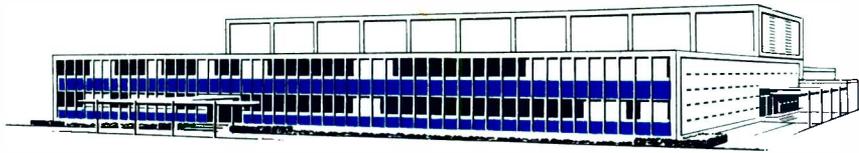
Let me thank you for your letter of
February 1 and for your interest in the
Clear Channel Group.

In a little while now the Executive
Committee will meet to consider the
situation and I will see to it that
your letter is given the thoughtful
consideration of the Committee.

Sincerely yours,

Edwin W. Craig

3
3
P
Y



Radio/720 Television/channel 9

wgn inc.

2501 West Bradley Place • Chicago 18, Illinois • LAkeview 8-2311

Ward L. Quaal Executive Vice President and General Manager

November 27, 1961

Miss Ann Burnett
WSM, Inc.
Nashville 3, Tennessee

Dear Ann:

Thank you for your recent note regarding Larry McDonald.

Ann, I went through last year's files and only find Larry's original letter to Mr. Quaal dated August 1, 1960, and a carbon of Mr. Quaal's reply, dated August 4. I am very much of the opinion that the CCBS letter was returned to Larry with Mr. Quaal's reply, inasmuch as related correspondence would have been clipped together. I would be happy to check through again, but I am afraid I will not come up with the letter in question. What can I do?

Kindest wishes and let me hear from you.

Sincerely,

Ginny Rogers
Sec'y to Mr. Quaal

*File until we can decide what
to do with*

EXecutive 3-0255



Clear Channel Broadcasting Service

Roy Battles
Director

Shoreham Building
Washington 5, D. C.

November 27, 1961

Mr. John H. DeWitt, Jr.
President & Station Manager
WSM, Inc.
301 - 7th Avenue North
Nashville 3, Tennessee

Dear Mr. DeWitt:

At Mr. Battles' request I am enclosing 100 reprints of three editorials which Congressman Dingell of Michigan had inserted into the Appendix of the Congressional Record on Wednesday, September 27, 1961.

If you need additional copies of these reprints, please let us know.

Sincerely,

Bernice Hase

Encls.



Sponsored by Independently Owned
Clear Channel Radio Stations



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 87th CONGRESS, FIRST SESSION

Editorials Regarding Clear Channel Broadcasting

Who's Boss?

EXTENSION OF REMARKS

OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1961

Mr. DINGELL. Mr. Speaker, pursuant to permission granted, I insert into the Appendix of the CONGRESSIONAL RECORD an editorial entitled "Who's Boss?" from the September 25, 1961, issue of Broadcasting:

Who's Boss?

The fact that the FCC voted finally to break down 13 of the remaining two dozen clear channels is not in itself too significant. The choice before the Commission was not whether any of the channels should be duplicated but whether all of them would be thrown open to secondary operations in undeserved areas if any actually exist.

The really important action was that, by majority vote, the FCC elected to defy the House Commerce Committee which specifically had requested that it defer final decision until the committee and Congress had the opportunity to consider pending legislation which would prohibit the breakdowns.

This was bold action. It was mitigated somewhat through the device of delaying consideration of applications for duplicated assignments so that no breakdowns possibly could occur until well after the next session of Congress convenes in January.

What does this action portend? Does it mean that in the controversial areas of television, involving deintermixture and substandard dropins, that the FCC will ignore congressional opinion? We doubt this. And we doubt whether Congress would condone it. President Kennedy's Reorganization Plan No. 2, involving the FCC, was overwhelmingly defeated in the House, because it would place too much power in the hands of the FCC Chairman and because Congress is jealous of its prerogatives in relation to the independent agencies vis-a-vis the executive branch.

Congress has always resisted executive interference with the independent agencies. The licensing and legislative functions belong to Congress, its leadership, whether Republican or Democratic, always has contended. Because Congress is busy and does not have the expertise, it has created such agencies as the ICC, FCC, FTC, and FAA to perform specialized work. And it won't easily retreat from that position.

As to the merits of the clear channel breakdown, we feel the FCC action is untimely, but for the unusual reason that it waited too long. It was 16 years ago that the clear channel case was opened. Conditions have changed. There is no shortage of AM stations anywhere except possibly in isolated areas where it would be economic suicide to build new class II, 10 kilowatt stations. And these, in most instances, are the very areas where the only service now available is from the clear channels.

It will be a long time before there is a showdown. We have the hunch that certain FCC members voted for the partial breakdown with the hope that Congress would take over and decide the issue before any real damage is done.

Clear Channels—16 Years Later

EXTENSION OF REMARKS

OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1961

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the Appendix of the CONGRESSIONAL RECORD an editorial entitled "Clear Channels—16 Years Later," from the June 19, 1961, issue of Broadcasting:

CLEAR CHANNELS—16 YEARS LATER

What the Nation doesn't need most are more radio stations. This is not to say that reception everywhere is optimum. There are white areas but these are so isolated that

broadcasters would be hard put to eke out a living.

Yet the FCC last week proposed to add new stations by breaking down half of the existing 24 clear channels to allow additional class II (power up to 50 kilowatts) stations to be licensed under "controlled conditions." What those conditions may be won't be known until the FCC releases its formal decision some weeks hence.

The FCC's decision was based on hearings held in 1945-46—16 years ago. Then there were fewer than 1,000 AM radio stations in operation. There were some 50 FM's and a half dozen largely experimental TV's. Today there are more than 5,000 broadcast stations, of which nearly 4,000 are AM's. Radio competition is so rigorous that some operators, illogically, forgetting about free enterprise, want the Government to consider the economic ability of a community to support additional competition. FCC Commissioner Robert E. Lee even has suggested a freeze on new AM stations.

This FCC inherited the clear channel problem from predecessor commissions. The membership—except for one, Commissioner Rosel H. Hyde—has turned over several times since 1946. Conditions today do not remotely resemble those of 16 years ago. There is no shortage of service in any metropolitan area.

Clear channels were created to serve rural and remote listeners by providing high power on channels protected from interference by other stations.

Clear channels still provide rural and remote service. But the extent of this service hasn't been audited since those 1945-46 hearings. The FCC proposes, for example, to duplicate all four of Chicago's clear channel stations in the heart of the Nation's breadbasket. Does it know how many people in the Middle West will lose out when the nighttime coverage of these channels is curtailed by the addition of other stations? How would these rural folk be alerted in the event of a national emergency?

We think the FCC waited too long. It needs updating. We have suggested before and we urge again that the FCC schedule arguments or a short hearing to determine whether the new breakdowns are necessary

or desirable. Spokesmen for the farmers and the ranchers, as well as the lawyers and engineers, should be heard. The stakes are too big. Moreover, we fear that these duplicated assignments, once the breakdown is final, will gravitate to the more populous metropolitan areas, already surfeited with service. It happened before.

Big Radio

EXTENSION OF REMARKS

OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1961

Mr. DINGELL. Mr. Speaker, pursuant to permission granted, I insert into 617282—81705

the Appendix of the CONGRESSIONAL RECORD an editorial entitled "Big Radio" from the September 18, 1961, issue of Sponsor:

BIG RADIO

In our humble opinion, what this country doesn't need is more radio stations. According to last count we now have about 3,600 AM outlets on the air, plus some 900 FMers, with another 150 construction permits.

We strongly urge the FCC to consider seriously the proposals which have been made for a moratorium on new licenses.

What the country does need is more good radio stations—stations that take pride in the fact that they're radio and in their ability to render exceptional service.

Good radio stations come in all sizes, shapes, and descriptions. But it's interesting to note that some of the best 30 years ago are still the best today. And it is also interesting to note that community radio

hasn't swept away the need for the big area giant that sustained some sledgehammer blows in the early TV years and has now come back stronger than ever.

Sponsors are discovering that big radio delivers big. Many of the big stations perform a heartwarming service in the small-town and rural areas while discovering how to cope with the problems of building a metropolitan rating system.

To name only a few, all radio is proud of the present-day record of such stations as WGN, WHO, WSM, WFAA, WJR, WCCO, WSM, KSL, WSB, KDKA, KLZ, WLW, KMOX, WOW, WNAX, WWL, WSPD, WHAS, WBT, WTIC—obviously we cannot list them all.

The point is that such stations, of which there are perhaps 50 in the country, represent a different breed of radio. The continuing growth of radio as a national advertising force depends in large measure on their continuing growth.

PREPARATION OF MAP SHOWING NIGHTTIME TYPE "B" *

RADIO SERVICE OF THE CONTINENTAL U.S.

Procedure:

I. A list was prepared by A.D. Ring staff of all additions, changes, and deletions of standard broadcast station assignments from January 1, 1946, to January 1, 1957.

II. Work maps:

- a. The 1/2,500,000 scale USA base map was used and we traced thereon the 1946 contours showing one service with a black line, and two or more services with a red line.
- b. A transparent overlay sheet was placed over this map and on this sheet we indicated the location of all stations that had been added, changed their assignment, or deleted since January 1, 1946. There was no need to locate any of these stations that were well within the red contours (which indicates two or more services as of January, 1946) except in such cases where, by inspection, we judged that their nighttime "B" service contour would reach out beyond the 1946 two-or-more-service area.
- c. As these stations were located on the overlay sheet, an identification mark was placed beside the call letters of each on the station list prepared in step I.
- d. This list was taken to the FCC Broadcast Reference files, and the file of each station checked on our list was searched to determine:
 1. The stations' nighttime RSS limitation in millivolts per meter.
 2. The map showing this nighttime interference-free contour.
 3. In all cases, an effort was made to obtain the measured contour. We made a tracing of this contour as shown on the coverage map in the stations' file, when available, otherwise we tabulated the information required in order to draw this contour. When measured data was not found we traced the calculated contour from the stations' application for C.P.

We found, by means of a comparative study, that the nighttime limited ground wave contour as determined by FCC standards and that contour defining nighttime type "B" ground wave service were, on an average over the country, about the same for Class II and III stations. After studying the data and considering the limited time in which to update our night "B" service map, Andy Ring and I felt that we would be justified in using the night RSS limitations as found in the stations' files at FCC.

This procedure was carried out on approximately 525 directional antenna assignments, including one dozen Class I-B stations.

(The Class I-B stations required special treatment in that the determination of their nighttime type "B" radio service contours involved consideration of the distortion zone, atmospheric and rural man-made noise limits as defined in Exhibit 109, FCC Docket No. 6741. Calculations of the distortion zone

required, in almost every case, the calculation of additional vertical patterns.)

- e. The stations on the six local channels, totalling about 120 in number, are shown on the map by means of a circle having a 5 mile radius. This simplification was deemed necessary due to the time element involved.

A study of Exhibit 266 of FCC Docket 6711 will indicate the magnitude of the job of calculating the nighttime ground wave, Type "B" contours of all local stations. At the time Exhibit 266 was written there were 512 locals on the air at night. Since that time (through 1956) there have been added some 112 local stations, operating unlimited time, making a total of 926. The time necessary to calculate service contours for some 100 local stations, even by the short cut methods described in Exhibit 266, would be prohibitive under the present circumstances.

Out of the 512 contours calculated for the 1946 map, only 20% of these contours had radii of over 5 miles. We reasoned that the average limitation to the local stations had been raised, to some extent, by the addition of these some 112 stations. This being the case, the per cent of contours having radii of over 5 miles must consequently be reduced to an even lower figure.

Discussion of these factors with Andy Ring resulted in our decision, namely, each local station's coverage to be drawn with a circle of 5 mile radius. We realize that by doing this we would be showing possibly more total coverage than actually exists but the percentage would be very small compared to the total white area involved.

- f. A second transparent overlay was used upon which we transferred the contours obtained from the FCC Broadcast station files described in paragraph d. above. We then drew in the 5 mile radius circles showing local station coverage. The contours of stations that had been changed or deleted were identified and removed from the 1946 base map.
- g. On a third transparent overlay, the new one and two-or-more service contours were drawn. They were then transferred to a new base map having black outlines of the areas receiving one service and two-or-more services.
- h. From this base map, we prepared two overlay sheets for the printers, one sheet with opaque areas depicting the areas receiving one service, and the second overlay sheet with opaque areas depicting two-or-more services. From this final base map, and the two opaqued transparent overlays, the printer makes his black-white, red and blue plates.

III. A population count of the white areas was made by a modification of the shortcut method as used in the 1947 hearing, namely, "If half of a county or more is white area, count all its population as being in white area". After discussing this with Andy Ring, we decided that we should modify this method in the following respect, due to the fact that there are so many small local stations scattered throughout the white areas. Such

being the case, we felt that if we did not consider the population of these small towns we might be subject to criticism. We, therefore, decided that even though, area-wise, more than half of a county is in the white area, yet if a small town in the white area is served by a radio station, we should subtract the population of this town from the total population of the county.

The total population residing in the white area equals 25,631,259.

IV. Finally, we determined the total "white" area to be ^{58.70}~~52.80~~% of the total land area of the continental U.S.A.*

The people residing in the white area depend upon sky wave signals from Clear Channel station for nighttime service.

*Type "B" Nighttime, ground wave, service is defined in FCC Docket 6711, Exhibit 109, as being that ground wave service as limited by the following factors:

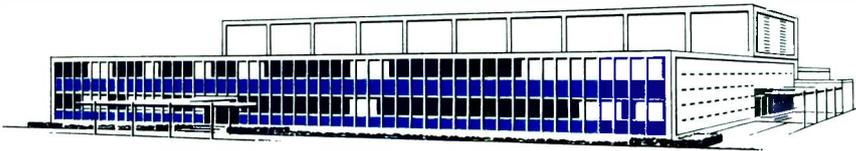
1. Atmospheric noise level obtained on 50% of the nights of the year, according to Map of USA (Fig. 14.4 of Exhibit 325 of FCC Docket 6711) used in conjunction with a frequency correcting curve (Fig. 4-1 of Exhibit 109).
2. Other station interference, on channel, when the ratio of the Desired Stations' ground wave to the Undesired Stations' 50% sky wave is 37/1. *When GW contours were calculated, we used the FCC conductivity map, Fig R-3 of present FCC standards.*
3. Distortion Zone, where the ratio of the stations' own ground wave to its own 50% sky wave is 2/1.
4. Rural man-made noise. The minimum signal required to overcome this factor is 0.5 MV/M.

Prepared by CCBS
Johnie S. Campbell
April 17, 1957

J.S.C.

Note: Preparation of this map and data required approximately 165 man days.

* Area figured on 40 of county basis and subtracted all 5 mi. circles (79.5 sq mi each)



Radio/720 Television/channel 9

wgn inc.

2501 West Bradley Place • Chicago 18, Illinois • LAkeview 8-2311

November 22, 1961

Dic. 11-20-61

Mr. John H. DeWitt, Jr., President
WSM, Inc.
National Building
Nashville 3, Tennessee

Dear Jack:

Confirming our telephone conversation, we will have a special meeting of representatives of the CCBS "family" at the WGN Mid-America Broadcast Center on Wednesday, November 29.

The meeting will commence at 10:00 AM, with luncheon at approximately 12:30 in our Executive Dining Room. The meeting will continue throughout the afternoon.

At this session, Roy Battles will brief us on his activity and will "touch base" with each station in regard to its approaching assignment in its coverage area as we prepare for hearings in Washington.

I am elated, Jack, that John McDonald will be with us and that you personally will be on hand, barring something unforeseen. It is wonderful of you to take this time from such a busy schedule and each of us is grateful.

Best personal regards and much appreciation.

Sincerely,

Ward L. Quaal
Executive Vice President
General Manager
WGN, Inc.

WLQ/ck

cc: John McDonald
Roy Battles



CCBS

LAW OFFICES OF

KIRKLAND, ELLIS, HODSON, CHAFFETZ & MASTERS

WORLD CENTER BUILDING - 16TH AND K STREETS, N. W.

WASHINGTON 6, D. C.

TELEPHONE STERLING 3-3200

CHICAGO OFFICE
PRUDENTIAL PLAZA
CHICAGO 1, ILLINOIS

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AND E. CHAFFETZ
T. ROLLO
D. C. BEELAR
H. RUSSELL
E. GRIFFITH
S. PATTERSON
JESSELL EAGAN
RLES R. CUTLER
DERICK M. ROWE
JYSIUS B. MECABE

JOSEPH DUCOEUR
RAYMOND G. LARROCA
JOHN P. MANWELL

October 19, 1961

**Mr. Ward L. Quaal
Executive Vice President
WGN, Inc.
2501 Bradley Place
Chicago 18, Illinois**

Dear Ward:

After talking to you yesterday, I talked with Jack DeWitt concerning the possibility of sending a crew down to Nashville to work with Johnie Campbell in bringing the nighttime groundwave map up to date.

When I reached Jack, he was conferring with Johnie and George Reynolds on the engineering work which must be done in connection with the Air Force project. Jack said that this itself was quite an undertaking and that it would be impossible to do this job and the job of bringing the nighttime groundwave map up to date. In addition, the latter could only be done in Washington, as it is necessary to get detailed information from the Commission's records.

Jack and Johnie suggested that the problem could perhaps be solved by preparing an overlay which would show the small difference in white areas as reflected in the 1947 and 1957 maps. This, together with a tabulation listing the details as to the increases in the number of fulltime stations between 1947 and 1957 and between 1957 and 1961 should show that the 1961 white area will be substantially the same as the 1957 white area.

The only other possibility would be to retain Andy Ring or Frits Leydorf to bring the nighttime groundwave map up to date. I will obtain estimates from each as to the amount of time and fees which would be involved.

CHICAGO OFFICE
PRUDENTIAL PLAZA
CHICAGO, ILLINOIS

LAW OFFICES OF
KIRKLAND, ELLIS, HODSON, CHAFFETZ & MASTERS
WORLD CENTER BUILDING - 188 AND K STREETS, N. W.
WASHINGTON 6, D. C.

TELEPHONE STERLING 3-3500

October 19, 1961

MR. CALDWELL
MR. E. CHAFFETZ
MR. F. COLLO
MR. C. BEELAR
MR. RUSSELL
MR. E. GRIFFITH
MR. E. PATTERSON
MR. J. EAGAN
MR. R. CUTLER
MR. M. ROWE
MR. B. MCGABE

MR. DUCOEUR
MR. G. LARROCA
MR. R. HANWELL

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With respect to Bernice sending a letter to all of the farm directors urging that they take all necessary steps to obtain resolutions supporting the clear channel legislation from farm groups and other interested organizations, I talked to Roy Battles today, and he will arrange to send out such a letter under his signature to each of the farm directors. In each case, copies of the letters to the farm directors will be sent to the appropriate management people.

Roy plans to call you today to firm up his meeting with you in Chicago next Thursday. I regret that Reed and I have commitments to be out of town that day. Otherwise we would have met with you and Roy either in Chicago or in Washington.

Cordially,



R. Russell Eagan

RRE:bw

cc: Messrs. DeWitt and Battles

P. S. Since dictating the above, Howard Head has called me back and stated that according to his best estimate it would take his office some two months to bring the nighttime ground wave map up to date at a cost of some \$2,000. I have not yet been able to contact Fritz Leydorf to secure an estimate from him, but I expect to talk to him tomorrow.

P. P. S. I just finished reading a speech delivered today by Fred Ford in Lexington, Kentucky. Ford's main theme is that we have too many radio stations. One of the things he states is "Even with tripling the number of stations, coverage of the land area of the United States has improved very little since 1946." (Footnote 8, page 6, FCC P. N. 11312 released October 19, 1961). This itself shows that there has been no substantial change in the white areas from that shown in the 1957 map.

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NORTH AMERICAN REGIONAL
BROADCASTING AGREEMENT

BROADCASTING AGREEMENT
WITH MEXICO

INTERIM REPORT

PREPARED BY THE
SUBCOMMITTEE ON
NORTH AMERICAN REGIONAL BROADCASTING
AGREEMENT AND THE BROADCASTING
AGREEMENT WITH MEXICO
OF THE
COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE



AUGUST 1959

Printed for the use of the Committee on Foreign Relations

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1959

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NORTH AMERICAN REGIONAL BROADCASTING AGREEMENT BROADCASTING AGREEMENT WITH MEXICO

I. INTRODUCTION

The subcommittee, to which the North American Regional Broadcasting Agreement (Ex. A, 82d Cong., 1st sess.) and the Broadcasting Agreement with Mexico (Ex. G, 85th Cong., 1st sess.) was referred, recommends that no action be taken on the pending agreements at this session of the Congress.

The subcommittee submits this interim report to the full committee for the purpose of making public and inviting the comments of the broadcasting industry and the executive branch on several alternative proposals that it had under its consideration at its executive meeting on August 3, 1959. At that meeting, the subcommittee further agreed to receive such comments as the industry and executive branch might wish to make at hearings to be held within 3 weeks after the convening of the 2d session of the 86th Congress. After these hearings, it is the intention of the subcommittee to reach a final decision on the disposal of the two broadcasting agreements.

II. MAIN PURPOSE OF THE AGREEMENTS

The North American Regional Broadcasting Agreement (NARBA) is a regional agreement concerning use of radio frequencies in the standard broadcast band between 535 and 1605 kilocycles by the participating countries. It provides a basic pattern for this use by prescribing engineering standards, procedures, classes of stations, radio frequency priorities, and similar regulations. The participating countries are Canada, Cuba, the Dominican Republic, the United Kingdom (for Jamaica and the Bahamas), and the United States. Provision is made for the adherence of Haiti.

The agreement with Mexico is compatible with and complementary to the NARBA in that it similarly provides for use of the standard broadcasting band as between the United States and Mexico.

III. BACKGROUND

The need for these agreements arises from the basic fact that airwaves do not stop at an international boundary. With the growth of the broadcasting industry the need developed in the thirties for a regional arrangement to assure the least amount of interference by stations in one nation with stations in another nation.

The first NARBA (North American Regional Broadcasting Agreement), signed in 1937 and effective in 1941, provided a definite plan in the North American region for the use of broadcasting channels, so that each nation in the region could make the most effective use of

each channel with the minimum of interference between broadcasting stations. This agreement expired in 1946 and an interim agreement (a so-called *modus vivendi*) expired in 1949. There is still in effect between the United States and Mexico an exchange of notes, dated 1941, the so-called gentlemen's agreement, covering only, however, the use of certain clear channels.

In 1947 negotiations began for a new regional agreement, which was finally reached in December 1950.

Mexico, for reasons discussed in another section of this report, did not sign the new NARBA, although it was a party to both the 1937 agreement and the 1946 *modus vivendi*, and participated in the conferences leading up to the new NARBA, until it withdrew in October 1950. In 1952 the United States began negotiations with Mexico which 5 years later culminated in the bilateral agreement now under consideration.

A detailed history of the negotiations of both agreements is contained on page 52 of the hearings and a list of the members of the U.S. delegations to the various conferences on page 53.

During all stages of these negotiations, according to officials of the Department of State and the Federal Communications Commission and to other testimony obtained by the subcommittee, representatives of the broadcast industry were extensively consulted and given every opportunity to participate as advisers to the official delegation.

IV. SUBCOMMITTEE ACTION

The NARBA was transmitted to the Senate for advice and consent to ratification on February 5, 1951. A subcommittee of which Senator Tobey was chairman held hearings in 1953 (out of print) and reported the treaty to the full committee without a recommendation. The lack of a recommendation stemmed from the fact that while the administration, the networks, and a large number of individual stations favored the agreement, the Clear Channel Broadcasting Service and several large farm organizations opposed it. Their main arguments at that time were that Mexico was not a party to the agreement and that not enough protection was afforded clear channel (class I) stations and farm broadcasts would be impaired. The committee took no further action on NARBA that year.

After the Mexican agreement was signed in 1957 hearings (not printed) were held again by a new subcommittee of which Senator Fulbright was chairman. The previous opposition to the NARBA from the clear channel stations and farm groups was withdrawn, contingent upon both agreements being ratified at the same time. The Daytime Broadcasters Association (DBA), however, testified in opposition to the Mexican agreement. The DBA had at that time a petition pending before the Federal Communications Commission (FCC) for extended broadcast hours (5 a.m. to 7 p.m.). This petition was denied by the FCC in September 1958 and a revised petition for 6 a.m. to 6 p.m. broadcast hours was denied on July 8, 1959.

On July 9, 1959, a subcommittee consisting of Senator Morse, chairman, Senator Lausche, Senator Church, Senator Aiken, and Senator Carlson, held another public hearing on the agreements. Again the hearing demonstrated widespread industry support for the agreements. The DBA continued to oppose the Mexican agreement.

The reasons for the DBA opposition are discussed in detail in a separate section of this report.

V. PROVISIONS OF THE AGREEMENTS

A. ALLOCATION AND DEFINITION OF CHANNELS

Both agreements divide the standard broadcast band into 107 channels spaced 10 kilocycles apart. The 107 channels are in turn divided into three categories as follows: 60 clear channels, 41 regional channels, and 6 local channels.

Clear channels.—A clear channel is defined as a channel on which a dominant station or stations are assigned for the purpose of rendering service protected against interference over extensive areas by means of skywave as well as groundwave. The clear channels in turn are divided into class I-A, class I-B, and class II channels. A country having priority of use of a class I-A channel under the agreements enjoys almost exclusive use of that channel and other nations are severely restricted in the use that can be made of the class I-A channel. The United States under the NARBA is conferred priority on 25 class I-A channels, Canada 7, and the Bahamas 1. The Mexican agreement confers on Mexico priority with respect to seven channels, including one assigned to Canada, which in the opinion of the Federal Communications Commission does not involve a conflict. Of the 39 channels designated as class I-A clear channels, therefore, the United States is accorded priority on 25 and concedes priority on 14.

The remaining 21 clear channels are designated as class I-B and are utilized in varying degrees by all countries for wide area coverage by means of skywave signals on a shared basis. Under this shared usage of the 21 channels, both agreements recognize U.S. priorities for 34 class I-B stations, and grant other nations such priorities or 14 class I-B stations.

The power of a class I-A station is set at 50 kilowatts or more and that of a class I-B station at not less than 10 kilowatts nor more than 50 kilowatts.

The major difference between the two agreements concerns the use of clear channels. In general, the NARBA permits secondary nighttime operations on class I-A channels by nations other than the nation having the class I-A priority, provided that the nation having the priority is protected at the border from interference. For example, stations in the United States, operating nighttime on a Canadian class I-A channel, must be located at least 650 miles from the border and use a signal strength that cannot interfere with the Canadian priority at the border.

The Mexican agreement, on the other hand reciprocally prohibits with certain limited and specific exceptions any nighttime use of 6 Mexican class I-A channels by the United States and 25 United States class I-A channels by Mexico. This continues the principles contained in arrangement now prevailing under the gentlemen's agreement. The reason for this difference lies in Mexico's insistence in having its priorities protected not only in Mexico but also in the United States so that its class I-A channels can be used to beam broadcasts to the United States. Conversely, of course, the United States has the right to use its class I-A channels to beam broadcasts to Mexico.

Regional channels.—A regional channel (class III) is defined as a broadcasting channel to which several stations may be assigned and so protected as to serve a considerable area by groundwave, but no protection is accorded to service by skywave. Under the NARBA these stations may operate generally with power between 500 watts and 5 kilowatts. Under the Mexican agreement they may operate with power of 25 kilowatts except within 62 miles of the border, where the power may not exceed 5 kilowatts. There are specified exceptions to these power limitations in both agreements.

Local channels.—A local channel (class IV stations) is defined as a channel to which many stations may be assigned so as to serve a local area by means of a groundwave and service by skywave is not protected. The NARBA sets the power of these stations at 250 watts. The Mexican agreement permits 1 kilowatt daytime and 500 watts nighttime for stations located 93 miles or more from the border, and 1 kilowatt daytime and 250 watts nighttime for stations located between 62 and 93 miles from the border.

B. OTHER PROVISIONS

Conferences.—The NARBA provides for two classes of conferences: (1) plenipotentiary, to meet 4 years after entry into force, unless postponed by a majority of the signatories, with powers to revise the agreement; and (2) administrative, to precede a plenipotentiary conference. The Mexican agreement does not provide for conferences but for consultations in the event that one party is deemed by the other to be acting in a manner considered inconsistent with the agreement.

Determination of objectionable interference.—Both agreements set forth technical standards for the measurement of objectionable interference.

Notification.—Both agreements recognize all existing station assignments, unless otherwise specified, and provide for a system of notification of future assignments and changes.

Ratification and entry into force.—The NARBA will enter into force when ratified by the United States, Canada, and Cuba. Since Canada and Cuba have already ratified the agreement, the agreement can enter into force 15 days after the United States deposits its instrument of ratification. The Mexican-United States agreement will enter into force upon ratification by both countries. Mexico has not yet acted upon the agreement but has indicated to the United States Ambassador that it would take such action in the fall if the agreement were ratified by the United States.

Term.—Both treaties run for a period of 5 years after entry into force. The NARBA will continue in force unless and until a new agreement is negotiated. The Mexican agreement can be terminated prior to 5 years by denunciation or by a new agreement being negotiated.

Denunciation.—Both agreements provide for denunciation to be effective 1 year after made. The Mexican agreement further provides that if consultations over violations are unsuccessful, the agreement shall be terminated 90 days after denunciation.

A more detailed explanation of the agreements is contained in the President's message of transmittal of each, which is printed together with the treaties.

VI. MATTERS CONSIDERED BY THE SUBCOMMITTEE

A. USE OF MEXICAN CLEAR CHANNELS

With the opposition to the NARBA withdrawn, and the only opposition remaining being to paragraph 8 of article II-B of the Mexican treaty, the subcommittee devoted most of its discussion to the questions raised by this provision.

The paragraph referred to provides in part as follows:

c. Daytime Class II assignments by either Contracting Party on clear channels upon which the other Contracting Party has the Class I-A priority will be subject to the following conditions:

(1) *Permissible Hours of Operation*: Sunrise to Sunset at the location of the Class II station.

At the present time, by FCC rules, daytime stations are authorized to operate during daytime only. The effect of the treaty is that, should the FCC while the treaty is in force amend its rules to permit extended operations by daytime stations, those daytime stations operating on Mexican clear channels (about 150 stations) would be precluded from reaping the benefits of extended hours. To this possible future preclusion, the Daytime Broadcasters Association addresses its objections.

The subcommittee examined the basis for these objections most carefully and earnestly. The subcommittee has neither the knowledge of, nor the jurisdiction over, questions involving the merits of the daytime stations' request for extended hours. Such requests have been rejected by the Federal Communications Commission twice in less than 10 months. On September 19, 1958, the Commission unanimously denied the DBA petition for extended hours, from 5 a.m. or sunrise, whichever is earlier, until 7 p.m. or sunset, whichever is later. It concluded that—

The population which would gain service during these hours is vastly exceeded by the population which would lose the service of existing stations because of the additional interference which would result on all but a few of the 107 standard broadcast frequencies from the operation of daytime stations during the non-daytime hours * * * contemplated by the proposal.

On July 8, 1959, the FCC denied a DBA request for an inquiry into the advisability of authorizing daytime stations to operate from 6 a.m. or sunrise, whichever is earlier, to 6 p.m. or sunset, whichever is later. It again concluded—

that the losses of standard broadcast radio service, both groundwave and skywave in the various areas affected, which would result from an extension of the hours of operation of stations licensed for daytime operation must be determinative herein * * * This conclusion is strongly reinforced by a comparison of the 1,761,622 persons in 357 communities, now receiving only skywave service, who would gain in lieu thereof a local groundwave service, with the 25,631,000 persons in 1,727,000 square miles, now receiving skywave service, who would lose entirely the standard broadcast radio service now available to them.

Much of the DBA testimony before the subcommittee was concerned with whether the present FCC philosophy with respect to allocations in the standard radio band met the public need. This the subcommittee is in no position to judge. This is a matter for the appropriate committees of Congress having jurisdiction over communications. Nor, as already noted, is the subcommittee in a position to judge the merits of the Daytime Broadcasters Association demand for extended hours of operations.

The subcommittee is aware that two bills have been introduced in the House of Representatives and referred to the Committee on Interstate and Foreign Commerce, dealing with the question of extended hours of operations for daytime-only stations. The subcommittee received statements from the sponsors of these bills, Congressman George E. Shipley, of Illinois, and Congressman Morgan M. Maulder, of Missouri. The DBA has asked either that no action be taken on the agreement with Mexico until it has had time to seek its goals through judicial or congressional action or that the agreement be ratified with a reservation.

At its meeting on August 3, the subcommittee considered four alternative courses of action, as follows:

Alternative 1.—To recommend advice and consent to ratification without any reservations or understandings.

Alternative 2.—To recommend advice and consent to ratification subject to the following understanding:

Resolved (two-thirds of the Senators present and voting concurring therein), That the Senate advise and consent to the ratification of Executive G, 85th Congress, first session, the agreement between the United States of America and the United Mexican States concerning radio broadcasting in the standard broadcast band, which was signed in the English and Spanish languages at Mexico City on January 29, 1957, with the understanding that if, at any time hereafter, the Federal Communications Commission permits the extension of the hours of operation of a Class II station assigned to a clear channel, beyond the hours from sunrise to sunset at the location of the station, the President shall cause consultations to be entered into with representatives of the United Mexican States for the purpose of negotiating such modifications of such agreement as may be necessary to give effect to such extension of hours to Class II stations in the United States operating on Mexican Clear Channels.

Alternative 3.—To recommend advice and consent to ratification subject to the following understanding:

Resolved (two-thirds of the Senators present and voting concurring therein), That the Senate advise and consent to the ratification of Executive G, Eighty-fifth Congress, first session, the agreement between the United States of America and the United Mexican States concerning radio broadcasting in the standard broadcast band, which was signed in the English and Spanish languages at Mexico City on January 29, 1959, with the understanding, which shall be made a part of the agreement, that if at any time hereafter the permissible hours of operation of any Class II station operating on a clear channel are authorized by governmental authority of either contracting party to be extended beyond the hours from sunrise to sunset at the location of such station, paragraph 8 of Article II-B shall be of no further force or effect.

Alternative 4 (submitted by the Daytime Broadcasters Association).—To recommend advice and consent to ratification subject to the following reservation:

Resolved (two-thirds of the Senators present and voting concurring therein), That the Senate advise and consent to the ratification of Executive G, Eighty-fifth Congress, first session, the agreement between the United States of America and the United Mexican States concerning radio broadcasting in the standard broadcast band, which was signed in the English and Spanish languages at Mexico City on January 29, 1957, with the reservation, which shall be made a part of the agreement, that notwithstanding the provisions in such agreement defining nighttime operation and precluding operation during nighttime hours by the stations in one country on the Class I-A channels of the other, the United States reserves the right to authorize its stations on any of these channels to operate between the hours of 6 a.m. (whenever it occurs earlier than local sunrise) to 6 p.m. (whenever it occurs later than local sunset), with reciprocal privileges to Mexico in regard to Mexican stations operating on United States Class I-A channels.

It is to these four alternative courses of action that the subcommittee invites the attention of all interested persons.

The subcommittee appreciates the fact that daytime-only stations suffer from being required to go on and off the air at varying hours throughout the year. It is an inconvenience, however, that every daytime station accepted at the time its license was granted. The Federal Communications Commission testified that there are ways in which daytime-only stations can better their economic position other than by extended hours. The subcommittee expresses its hope that the Federal Communications Commission will extend to the daytime stations every opportunity allowed by law to improve their service and their economic position. In fact, the treaties themselves provide such a way by allowing for an increase in power for daytime stations enabling them, thereby, to increase their area coverage. Most of the daytime stations are small businesses and deserve the sympathetic consideration of the Government.

The subcommittee notes at this time that regardless of which of the alternatives mentioned above may be adopted, it believes that the hours of operation of the daytime stations should be based principally upon domestic considerations. Thus, should the FCC decide that the domestic situation were such as justify extended hours, the committee would anticipate that the administration should make every effort to obtain international agreement to such extension of hours.

B. CLEAR CHANNEL STATIONS GENERALLY

It has already been noted that the Clear Channel Broadcasting Service (CCBS) which originally opposed the NARBA, in part because of the absence of Mexico, has withdrawn its opposition, provided, however, that both agreements are ratified at the same time. It has also been noted that the NARBA could become effective 15 days after the President's deposit of the instrument while the Mexican agreement could not become effective until Mexico's ratification. The subcommittee, therefore, has under consideration an understanding to the resolution of ratification of the NARBA, to read as follows:

Resolved (two-thirds of the Senators present and voting concurring therein), That the Senate advise and consent to the ratification of Executive A, Eighty-second Congress, first session, the North American Regional Broadcasting Agreement and Final Protocol Thereto, signed on November 15, 1950, with the understanding that the instrument of ratification thereof by the United States shall not be deposited as provided in Part III-H of such agreement until the agreement between the United States of America and the United Mexican States Concerning Radio Broadcasting in the Standard Broadcast Band, signed on January 29, 1957 (Executive G, Eighty-fifth Congress, first session), shall have entered into force.

The subcommittee also calls the attention of the Senate and the appropriate committees to the testimony of the CCBS. Mr. DeWitt, the witness of the CCBS, stated:

It is strongly urged that in ratifying the two agreements, the U.S. Senate make known its wishes that all possible steps be taken to improve the admittedly inadequate broadcast service rendered to rural and smalltown America, and that these steps include the elimination of the provisions contained in the 1950 NARBA which prohibit certain U.S. class 1-A clear channel stations from increasing night-

time power in the direction of certain foreign stations, thus preventing improvement of nighttime service in areas where it is badly needed.

* * * * *
 CCBS defers, of course, to the judgment of the members of this committee as to how best to obtain the needed relief. One possibility would be to eliminate the restrictions on radiation through a formal exchange of diplomatic notes with Cuba, Jamaica, and the Dominican Republic.

Again the subcommittee repeats its view that such matters as increased power and radiation of class I-A stations do not lie within its jurisdiction. It can only express its hope, in this case, also, that the Federal Communications Commission give careful attention to the improvement of nighttime service in the rural areas of America.

C. THE CANADIAN AND CUBAN RESERVATIONS

Both Canada and Cuba ratified the NARBA with reservations. The Cuban reservation is to the 650-mile rule, and in effect states that in view of the engineering standards provided in the agreement for protection at the border of the country having the class I-A priority, Cuba will permit secondary use of these channels, notwithstanding the 650-mile rule. Inasmuch as the United States will be protected from any degree of interference at the border higher than that permissible by the treaty, the administration has no objection to this reservation. Nor did any of the industry representatives at the recent hearing voice any objection.

The Canadian reservation concerns the maximum and minimum power limits specified for regional and local channels. Canada reserves the right to exceed these limits "provided that in all cases the resulting interference to other stations on the same and adjacent channels will not exceed the values specified in the agreement at or below the specified limits." The Department of State and the Federal Communications Commission have no objection to the Canadian reservation.

The subcommittee concurs in the executive branch views on the two reservations. As long as the radiation toward the United States does not exceed that permitted by the NARBA, and our clear channels remain as free from interference as they would be in the absence of these reservations, it can see no reason to object.



BROADCASTING AGREEMENTS

Thursday, FEBRUARY 11, 1960.—Ordered to be printed

Mr. MORSE, from the Committee on Foreign Relations, submitted the following

REPORT

[To accompany Ex. A, 82d Cong., 1st sess., and Ex. G, 85th Cong., 1st sess.]

The Committee on Foreign Relations, having had under consideration the North American Regional Broadcasting Agreement (Ex. A, 82d Cong., 1st sess.), signed at Washington on November 15, 1950, and the Agreement between the United States of America and the United Mexican States Concerning Radio Broadcasting in the Standard Broadcast Band (Ex. G, 85th Cong., 1st sess.), signed at Mexico City on January 29, 1957, without objection reports the agreements to the Senate and recommends that its advice and consent to ratification of both agreements be given at an early date.

II. MAIN PURPOSE OF THE AGREEMENTS¹

The North American Regional Broadcasting Agreement (NARBA) is a regional agreement concerning use of radio frequencies in the standard broadcast band between 535 and 1605 kilocycles by the participating countries. It provides a basic pattern for this use by prescribing engineering standards, procedures, classes of stations, radio frequency priorities, and similar regulations. The participating countries are Canada, Cuba, the Dominican Republic, the United Kingdom (for Jamaica and the Bahamas), and the United States. Provision is made for the adherence of Haiti.

The agreement with Mexico is compatible with and complementary to the NARBA in that it similarly provides for use of the standard broadcasting band as between the United States and Mexico.

III. BACKGROUND

The need for these agreements arises from the basic fact that airwaves do not stop at an international boundary. With the growth

¹ Certain of the material contained in this report is adapted from that which appeared in an interim report submitted in August 1959 to the full Foreign Relations Committee.

of the broadcasting industry the need developed in the thirties for a regional arrangement to assure the least amount of interference by stations in one nation with stations in another nation.

The first NARBA (North American Regional Broadcasting Agreement), signed in 1937 and effective in 1941, provided a definite plan in the North American region for the use of broadcasting channels, so that each nation in the region could make the most effective use of each channel with the minimum of interference between broadcasting stations. This agreement expired in 1946 and an interim agreement (a so-called *modus vivendi*) expired in 1949. There is still in effect between the United States and Mexico an exchange of notes, dated 1941, the so-called gentlemen's agreement, covering only, however, the use of certain clear channels.

In 1947 negotiations began for a new regional agreement, which was finally reached in December 1950.

Mexico, for reasons discussed in another section of this report, did not sign the new NARBA, although it was a party to both the 1937 agreement and the 1946 *modus vivendi*, and participated in the conferences leading up to the new NARBA, until it withdrew in October 1950. In 1952 the United States began negotiations with Mexico which 5 years later culminated in the bilateral agreement now under consideration.

A detailed history of the negotiations of both agreements is contained on page 52 of the hearings, and a list of the members of the U.S. delegations to the various conferences on page 53.

During all stages of these negotiations, according to officials of the Department of State and the Federal Communications Commission and to other testimony obtained by the subcommittee, representatives of the broadcast industry were extensively consulted and given every opportunity to participate as advisers to the official delegation.

IV. COMMITTEE ACTION

The NARBA was transmitted to the Senate for advice and consent to ratification on February 5, 1951. A subcommittee, of which Senator Tobey was chairman held hearings in 1953 (out of print) and reported the treaty to the full committee without a recommendation. The lack of a recommendation stemmed from the fact that while the administration, the networks, and a large number of individual stations favored the agreement, the Clear Channel Broadcasting Service and several large farm organizations opposed it. Their main arguments at that time were that Mexico was not a party to the agreement and that not enough protection was afforded clear channel (class I) stations and farm broadcasts would be impaired. The committee took no further action on NARBA that year.

After the Mexican agreement was signed in 1957, hearings (not printed) were held again by a new subcommittee of which Senator Fulbright was chairman. The previous opposition to the NARBA from the clear channel stations and farm groups was withdrawn, contingent upon both agreements being ratified at the same time. The Daytime Broadcasters Association (DBA), however, testified in opposition to the Mexican agreement. The DBA had at that time a petition pending before the Federal Communications Commission (FCC) for extended broadcast hours (5 a.m. to 7 p.m.). This petition

was denied by the FCC in September 1958 and a revised petition for 6 a.m. to 6 p.m. broadcast hours was denied on July 8, 1959.

On July 9, 1959, a subcommittee consisting of Senator Morse, chairman, Senator Lausche, Senator Church, Senator Aiken, and Senator Carlson, held another public hearing on the agreements. Again the hearing demonstrated widespread industry support for the agreements. The DBA continued to oppose the Mexican agreement.

The subcommittee met again on August 3, 1959 in executive session and agreed to take no action on the agreements at that time. It further agreed to make public an interim report for the purpose of inviting the comments of the broadcasting industry and the executive branch on several alternative proposals that it had under consideration at that meeting and to receive such comments at hearings to be held within 3 weeks after the convening of the 2d session of the 86th Congress.

These hearings were held on January 25, 1960, and the record was held open until January 29. On February 1, in executive session, the subcommittee voted unanimously to report the agreements favorably to the Committee on Foreign Relations. The committee, at its executive session on February 2, concurred in the subcommittee report and, without objection, voted to recommend that the Senate advise and consent to the ratification of both broadcasting agreements.

V. PROVISIONS OF THE AGREEMENTS

A. ALLOCATION AND DEFINITION OF CHANNELS

Both agreements divide the standard broadcast band into 107 channels spaced 10 kilocycles apart. The 107 channels are in turn divided into three categories as follows: 60 clear channels, 41 regional channels, and 6 local channels.

Clear channels.—A clear channel is defined as a channel on which a dominant station or stations are assigned for the purpose of rendering service protected against interference over extensive areas by means of skywave as well as groundwave. The clear channels are in turn divided into two classifications: those in which the principal priority is assigned to a single country and usually for a single station (Class I-A) and those in which the priority may be shared both between countries and by as many as three stations within a country (Class I-B). Class II stations may be assigned on clear channels on a secondary basis. A country having priority of use of a class I-A channel under the agreements enjoys almost exclusive use of that channel and other nations are severely restricted in the use that can be made of the class I-A channel. The United States under the NARBA is conferred priority on 25 class I-A channels, Canada 7, and the Bahamas 1. The Mexican agreement confers on Mexico priority with respect to seven channels, including one assigned to Canada, which in the opinion of the Federal Communications Commission does not involve a conflict. Of the 39 channels designated as class I-A clear channels, therefore, the United States is accorded priority on 25 and concedes priority on 14.

The remaining 21 clear channels are designated as class I-B and are utilized in varying degrees by all countries for wide area coverage by means of skywave signals on a shared basis. Under this shared

usage of the 21 channels, both agreements recognize U.S. priorities for 34 class I-B stations, and grant other nations such priorities for 14 class I-B stations.

The power of a class I-A station is set at 50 kilowatts or more and that of a class I-B station at not less than 10 kilowatts nor more than 50 kilowatts.

The major difference between the two agreements concerns the use of clear channels. In general, the NARBA permits secondary nighttime operations on class I-A channels by nations other than the nation having the class I-A priority, provided that the nation having the priority is protected at the border from interference. For example, stations may be assigned in the United States for nighttime operation on a Canadian class I-A channel if they are located at least 650 miles from the border and restrict the power radiated toward the Canadian border to certain prescribed values.

The Mexican agreement, on the other hand reciprocally prohibits with certain limited and specific exceptions any nighttime use of 6 of the Mexican class I-A channels by the United States and 25 United States class I-A channels by Mexico. This continues the principles now prevailing under the gentlemen's agreement. The reason for this difference lies in Mexico's insistence in having the service of its seven class I-A stations protected not only in Mexico but also to some degree in the United States. Conversely, of course, the United States class I-A stations have a limited degree of protection of their service within Mexico.

Regional channels.—A regional channel (class III) is defined as a broadcasting channel to which several stations may be assigned and so protected as to serve a considerable area by groundwave, but no protection is accorded to service by skywave. Under the NARBA these stations may operate generally with power between 500 watts and 5 kilowatts. Under the Mexican agreement they may operate with power of 25 kilowatts except within 62 miles of the border, where the power may not exceed 5 kilowatts. There are specified exceptions to these power limitations in both agreements.

Local channels.—A local channel (class IV stations) is defined as a channel to which many stations may be assigned so as to serve a local area by means of a groundwave and service by skywave is not protected. The NARBA sets the power of these stations at 250 watts. The Mexican agreement permits 1 kilowatt daytime and 500 watts nighttime for stations located 93 miles or more from the border, and 1 kilowatt daytime and 250 watts nighttime for stations located between 62 and 93 miles from the border.

B. OTHER PROVISIONS

Conferences.—The NARBA provides for two classes of conferences: (1) plenipotentiary, to meet 4 years after entry into force, unless postponed by a majority of the signatories, with powers to revise the agreement; and (2) administrative, to precede a plenipotentiary conference. The Mexican agreement does not provide for conferences but for consultations in the event that one party is deemed by the other to be acting in a manner considered inconsistent with the agreement.

Determination of objectionable interference.—Both agreements set forth technical standards for the measurement of objectionable interference.

Notification.—Both agreements recognize all existing station assignments, unless otherwise specified, and provide for a system of notification of future assignments and changes.

Ratification and entry into force.—The NARBA will enter into force when ratified by the United States, Canada, and Cuba. Since Canada and Cuba have already ratified the agreement, the agreement can enter into force 15 days after the United States deposits its instrument of ratification. The Mexican-United States agreement will enter into force upon ratification by both countries. Mexico has not yet acted upon the agreement but has indicated to the U.S. Ambassador that it would take such action if the agreement were ratified by the United States.

Term.—Both treaties run for a period of 5 years after entry into force. The NARBA will continue in force unless and until a new agreement is negotiated. The Mexican agreement can be terminated prior to 5 years by denunciation or by a new agreement being negotiated.

Denunciation.—Both agreements provide for denunciation to be effective 1 year after made. The Mexican agreement further provides that if consultations over violations are unsuccessful, the agreement shall be terminated 90 days after denunciation.

A more detailed explanation of the agreements is contained in the President's message of transmittal of each, which is printed together with the treaties.

VI. MATTERS CONSIDERED BY THE COMMITTEE

A. USE OF MEXICAN CLEAR CHANNELS

With the opposition to the NARBA withdrawn, and the only opposition remaining being to paragraph 8 of article II-B of the Mexican treaty, the subcommittee devoted most of its discussion to the questions raised by this provision.

The paragraph referred to provides in part as follows:

c. Daytime Class II assignments by either Contracting Party on clear channels upon which the other Contracting Party has the Class I-A priority will be subject to the following conditions:

(1) *Permissible Hours of Operation:* Sunrise to Sunset at the location of the Class II station.

At the present time, by FCC rules, daytime stations are authorized to operate during daytime only. The effect of the treaty is that, should the FCC while the treaty is in force amend its rules to permit extended operations by daytime stations, those daytime stations operating on Mexican clear channels (about 250 stations) would be precluded from extending their hours. To this possible future preclusion, the Daytime Broadcasters Association (DBA) addresses its objections.

The committee examined the basis for these objections most carefully and earnestly. The Committee on Foreign Relations has neither the knowledge of, nor the jurisdiction over, questions involving the merits of the daytime stations' request for extended hours. Such requests have been rejected by the Federal Communications Com-

mission twice in less than 10 months. On September 19, 1958, the Commission unanimously denied the DBA petition for extended hours, from 5 a.m. or sunrise, whichever is earlier, until 7 p.m. or sunset whichever is later. It concluded that—

The population which would gain service during these hours is vastly exceeded by the population which would lose the service of existing stations because of the additional interference which would result on all but a few of the 107 standard broadcast frequencies from the operation of daytime stations during the non-daytime hours * * * contemplated by the proposal.

On July 8, 1959, the FCC, after an inquiry in which all interested parties were afforded an opportunity to comment, denied a DBA request for a rule change which would permit daytime stations to operate from 6 a.m. or sunrise, whichever is earlier, to 6 p.m. or sunset, whichever is later. It again concluded—

that the losses of standard broadcast radio service, both groundwave and skywave in the various areas affected, which would result from an extension of the hours of operation of stations licensed for daytime operation must be determinative herein * * * This conclusion is strongly reinforced by a comparison of the 1,761,622 persons in 357 communities, now receiving only skywave service, who would gain in lieu thereof a local groundwave service, with the 25,631,000 persons in 1,727,000 square miles, now receiving skywave service, who would lose entirely the standard broadcast radio service now available to them.

Much of the DBA testimony before the subcommittee was concerned with whether the present FCC philosophy with respect to allocations in the standard radio band met the public need. This, the committee is in no position to judge. This is a matter for the appropriate committees of Congress having jurisdiction over communications.

The committee desires to stress that it has delayed action on these treaties for 3 years in order to give the daytime station operators the fullest opportunity to develop their case before both the Federal Communications Commission and the Committee on Foreign Relations. On the basis of the record, however, it is now the committee's belief that the national interest will be injured by any further delay on the treaties.

The committee appreciates the fact that daytime-only stations suffer from being required to go on and off the air at varying hours throughout the year. It is an inconvenience, however, that every daytime station accepted at the time its license was granted. The Federal Communications Commission testified that there are ways in which daytime-only stations can better their economic position other than by extended hours. The committee expresses its hope that the Federal Communications Commission will extend to the daytime stations every opportunity allowed by law to improve their service and their economic position. In fact, the treaties themselves provide such a way by allowing for an increase in power for daytime stations enabling them, thereby, to increase their area coverage. Most of the daytime stations are small businesses and deserve the sympathetic consideration of the Government.

B. THE CANADIAN AND CUBAN RESERVATIONS

Both Canada and Cuba ratified the NARBA with reservations. The Cuban reservation is to the 650-mile rule, and in effect states that in view of the engineering standards provided in the agreement

for protection at the border of the country having the class I-A priority, Cuba will permit secondary use of these channels, notwithstanding the 650-mile rule. Inasmuch as the United States will be protected from any degree of interference at the border higher than that permissible by the treaty, the administration has no objection to this reservation. Nor did any of the industry representatives at the recent hearing voice any objection.

The Canadian reservation concerns the maximum and minimum power limits specified for regional and local channels. Canada reserves the right to exceed these limits "provided that in all cases the resulting interference to other stations on the same and adjacent channels will not exceed the values specified in the agreement at or below the specified limits." The Department of State and the Federal Communications Commission have no objection to the Canadian reservation.

The committee concurs in the executive branch views on the two reservations. As long as the radiation toward the United States does not exceed that permitted by the NARBA, and our clear channels remain as free from interference as they would be in the absence of these reservations, it can see no reason to object.

CONCLUSION

The committee recommends favorable action on both treaties, for the following compelling reasons:

1. *Industry support.*—This report has given disproportionate emphasis to the questions raised by the Daytime Broadcasters Association because it was the only group to testify in opposition to one of the treaties. The overwhelming majority of the industry, including all the major networks, appeared or otherwise made known their support of both treaties. The following testified in person in support of the agreements: John H. DeWitt, Jr., and Gayle Gupton, Clear Channel Broadcasting Service; Andrew G. Haley, representing various State broadcasters associations, American Broadcasting System, and other groups and individual stations; Elliott M. Sanger, Interstate Broadcasting Co., subsidiary of the New York Times; Hollis M. Seavey, Regional Broadcasters Association; Glen A. Wilkenson, KSL, Salt Lake City, Utah; Payson Hall, Meredith Publishing Co.; Donald G. McGannon, Westinghouse Broadcasting Co., Inc.; and Howard Hayer, WPIK, Alexandria, Va. Two statements by Senator John A. Carroll were also read into the record. There follows a list of State broadcasters associations that have gone on record for ratification of the NARBA.

*List of State broadcasters associations which passed resolutions favoring ratification of
North American Regional Broadcasting Agreement*

The Florida Association of Broadcasters.....	Dec. 2, 1950.
California State Broadcasters Association.....	Feb. 16, 1951.
North Carolina Association of Broadcasters.....	Mar. 8, 1951.
The Missouri Broadcasters Association.....	Mar. 12, 1951.
The Colorado Broadcasters Association.....	April 1951.
The Oregon State Broadcasters Association.....	May 1951.
Washington State Association of Broadcasters.....	May 11, 1951.
The Virginia Association of Broadcasters.....	May 1951.
New Jersey Broadcasters Association.....	July 5, 1951.
Arkansas Broadcasters Association.....	August 1951.

The committee also took note of the fact that the position of the Daytime Broadcasters Association was determined in part by a poll that it conducted of 225 daytime-only stations operating on Mexican clear channels. Of the 120 replies to the questionnaire, 99 favored continued opposition and 21 advised favoring the Mexican treaty. These figures must be viewed against the fact that there are over 3,600 broadcasting stations in the United States.

2. *Effect of failure to ratify.*—Strong and convincing testimony was offered on the serious effects which would result in continued failure to ratify these treaties. According to the FCC witnesses, there have already been a number of so-called derogations—uses of channels by other nations which are not in accord with the proposed treaties. These can be expected to multiply in the future if the United States shows no disposition to ratify, and unless the treaties are ratified there are no legal means by which such derogations can be corrected.

The committee inquired whether new and more advantageous agreements could be negotiated in lieu of the two now pending. Commissioner Cross of the FCC testified on this point as follows:

Each new international agreement in this complex and fast growing field is more difficult to negotiate than its predecessor. Accordingly, in my opinion, the United States and Mexican agreement and, more particularly the NARBA, negotiated, as they were, several years ago, are more favorable from the U.S. standpoint than it would be possible to negotiate today.

The long negotiating histories of the two agreements would seem to attest to this fact.

There is one other consideration that the committee urges the Senate to note. The increased interference to U.S. stations which may be expected from failure to ratify will be felt, due to unalterable physical laws, not by the daytime stations but by the nighttime stations and the listening public. In fact, the daytime stations are the only ones which will not be hurt by the failure to ratify.

3. *Treaties offer relief rather than restraint.*—Most of the witnesses before the committee testified that the present situation, without any international agreement, is unsatisfactory, and pointed to the benefits that would accrue through ratification. As Commissioner Cross put it:

Until the treaty is ratified, the United States receives most of the limitations imposed by the treaty but enjoys few, if any, of the considerable benefits which would redound to it under the treaty.

By ratification, the so-called derogations, already referred to, would be removed and nighttime service in the United States thereby improved. More importantly, the United States would receive protection for the channels assigned to it. Legally there is nothing now that would prevent any of the other signatories from assigning stations to channels on which the United States has a priority, with resultant chaos to our domestic industry—chaos which, as has already been noted, would affect everyone but the daytime operator.

There are other means of relief offered by the treaties. There are provisions for consultation and conferences in the case of conflicts or disagreements between the signatories. These may be the avenues to help further to improve service in the United States.

The treaties offer a framework within which the tremendous growth of the broadcasting industry can be directed toward the greatest public good. With our international rights secured, our domestic expansion

can progress in an orderly fashion so that the airwaves are used to serve the greatest number of people to the best advantage.

After the treaties have been in force for 5 years, there will be, in addition, an opportunity to review their operations. If unsatisfactory, new treaties can be negotiated. Moreover, the present agreement with Mexico—the so-called Gentlemen's Agreement—contains restrictions identical to those found in the treaty. It has been pointed out already that the Gentlemen's Agreement is of an indefinite duration—that is, effective until denounced by either party, which neither party has indicated any disposition to do. The treaty with Mexico brings about no change in the restriction against nighttime use of Mexican and United States clear channels. In addition, the treaty offers many more other benefits than the very limited terms of the executive agreement.

4. *Treaties are in accord with domestic policy.*—Both treaties are in complete accord with the present Government regulations of the standard broadcast band. As the committee noted, it is not qualified to inquire into the question raised as to whether these regulations meet the present needs of the broadcasting industry and the listening public. This is for the appropriate Senate and House committee to do, if they deem it necessary.

One of the witnesses before the committee described the air as the greatest natural resource owned by the American people—a natural resource that has to be developed for the common good and not for the advantage of any particular group.

The committee repeats that the interests of the daytime stations must be protected. So, however, must be the rest of the broadcasting industry, which numerically and in service area constitutes the preponderant majority. And the primary consideration, above all else, must be the protection of the listening public. The committee strongly believes that it is in the public interest—the broadcasting industry, even the daytime stations, and the listener—that these agreements be ratified promptly.





CLEAR CHANNEL BROADCASTING SERVICE

Your Attention Please!

February 24, 1960

MEMORANDUM

There are enclosed herewith for your information copies of the following documents:

1. Report of the Senate Committee on Foreign Relations recommending ratification of the 1950 NARBA and the 1957 Bi-lateral agreement with Mexico. These agreements were ratified by the Senate late yesterday afternoon.
2. Commission Report in Docket 6741 in response to the CCBS petition for clarification concerning the extent of protection contemplated for I-A stations in the event of duplication.

Reed T. Rollo
R. Russell Eagan

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington 25, D.C.

FCC 60-155

83687

In the Matter of)
)
Clear Channel Broadcasting) Docket No. 6741
in the Standard Broadcast Band)

SECOND SUPPLEMENT TO THE THIRD NOTICE
OF FURTHER PROPOSED RULE MAKING

1. The Clear Channel Broadcasting Service has filed with the Commission on November 24, 1959, a Petition for Clarification of the Commission's Third Notice of Further Proposed Rule Making in the instant proceeding, adopted September 18, 1959, released September 22, 1959.

2. CCBS therein requests clarification of the following matter: (1) in the Third Notice comments have been invited on the plan of assigning new unlimited time stations on the Class I-A channels; (2) as heretofore there has been no nighttime duplication on Class I-A channels, the Commission's Rules do not include engineering standards of protection to be afforded Class I-A stations from nighttime co-channel operations; (3) nor are such standards explicitly stated in the Third Notice as an adjunct to the requested formulation of comments. CCBS states its own opposition to any nighttime duplication on the Class I-A clear channels, but notes that CCBS and other interested parties need a precise statement of the nighttime protection to be afforded Class I-A stations under the proposed plan in order to formulate their comments thereon. CCBS claims that this requirement is not satisfied by that portion of paragraph 13 of the Third Notice wherein it is stated that: "Each new station licensed under the amended Rule would be required to install a directional antenna, designed to control the direction of radiation of energy in order to provide a satisfactory degree of protection from harmful interference to the existing service in the United States on these channels."

3. The proposal to consider new unlimited-time assignments on clear channels as set out in the Third Notice does not incorporate a formula, **routinely** applicable in each case, to determine a fixed maximum limit of radiation toward the dominant Class I station on the frequency. Such a formula would necessarily define one particular new concept of Class I-A operation, whereas, it was desired at this time, instead, to explore the various possible modifications of the existing concept of the Class I-A station. Possible bases for nighttime standards of protection to Class I-A stations exist in: (1) the 0.5 mv/m 50% skywave contour which presently provides the basis for nighttime protection for Class I-B stations under the Commission's Rules; (2) Type "E" or Type "F" service as defined in Exhibit 109 of this proceeding. There are also other possibilities which merit consideration with respect to their consistency with the general objective of allowing new unlimited time operations on clear channels while preserving, insofar as possible, the Class I-A character and usable service of the existing stations.

It is, furthermore, noted that under the terms of the proposal set out in the Third Notice, the individual merits and deficiencies of each application for unlimited time assignment on a particular channel in the designated state or states would be studied, and due consideration given to, among other factors, the nighttime interference which would result from each proposed operation to the dominant station on the channel.

4. In view of the foregoing, interested parties are at liberty to include in their comments in response to the Third Notice consideration of: (1) the general interference situation which would result from implementation of the proposed plan; (2) the approximate pattern of nighttime utilization of any particular channel under this plan; (3) proposed engineering standards for the limitation of nighttime co-channel interference to Class I-A stations under this or any other plan involving nighttime duplication of the clear channels.

FEDERAL COMMUNICATIONS COMMISSION

Mary Jane Morris
Secretary

Adopted: February 17, 1960

Released: February 19, 1960



from JACK DeWITT

NARBA

Final copy

JHD

July 9, 1959

Mail to
Guehonian

STATEMENT OF JOHN H. DEWITT, JR.

Before the

SUBCOMMITTEE OF THE
SENATE COMMITTEE ON FOREIGN RELATIONS

I. Introductory

Mr. Chairman and members of the Subcommittee, my name is John H. DeWitt, Jr. I am President of WSM, Inc., the licensee of standard broadcast station WSM and television station WSM-TV, both of which are located in Nashville, Tennessee.

I appear before you today in my capacity as Chairman of the Engineering Committee of the Clear Channel Broadcasting Service, which is usually referred to as CCBS. I have been a member of the CCBS Engineering Committee since its inception in November of 1934 and I have served as Chairman since June of 1936.

I have prepared a written statement which I respectfully request be made a part of the record. Instead of reading this statement in its entirety, I shall summarize it.

CCBS is an informal organization of the licensees of independently-owned (as distinguished from network-owned) Class I-A clear channel standard broadcast stations. The CCBS member stations are as follows:

listed
below

<u>Call</u>	<u>Location</u>	<u>Frequency</u>	<u>Licensee</u>
KFI	Los Angeles, Calif.	640 kc	Earle C. Anthony, Inc.
WSM	Nashville, Tenn.	650 kc	WSM, Inc.
WLW	Cincinnati, Ohio	700 kc	Crosley Corp.
WGN	Chicago, Illinois	720 kc	WGN, Inc.
WSB	Atlanta, Ga.	750 kc	Atlanta Journal Co.
WJR	Detroit, Mich.	760 kc	WJR, The Goodwill Station, Inc.
WBAP	Fort Worth, Texas	820 kc	Carter Publications, Inc.
WFAA	Dallas, Texas	820 kc	A. H. Belo Corp.
WHAS	Louisville, Kentucky	840 kc	WHAS, Inc.
WWL	New Orleans, La.	870 kc	Loyola U. of the South
WHO	Des Moines, Iowa	1040 kc	Central Broadcasting Co.
WHAM	Rochester, N. Y.	1180 kc	Genesee Broadcasting Corporation
WOAI	San Antonio, Texas	1200 kc	Southland Industries, Inc.

It is a well known fact that large U. S. rural and small town areas and populations do not receive adequate broadcast service . The manner in which broadcast service can be improved has been the subject of a series of rulemaking hearings before the Federal Communications Commission commencing in 1936, 1938 and 1945. The 1945 hearings (Docket 6741) are still pending before the Commission.

Refer to map

CCBS has participated as a party in the above-noted hearings and has always urged that the only feasible means of improving broadcast service is to authorize higher power for all Class I-A clear channel stations.

In order to clarify the nature of the CCBS objectives and to set the stage for discussing the two international broadcast agreements which are the subject of this hearing, it might be helpful to make a brief reference to the standard broadcast allocation plan.

Prior to the Radio Act of 1927 and the creation of the Federal Radio Commission*, there was a period, known as the chaos of 1926, when for all practical purposes, any citizen of this country could operate a radio station on any frequency in the standard broadcast band with any power he desired. The result was utter chaos and a total black-out of radio reception in the vast rural and small town areas of the country. Soon after its creation, and after consulting the leading engineers of that time, the Federal Radio Commission promulgated its November 11, 1928 allocation plan which set forth specific standards governing the use of standard broadcast frequencies. The premises underlying the 1928 allocation were based on the unchanging laws of physics and accordingly, the allocation plan in existence today is similar to the 1928 allocation. Details concerning the present allocation plan and the underlying facts and principles of radio communication may be found in the testimony I gave in July of 1953 in connection with the

*The Radio Act of 1927 was replaced by the Communications Act of 1934 and the Federal Radio Commission was succeeded by the Federal Communications Commission on July 11, 1934.

Ratification Hearings held respecting the 1950 NARBA (see pages 69ff of the Printed Hearings). Although the November 11, 1928 allocation established forty U. S. Class I-A Clear Channel frequencies (frequencies on which only one station is permitted to operate during nighttime hours), there are only twenty-four such frequencies remaining today. * However, one of the 24, is, in fact, not "clear" (770 kc). One frequency which is classified as a Class I-B (on which from 2 to 11 stations may operate at night) is in fact "clear" (1030 kc) and is classified as I-A under the 1950 NARBA and the 1957 Mexican Agreement. **

The importance of Class I-A Clear Channel stations is that they are capable of rendering interference-free service to rural and remote areas. It is a fact that the assignment of additional fulltime stations on Clear Channel frequencies will ultimately result in less nighttime service to outlying areas. It is possible to assign some daytime stations on Clear Channel frequencies but this must be done on a very selective basis to minimize the daytime interference effects.

* The 16 Class I-A Clear Channels which were broken down since 1928 are now either Class I-B frequencies or Class III (regional) frequencies (on which from 13 to 25 stations operate fulltime at night).

** There are 107 frequencies in the standard broadcast band: 24 U. S. Class I-A, 7 Canadian Class I-A, 7 Mexican Class I-A (one of which is also a Canadian Class I-A), 1 Bahamas Class I-A, 20 U. S. Class I-B (one of which is classified as Class I-A under the 1950 NARBA), 2 foreign Class I-B, 40 regional or Class III and 6 local or Class IV (on each of which from 141 to 163 fulltime U. S. stations operate).

24
70
90
6

19
23
44

40 reg

The extent of the present inadequacy of broadcast service may be summarized by referring to the fact that although, as of January 1, 1957, there were 1,875 fulltime stations authorized to operate in the United States, over 25 million people did not receive a single satisfactory nighttime ground-wave service. These people reside in what we refer to as "white areas" which as of January 1, 1957 constituted 57.99% of the total land area of the United States. These facts are substantially the same today even though additional fulltime stations have been authorized since January 1, 1957. For example, although the number of fulltime stations increased between May 1, 1947 and January 1, 1957 from 1,339 to 1,875, there was only an insignificant decrease in the amount of white area (60.59% to 57.99%) and there was an increase in the white area population (from 23.2 million to 25.6 million).

The more than half of the United States land area which does not receive a single adequate groundwave service and in which over 25 million people reside is shown on the map attached to my statement. The dark areas shown on the map receive only one satisfactory groundwave service whereas the gray areas receive two or more. The only service provided to the more than 25 million people residing in the white areas, and the only choice of services provided to the additional millions who receive only one acceptable nighttime groundwave service, is the skywave service of clear channel stations, which is not as dependable as groundwave service.

The only possible way to improve service to the vast underserved areas is through improving skywave service. CCBS is of the firm opinion that the only feasible means of doing this is through maintaining all U. S. Class I-A frequencies and authorizing higher power for Class I-A stations.* In addition, CCBS believes that the solution of the problem of "white" areas involves international as well as domestic allocations.

As I mentioned above, CCBS has always participated in hearings before the Commission concerning standard broadcast allocations. CCBS also has always had one or more representatives serve as Industry advisors to the United States Delegations which have negotiated broadcast agreements with our North American Neighbors. I served as an Industry Advisor to the U. S. Delegations which negotiated the NARBAs signed in 1937 and in 1950, and I was in constant touch with the individuals who

* The Communications Act of 1934 and all existing and international agreements, including the two which are the subject of this hearing, do not set any maximum power limitation for Class I-A Clear Channel stations. At present, the Commission's rules provide that the minimum and maximum power for Class I-A stations is 50 kw. CCBS recommends that the maximum power be increased to 750 kw. The Commission is considering the question of what changes should be made in the existing standard broadcast allocation plan in pending Dockets 6741 (The Clear Channel Case) and 8333 (The Daytime Skywave Hearing).

represented CCBS during the bi-lateral negotiations which led to the 1957 Mexican agreement.

II. Summary of the Negotiations Leading to the 1950 NARBA and the 1957 Mexican Agreement

The first broadcasting agreement among the North American countries was signed in 1937 and became effective in March of 1941 for a five year period. This agreement (usually referred to as the 1941 NARBA) was extended for a three year period by the so-called Interim Agreement or Modus Vivendi of 1946.

In 1949, when the 1941 NARBA as extended by the 1946 Interim Agreement was scheduled to expire, U.S. Delegation meetings were held to prepare for forthcoming negotiations of a new agreement. CCBS urged in these preparatory meetings that the issues in the so-called Clear Channel Case (Docket 6741, commenced in 1945) be resolved prior to the commencement of negotiations. This position was taken because of the following facts.

The central issue in the Clear Channel proceeding is whether, as urged by CCBS, U.S. Class I-A Clear Channels should be maintained and higher power authorized or, as urged by others, these frequencies should be broken down* and a power ceiling of 50 kw maintained. This issue had been

*That is, the authorization of additional fulltime stations.

considered but never resolved in hearings held in 1936 and 1938.

The 1941 NARBA established a minimum power of 50 kw for Class I-A stations and set no maximum power. In other words, each country with Class I-A channels was free to authorize any power in excess of 50 kw for its Class I-A stations. Canada and Mexico were each given six Class I-A frequencies and the U. S. , although it could have designated more, provided in its domestic allocation for 24. Under the 1941 NARBA, no other country was authorized to operate a fulltime station on a U. S. Class I-A Clear Channel unless the foreign station was located more than 650 miles from the nearest United States border and provided a specified protection at the United States border.* However, at the 1941 Engineering Conference (E. A. S. 227), Mexico was given the right to operate fulltime stations at Mexico City (less than 650 miles from the U. S. border) on two U. S. Class I-A Clear Channel frequencies (660 and 830). Also, the Interim Agreement of 1946 gave Cuba the right, regardless of the 650-mile rule, to operate

* Because of the large time zone difference, a fulltime station in Newfoundland was authorized to operate on 640 kc (KFI, Los Angeles). Mexico was authorized to operate a fulltime station at Mexico City (less than 650 miles from the U. S. border) on 1030 kc which is now proposed as a U. S. Class I-A Clear Channel.

fulltime stations on four U.S. Class I-A Clear Channel frequencies (640, 670, 830 and 890 kc). *

Because of these facts and the fact that Mexico had authorized power in excess of 50 kw for its Class I-A stations, CCBS was of the view in 1949 that in the then forthcoming negotiations, other countries (principally Cuba and Mexico) would press for additional rights on U.S. Class I-A clears and that the domestic and international interests of the United States could be served best by resolving the issues in the Clear Channel proceeding so as to authorize higher power on the 24 United States Class I-A frequencies. However, no decision was reached in the Clear Channel Case and negotiations commenced in Montreal in 1949.

The lack of action in the Clear Channel Case resulted initially from directions to the Commission from the Senate Interstate and Foreign Commerce Committee. On February 27, 1948, the acting Chairman of the Committee (Senator Tobey) sent a letter to the FCC Chairman "requesting" the Commission to take no action in the proceeding until hearings on S. 2231^{**} had been held. The hearings were completed in April of

*The U.S. Class I-A stations concerned were not required, as they are under the 1950 NARBA, to restrict radiation toward the Cuban station. Cuba never implemented its rights on 670 and 890.

**This bill, which died in Committee, provided for a power ceiling of 50 kw and the breakdown of all U.S. Class I-A frequencies.

1948 but in January of 1949, Senator Johnson, then Chairman of the Committee, told FCC Chairman Coy not to render a Decision in Docket 6741 (see January 28, 1949 speech of Senator Johnson). On April 20, 1949, Senator Johnson stated on the Senate floor that he hoped the rumor was wrong that the Commission was about to decide the Clear Channel Case. The tragic result of the lack of a decision in the Clear Channel Case was that the United States delegation was forced to negotiate a new NARBA agreement dealing from weakness rather than strength.

At the 1949 Montreal conference and at a conference held in Havana in February of 1950, the overall Cuban demands respecting clear and regional frequencies were considered by CCBS and others to be too excessive. Following a third session of negotiations which was held in Washington in the Fall of 1950, the 1950 NARBA was signed by the United States. The agreement was not signed by Mexico which participated in only a part of the Washington session and not at all in the Montreal and Havana sessions.

Because of the absence of Mexico as a signatory and because it believed that too many concessions had been made to other countries (principally Cuba), CCBS advised the Chairman of the U. S. Delegation during the final stages of the Washington session that CCBS would oppose ratification of the 1950 NARBA and urge that a new agreement be negotiated which would include Mexico.

No further conference of all the North American countries was ever held but conferences between the U.S. and Mexico were held in Mexico City and Washington. These bi-lateral conferences led to the signing of an agreement in 1957.

III. The 1950 NARBA and the 1957 Mexican Agreement
Should be Ratified Together.

During the final stages of negotiation of the 1950 NARBA, CCBS representatives made known to the U.S. Delegation that CCBS would oppose ratification because of the absence of Mexico and the concessions granted other North American countries, principally Cuba.* The detailed reasons for our opposition are set forth in the Hearings held in July of 1953 before this Committee.

One of the principal objections of CCBS to the 1950 NARBA was the absence of Mexico as a signatory. This objection was removed by the bi-lateral agreement signed with Mexico on January 29, 1957. On April 8, 1957, CCBS at its annual meeting adopted a resolution withdrawing its objection to the ratification of the 1950 NARBA and stating that no objection would be interposed to the ratification of the agreement with Mexico. A copy of this resolution is attached to my statement. In reaching this position, CCBS did not minimize the remaining objections it had to the

*On December 4, 1950, the members of CCBS formally adopted a resolution opposing ratification of the 1950 NARBA, which resolution was subsequently affirmed on April 30, 1953. Copies of these resolutions are attached hereto.

1950 NARBA. In essence, CCBS was and is of the opinion that the 1950 NARBA contains unwarranted concessions. However, CCBS believes that the best interests of the United States presently require ratification of the 1950 NARBA and the 1957 Mexican Agreement in view of the apparent impossibility of now renegotiating an entirely new treaty with all of the countries involved and in view of the fact that a satisfactory agreement has been reached with Mexico. However, it is strongly urged that in ratifying the two agreements, the United States Senate make known its wishes that all possible steps be taken to improve the admittedly inadequate broadcast service rendered to rural and small town America and that these steps include the elimination of the provisions contained in the 1950 NARBA which prohibit certain U.S. Class I-A Clear Channel stations from increasing nighttime power in the direction of certain foreign stations, thus preventing improvement of nighttime service in areas where it is badly needed.

*50 km
limitations
in 1-A 2
6.50 mile
mile eliminated
10-25 km
in 10 regional
channels
8 in Havana*

*By exchange
of diplomatic
notes*

The provisions of the 1950 NARBA to which I refer are those which state that where foreign fulltime stations are authorized to operate on U.S. Class I-A channels, the U.S. Class I-A stations on these frequencies may not increase radiation in the direction of the foreign stations (Annex 2, Appendices A&B and Annex 3). Cuba is authorized to operate fulltime stations on seven United States Class I-A frequencies (640, 660, 670, 760, 780, 830 and 1030), Jamaica on two (880 and 1180) and the Dominican Republic on one (820). On the other hand, although the agreement

WCCO W B Z W F A A - W B A P W F I W R C A W M A A W J R W B B M W C B S W H A M

with Mexico permits some Mexican stations to operate fulltime on U. S. Class I-A Clear Channel frequencies at distances less than 650 miles, the U. S. Class I-A stations concerned are not prevented from increasing power in the direction of the Mexican stations.

660 WRCR
760 WRCR
830 WRCR
1030 WRCR

As an example of the effect of the 1950 NARBA restrictions upon improving service by increasing radiation in certain directions, I direct your attention to the map attached to my statement showing the vast white areas in the United States which do not presently receive a single adequate nighttime groundwave service. In Southeastern California, there are substantial white areas which are located South and East of Los Angeles. Included in these white areas of California are rapidly growing centers of agriculture, including the Imperial, Coachella, and Palo Verde Valleys. Higher power for Class I-A station KFI, Los Angeles, is sorely needed in a southeasterly direction from Los Angeles in order to provide not only entertainment to the farmers and ranchers in these areas but also to bring them the latest news and weather information which is so vital to those growing perishable agricultural commodities. The need for this service has been eloquently expressed, both before Senate Committees and the Federal Communications Commission, in past years by members of farm organizations representing farmers in these valleys. Because of the provisions of the 1950 NARBA, KFI, if it were to be authorized higher power as a result of a

decision in the Clear Channel Case, would be unable to improve service in the areas described above as KFI would be required to limit its nighttime radiation over a 6 degree arc subtending the island of Cuba. Similar examples could be cited for the other nine Class I-A frequencies which are also affected by the terms of this agreement.

CCBS defers, of course, to the judgment of the members of this Committee as to how best to obtain the needed relief. One possibility would be to eliminate the restrictions on radiation through a formal exchange of diplomatic notes with Cuba, Jamaica and the Dominican Republic.

IV. The Objections to Ratification of the 1957 U.S. - Mexican Agreement are Invalid.

CCBS, as was true of all segments of the broadcast industry, was represented on the U.S. Delegation which participated in the negotiations with Mexico leading to the agreement signed on January 29, 1957. Although CCBS opposed certain provisions of the agreement with Mexico (such as the authorization of the operation of Mexican nighttime stations on certain of the U.S. I-A Clear Channels--660, 760, 830 & 1030), CCBS realized that all possible efforts to eliminate these provisions were made and that the agreement, as signed, represented the best agreement which could be reached with Mexico. Accordingly, during the final stages of the negotiations of the agreement, CCBS representatives made it known to the U.S. Delegation that although CCBS had opposed ratification of the 1950 NARBA, it would not oppose ratification of the Mexican Agreement. Although it was stated in U.S. Delegation meetings that any group intending to oppose ratification should make known its views, no member of the delegation, which included representatives of the daytime stations, stated any intention to oppose ratification. In spite of this fact, the Daytime Broadcasters Association opposed ratification of the 1957 Mexican Agreement in hearings held before this Committee in July of 1957.*

The Daytime Broadcasters Association, which represents only

*The Daytime Petitioners, consisting of daytime stations on Mexican Class I-A channels, was represented on the U.S. Delegation and has never opposed ratification.

Mostly very narrow attitude of DBA represent 60% of all daytime with .5. fight on Mexican I-A channels it sits

refer to again in this

*DBA Ben Collins
DPA Lowell Marx now extinct*

a handful of U.S. daytime stations, * opposed ratification because of restrictions placed on U.S. nighttime use of Mexican Class I-A clear channels. When the pertinent provisions of the agreement are analyzed, it becomes obvious that the DBA objections are lacking in substance. Under the agreement, the United States is authorized 25 clear channels, whereas Mexico is authorized seven (one of which--540--is also a Canadian clear channel). Neither country has the right to operate nighttime stations on the other country's Class I-A frequency except for specified exceptions. Specified exceptions are given to the U.S. with respect to six of the seven Mexican Class I-A Clear Channels ** whereas Mexico is given specific exceptions with respect to four of the 25 U.S. Class I-A Clear Channels (one fulltime station on each of the following U.S. Class I-A Clears--660, 760, 830 and 1030). It is thus clear that the provisions of the U.S.-Mexican Agreement with respect to the use of clear channels by the two countries are fair to each country. It must also be realized that these provisions represent the best that could be obtained and

*DBA has never submitted a list of its members. In the July, 1957 hearings, DBA stated that it had 150 members. As of March, 1959 there were 1,528 daytime stations of which 255 operate on the following Mexican clears--730, 800, 900, 1050, 1220 & 1570.

**Under the 1941 NARBA, as modified by the Gentleman's Agreement, the U.S. had the right to operate fulltime stations (one each) on 1050 and 1220. Under the 1957 agreement the U.S. may continue to operate these stations and also operate one additional fulltime station on 1220. Annex 1 of the agreement also gives the U.S. the right to operate fulltime stations on 540, 730, 800 and 900 kc.

that the advantages to the United States outweigh any disadvantages. The small segment of the industry represented by DBA should not be permitted to delay further the ratification of the 1950 NARBA and the 1957 Mexican Agreement. The interests of the overwhelming majority of all radio stations would be adversely affected in the absence of ratification of the agreements as the agreements constitute the only effective means of avoiding broadcasting chaos in the North American Region.

C. Conclusion

In concluding, I wish to make it clear that in the absence of ratifying the agreement with Mexico, CCBS would have to maintain its previous objection to the ratification of the 1950 NARBA. In other words, we urge that unless the Senate ratifies both the 1950 NARBA and the 1957 Agreement with Mexico, neither agreement should be ratified. We believe that the best interests of the United States require that both agreements be ratified.

RESOLUTION UNANIMOUSLY ADOPTED BY CCBS AT MEETING HELD

DECEMBER 4, 1950

WHEREAS, the North American Regional Broadcasting Agreement signed at Washington, D.C., November 15, 1950, threatens interference to important rural populations and areas in the United States and blocks improvement of radio service to those areas, as well as threatens deterioration of service elsewhere in this country, and

WHEREAS, due to unjustifiable and unreasonable concessions made to other countries, the agreement constitutes a deplorable surrender of a vital national resource, namely, avenues of communication to the general public,

THEREFORE, the Clear Channel Broadcasting Service, in business session at Chicago, Illinois, December 4, 1950, is hereby vigorously opposed to this agreement and authorizes its representatives to take all proper steps to bring about defeat of ratification thereof.

RESOLUTION UNANIMOUSLY ADOPTED BY CCBS AT MEETING HELD

APRIL 30, 1953

WHEREAS, the Clear Channel Broadcasting Service in business session at Chicago, Illinois, on December 4, 1950, by a unanimous vote of all members present adopted the following resolution,

"WHEREAS, the North American Regional Broadcasting Agreement signed at Washington, D. C., November 15, 1950, threatens interference to important rural populations and areas in the United States and blocks improvement of radio service to those areas, as well as threatens deterioration of service elsewhere in this country, and

"WHEREAS, due to unjustifiable and unreasonable concessions made to other countries, the agreement constitutes a deplorable surrender of a vital national resource, namely, avenues of communication to the general public,

"THEREFORE, the Clear Channel Broadcasting Service, in business session at Chicago, Illinois, December 4, 1950, is hereby vigorously opposed to this agreement and authorizes its representatives to take all proper steps to bring about defeat of ratification thereof, " and

WHEREAS, it appears that hearings before a Subcommittee of the U. S. Senate Foreign Relations Committee may be held in the near future, and

WHEREAS, it is deemed advisable because of the lapse of time to express by resolution the current views of the members of CCBS with respect to NARBA, and

WHEREAS, there have been no developments in AM broadcasting since the adoption of the above-quoted resolution of December 4, 1950, to indicate that the interests of the United States would be served by ratification of the agreement, and

WHEREAS, the development of television since the agreement was signed gives substantial promise of negotiating a satisfactory agreement concerning AM broadcasting among all nations of the North American region,

THEREFORE, the Clear Channel Broadcasting Service, in business session at Los Angeles, California, April 30, 1953, hereby reaffirms the above-quoted resolution originally adopted on December 4, 1950.

RESOLUTION UNANIMOUSLY ADOPTED BY CCBS AT MEETING HELD

APRIL 8, 1957

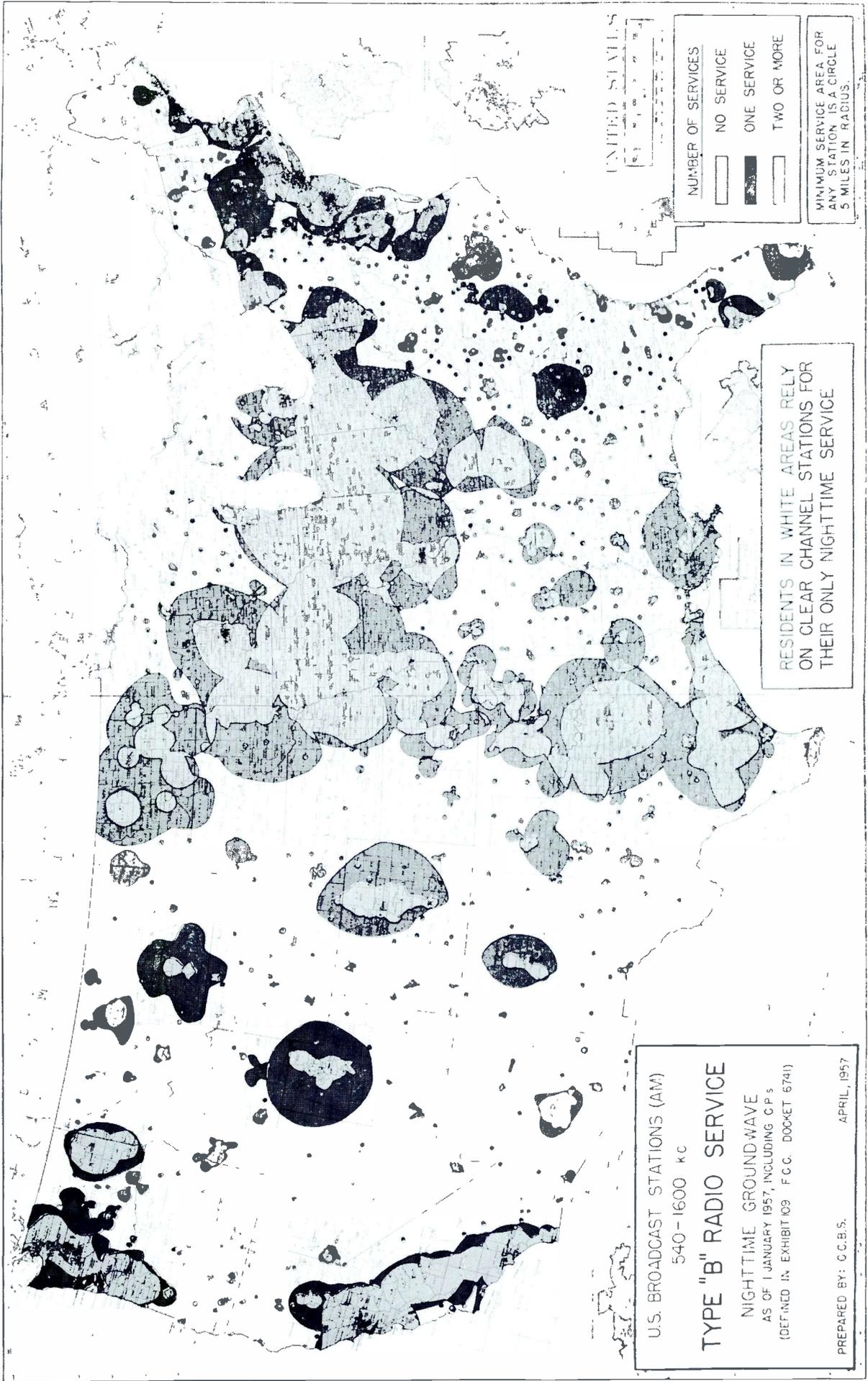
"WHEREAS, the Clear Channel Broadcasting Service by resolution adopted December 4, 1950, opposed ratification of the North American Regional Broadcasting Agreement signed at Washington, D.C., November 15, 1950, on the ground, among others, that the United Mexican States was not a signatory to the Agreement; and

"WHEREAS, the United States Delegation, under the able Chairmanship of Commissioner Rosel H. Hyde, has concluded a satisfactory agreement between the United States and the United Mexican States; and

"WHEREAS, the members of the Clear Channel Broadcasting Service in regular annual meeting assembled have re-examined all provisions of the aforesaid 1950 North American Regional Broadcasting Agreement in the light of the above Agreement with the United Mexican States and in the light of present day conditions;

"NOW THEREFORE, BE IT RESOLVED that the Clear Channel Broadcasting Service withdraw its objection to ratification of the 1950 North American Regional Broadcasting Agreement, with the understanding that every possible means will be used to obtain the elimination of the provisions of the 1950 North American Regional Broadcasting Agreement restricting radiation of United States Class I-A standard broadcast stations, and;

"BE IT FURTHER RESOLVED that the Clear Channel Broadcasting Service interpose no objection to the ratification of the agreement between the United States of America and United Mexican States signed on January 29, 1957."



UNITED STATES

NUMBER OF SERVICES

- NO SERVICE
- ONE SERVICE
- TWO OR MORE

MINIMUM SERVICE AREA FOR ANY STATION IS A CIRCLE 5 MILES IN RADIUS.

RESIDENTS IN WHITE AREAS RELY ON CLEAR CHANNEL STATIONS FOR THEIR ONLY NIGHTTIME SERVICE

U.S. BROADCAST STATIONS (AM)
540-1600 KC

TYPE "B" RADIO SERVICE

NIGHTTIME GROUNDWAVE
AS OF 1 JANUARY 1957, INCLUDING C P S
(DEFINED IN EXHIBIT 09 F.C.C. DOCKET 6741)

PREPARED BY: C.C.B.S. APRIL, 1957

NOTES FOR DEWITT'S TESTIMONY

I. Introductory

A. Read page 1.

B. Summarize pages 2 through 7:

Refer to map--Describe what map means and shows.

White areas represent about 58% area 25.6 million people.

Only service in white areas is through skywaves of I-B

and I-A stations--not as dependable as groundwave service.

CCBS has always been of opinion that ^{best} only way to improve

this service is through higher power ^{all} on I-A channels.

Most engineers agree.

The solution of the white area problem involves international

as well as national problems. Skywaves are very

susceptible to interference.

II. Summarize Pages 7 through 11

1937 Conference--1941 NARBA

1946 modus vivendi

*Subsequent with
Mox*

1949 Montreal Conference

1950 Havana Conference & NAREBA Treaty which is now
up for ratification.

Clear Channel proceeding started at FCC Feb. 20, 1945.

CCBS posititon with respect to 1949 conference

Central issue in clear channel proceeding Docket 9741

before FCC is high power vs. breakdown &
maintenance of 50 kw limit on I-As.

Each new treaty has whittled away something from U.S.

largely because basic issue of clear channel case
has not been solved.

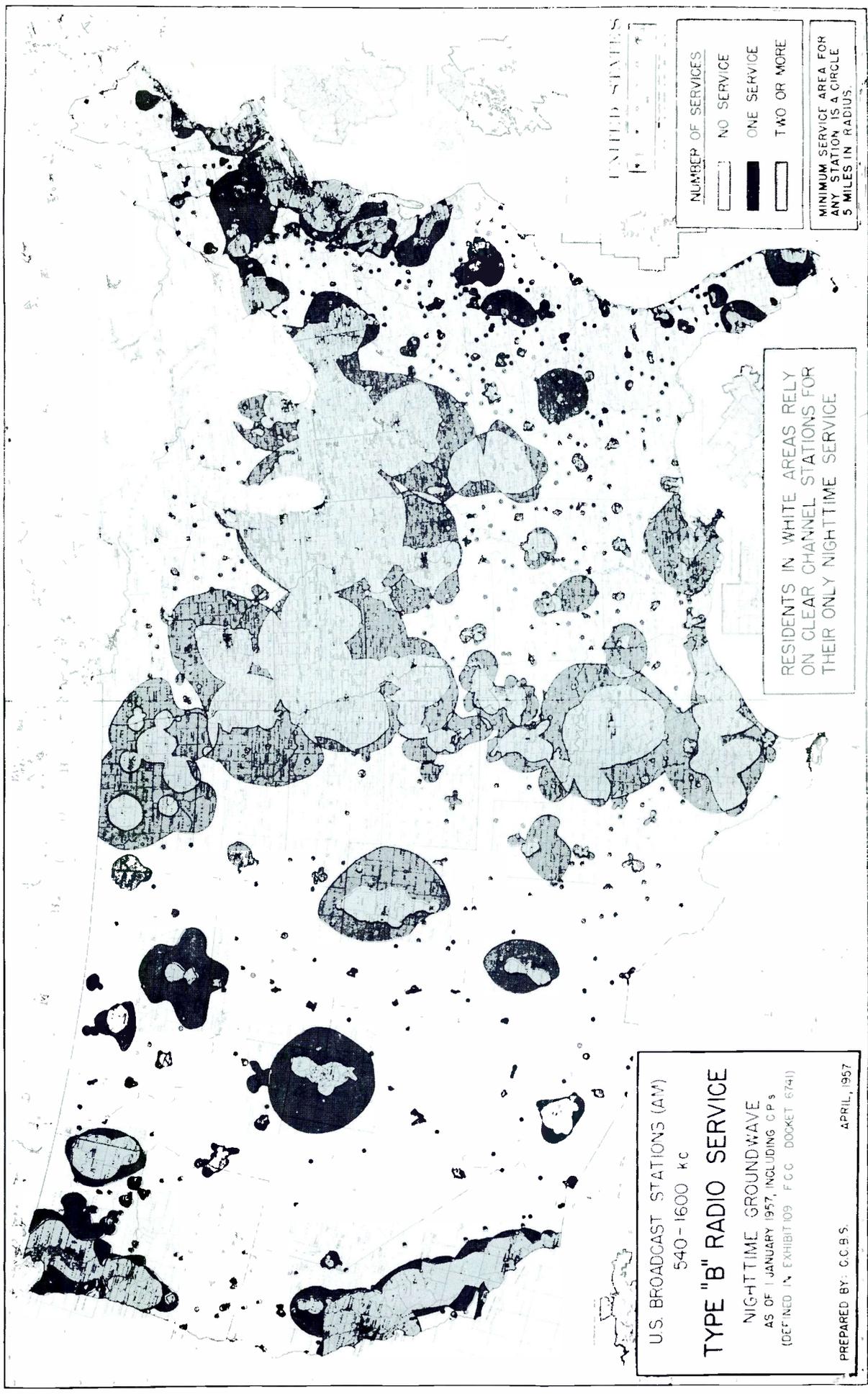
Lack of action by FCC ^{was} ~~is~~ result of Senator Tobey asking
it not to take action until hearings on a bill by
Senator Johnson could be held.

After hearings were over, Senator Johnson then told

Chairman of FCC not to issue decision in this case.

III. Read Pages 11 Through 17

white areas 580% of total
 1875 stations Feb 1957
 1339 " May 1 1947
 60% white areas 232 million people



U.S. BROADCAST STATIONS (AM)
 540-1600 kc
TYPE "B" RADIO SERVICE
 NIGHTTIME GROUNDWAVE
 AS OF JANUARY 1957, INCLUDING C.P.s
 (DEFINED IN EXHIBIT 09, FCC DOCKET 6741)

PREPARED BY: C.C.B.S. APRIL, 1957

RESIDENTS IN WHITE AREAS RELY
 ON CLEAR CHANNEL STATIONS FOR
 THEIR ONLY NIGHTTIME SERVICE

NUMBER OF SERVICES
 NO SERVICE
 ONE SERVICE
 TWO OR MORE

MINIMUM SERVICE AREA FOR
 ANY STATION IS A CIRCLE
 5 MILES IN RADIUS

UNITED STATES

LAW OFFICES OF

KIRKLAND, ELLIS, HODSON, CHAFFETZ & MASTERS

WORLD CENTER BUILDING - 16TH AND K STREETS, N. W.

WASHINGTON 6, D. C.

TELEPHONE STERLING 3-3200

CHICAGO OFFICE
PRUDENTIAL PLAZA
CHICAGO 1, ILLINOIS

LOUIS G. CALDWELL
(1891-1951)
HAMMOND E. CHAFFETZ
REED T. ROLLO
DONALD C. BEELAR
PERCY H. RUSSELL
KELLEY E. GRIFFITH
PERRY S. PATTERSON
R. RUSSELL EAGAN
CHARLES R. CUTLER
HERBERT J. MILLER, JR.
FREDERICK M. ROWE
ALOYSIUS B. McCABE

JOSEPH DuCOEUR
RAYMOND G. LARROCA
NORMAN M. HEISMAN
HOWARD P. WILLENS

July 21, 1959

MEMORANDUM TO CCBS MANAGERS & CHIEF ENGINEERS

The Federal Communications Commission announced today that it has directed its staff to prepare

"a document looking toward further rule making in the AM 'clear channel' proceeding (Docket 6741) to consider the feasibility of allocating on 24 clear channels a limited number of unlimited-time Class II stations of not less than 10 kw power. Location of these stations would be determined on the basis of need in areas without primary service and under controlled conditions which would afford protection to Class I-A stations on those channels. (A Further Notice of Proposed Rule Making of April 15, 1958 proposed to reserve 12 of the 25 clear channels for additional Class II stations with power of from 500 to 750 kw and to assign additional Class I stations on five of those channels.)"

The Further Notice of Proposed Rule Making will be issued in the near future at which time we shall forward you copies and make plans for preparation of comments.

Reed T. Rollo
R. Russell Eagan

LOUIS G. CALDWELL
(1891-1951)
HAMMOND E. CHAFFETZ
REED T. ROLLO
DONALD C. BEELAR
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ALOYSIUS B. MCBABE

JOSEPH DuCOEUR
RAYMOND G. LARROCA
NORMAN M. HEISMAN
HOWARD P. WILLENS

LAW OFFICES OF
KIRKLAND, ELLIS, HODSON, CHAFFETZ & MASTERS
WORLD CENTER BUILDING - 16TH AND K STREETS, N. W.
WASHINGTON 6, D. C.
TELEPHONE STERLING 3-3200

CHICAGO OFFICE
PRUDENTIAL PLAZA
CHICAGO 1, ILLINOIS

July 10, 1959

MEMORANDUM TO CCB3 MANAGERS & CHIEF ENGINEERS

Ratification Hearings on 1950 NAREA and 1957 Mexican Agreement

Hearings before Senator Morse's Subcommittee were held yesterday. The only opposition to ratification was that expressed by the Day-time Broadcasters Association. In our opinion, it appears unlikely, because of the Daytimers' opposition, that the Committee will report either agreement to the Senate. The Committee might possibly take favorable action on the Agreements if an overwhelming avalanche of support should develop for ratification from broadcasters and other interested parties.

Senator Morse announced that the hearing record would remain open until Thursday, July 16. Accordingly, if you have not as yet sent a letter or a telegram to Senator Morse and to your own Senators urging ratification of the two agreements, we suggest that you do so at once so that the communications may be included in the record. Similar letters from farm organizations in your area would be helpful.

Reed T. Rollo
R. Russell Eagan

LAW OFFICES OF
KIRKLAND, ELLIS, HODSON, CHAFFETZ & MASTERS
WORLD CENTER BUILDING - 16TH AND K STREETS, N. W.
WASHINGTON 6, D. C.

TELEPHONE STERLING 3-3200

MAIN OFFICE
PRUDENTIAL PLAZA
CHICAGO 1, ILLINOIS

LOUIS G. CALDWELL
(1891-1951)
HAMMOND E. CHAFFETZ
REED T. ROLLO
DONALD C. BEELAR
PERCY H. RUSSELL
KELLEY E. GRIFFITH
PERRY S. PATTERSON
R. RUSSELL EAGAN
CHARLES R. CUTLER
HERBERT J. MILLER, JR.

EDWARD DE GRAZIA
FREDERICK M. ROWE
ALOYSIUS B. MCCABE
JOSEPH DUCOEUR
RAYMOND G. LARROCA
NORMAN M. HEISMAN

September 1, 1959

MEMO TO CCBS MANAGERS AND CHIEF ENGINEERS

Committee Interim Report re NARBA and Mexican Agreement

Enclosed for your information is a copy of an Interim Report recently released by the Senator Morse Foreign Relations Subcommittee which held ratification hearings concerning the 1950 NARBA and the 1957 Mexican Agreement in July of this year.

The Morse Subcommittee has scheduled further hearings "to be held within three weeks after the convening of the 2d Session of the 86th Congress." This probably means the latter part of January.

The further hearings are to be held for the purpose of receiving comments and reactions to the matters set forth in pages 6 through 8 of the attached Interim Report.

Reed T. Rollo
R. Russell Eagan

LOUIS G. CALDWELL
(189-1881)
HAMMOND E. CHAFFETZ
REED T. ROLLO
DONALD C. BEELAR
PERCY H. RUSSELL
KELLEY E. GRIFFITH
PERRY S. PATTERSON
R. RUSSELL EAGAN
CHARLES R. CUTLER
FREDERICK M. ROWE
ALOYSIUS B. M'CABE

LAW OFFICES OF
See page 19
Reed into Chaffetz
KIRKLAND, ELLIS, HODSON, CHAFFETZ & MASTERS

WORLD CENTER BUILDING - 1625 AND K STREETS, N. W.

WASHINGTON 6, D. C.

TELEPHONE STERLING 3-3200

CHICAGO OFFICE
PRUDENTIAL PLAZA
CHICAGO 1, ILLINOIS

September 18, 1961

MEMORANDUM

JOSEPH DUCOEUR
PAYMOND G. LARROCA
JOHN P. MANWELL

TO CCBS GENERAL MANAGERS AND CHIEF ENGINEERS:

We are enclosing herewith copies of the following documents:

(1) Minutes of the Special Meeting of the Clear Channel Broadcasting Service held in Nashville, Tennessee, on Thursday, September 14, 1961.

(2) Copy of letter dated September 7, 1961 from Chairman Cren Harris of the House Committee on Interstate and Foreign Commerce to Chairman Minow of the Federal Communications Commission requesting the Commission to postpone issuance of its final order concluding the Clear Channel proceeding (Docket No. 6741). This letter is attached to the Minutes of the Special Meeting and was also distributed to those of you who attended the Special Meeting in Nashville.

(3) The Commission's Report and Order in the Clear Channel Case (Docket No. 6741) adopted by the Commission on September 13, 1961 and released on September 14, 1961. We have not endeavored to prepare a summary of this Report because we consider the entire Report of such critical importance to the future of the concept of clear channel broadcasting as to warrant a careful reading by each of you. We shall appreciate receiving your comments, reactions and observations concerning the Report as an aid to us in determining our future steps. At the present time, we have the Report under intensive study to determine whether our next step should be the filing of a Petition for Reconsideration with the Commission or to appeal directly to the United States Court of Appeals. A Petition for Reconsideration must be filed within 30 days after the Commission's Report is published in the Federal Register (which will probably be tomorrow) and a Notice of Appeal must be filed within 60 days after September 13 if we decide to go directly to the Court, or within 60 days after denial of a Petition for Reconsideration by the Commission if we decide on this course. Regardless

of what we finally conclude is for the best interests of CCBS, undoubtedly other parties will be filing petitions for reconsideration and still others will be filing appeals to the Court. If petitions for reconsideration are filed, they will only serve to delay the Court's consideration of any appeals that may be filed.

(4) Copy of letter dated September 13, 1961 from Chairman Minow (By Direction Of The Commission) to Chairman Harris in response to his letter of September 7, 1961 mentioned above.

Reed T. Rollo

R. Russell Eagan

Enclosures

C
O
P
Y

FEDERAL COMMUNICATIONS COMMISSION
Washington 25, D. C.

September 13, 1961

Honorable Oren Harris
Chairman, House Interstate and Foreign
Commerce Committee
House of Representatives
Washington 25, D. C.

Dear Chairman Harris:

This is in reply to your letter of September 7, 1961, with regard to the Clear Channel proceeding (Docket No. 6741).

As you know, the Clear Channel proceeding has been pending before the Commission for over 16 years (since February 20, 1945). In its earlier stages, extensive hearings were held, which have been supplemented throughout the entire period by voluminous written comments. This proceeding involves matters of great technical complexity, including basic policy questions as to the most effective use of the frequencies presently allocated to standard radio broadcasting; this country's international commitments with respect to these frequencies; and the marked changes in radio broadcasting which have taken place in recent years.

After long and careful deliberation, the Commission has reached a result which a substantial majority of its members consider to be the best possible solution to the very difficult problems here involved, taking full account of all the evidence and arguments which have been presented to it over the past sixteen years. Under the circumstances and particularly in light of the fact that on June 12, 1961, prior to learning of the concern of the Committee in this matter, we publicly announced the basic features of the decision we had reached, the Commission regrets that it is unable at this late stage in the proceeding to delay final adoption of the Report and Order in Docket No. 6741. The Commission has therefore adopted its final Report and Order in this matter concurrently with its authorization of the dispatch of this letter to you.

Implementation of the Commission's decision in Docket No. 6741 will require time, and it is probable that petitions for reconsideration will be filed by advocates of many of the positions heretofore urged upon us. Additional time will be required to dispose of these, and, in our judgment, there is no possibility that applications for any of the proposed Class II stations authorized to operate on existing clear channels can be

granted within the next six months -- and probably not for a substantial period thereafter. As a consequence, it would appear that ample time will be available for the Committee to hold hearings on this problem early in the next session if it concluded that such a course would be in the public interest. This would provide an opportunity for Congressional action if you and your colleagues should conclude that legislative action is warranted. Meanwhile, however, the Commission feels that it must press forward to a conclusion of this long-pending proceeding in the manner which, in its best judgment, appears to be most in the public interest. Having thus discharged its responsibilities, the Commission will welcome study of its action by your Committee and will, of course, be most happy to cooperate in any way that it can.

I am enclosing herewith a copy of this letter and a copy of the Report and Order for each member of the Committee.

BY DIRECTION OF THE COMMISSION

/s/ Newton N. Minow

Newton N. Minow
Chairman

Enclosures

IGHTY-SEVENTH CONGRESS

OREN HARRIS, ARK., CHAIRMAN

JOHN BELL WILLIAMS, MISS.
PETER F. MACK, JR., ILL.
KENNETH A. ROBERTS, ALA.
MORGAN M. MOULDER, MO.
HARLEY O. STAGGERS, W. VA.
WALTER ROGERS, TEX.
SAMUEL N. FRIEDEL, MD.
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JOHN E. MOSS, CALIF.
JOHN D. DINGELL, MICH.
JOE M. KILGORE, TEX.
PAUL G. ROGERS, FLA.
ROBERT W. HEMPHILL, S.C.
DAN ROSTENKOWSKI, ILL.
JAMES C. HEALEY, N.Y.

JOHN B. BENNETT, MICH.
WILLIAM L. SPRINGER, ILL.
PAUL F. SCHENCK, OHIO
J. ARTHUR YOUNGER, CALIF.
WILLIAM H. AVERY, KANS.
HAROLD R. COLLIER, ILL.
MILTON W. GLENN, N.J.
SAMUEL L. DEVINE, OHIO
ANCHER NELSEN, MINN.
HASTINGS KEITH, MASS.
WILLARD S. CURTIN, PA.
ABNER W. SIBAL, CONN.
VERNON W. THOMSON, WIS.

Congress of the United States
House of Representatives
Committee on Interstate and Foreign Commerce
Room 1334, House Office Building
Washington, D.C.

September 8, 1961

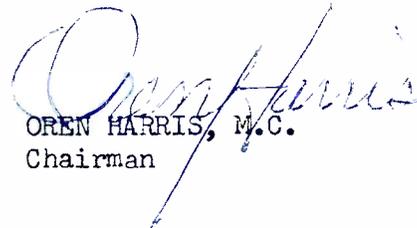
W. E. WILLIAMSON, CLERK

Mr. John H. DeWitt, Jr.
Station WSM Inc.
Nashville, Tennessee

Dear Mr. DeWitt:

I have your telegram of August 30, 1961 with regard to the clear channel proceeding and I am enclosing for your information copy of a letter which I addressed to the Commission requesting postponement of action in this proceeding.

Sincerely yours,


OREN HARRIS, M.C.
Chairman

Enclosure
OH:mr

Telex

WESTERN UNION

Telex



W BXA024 GOVT PD=BX WASHINGTON DC 15 1030 A EDT=

JOHN H DEWITT WSM TV=

1961 SEP 15 AM 9 07

NATL BLDG WASH=

COPY OF FEDERAL COMMUNICATIONS COMMISSION REPORT AND
ORDER IN MATTER OF CLEAR CHANNEL BROADCASTING IN
STANDARD BROADCAST BAND, DOCKET NO 6741 DELIVERED BY
MESSENGER AND STATES ON PAGE 13 QUOTE THE POTENTIAL FOR
IMPROVED SKYWAVE SERVICE WHICH ARISES FROM THE LOCATION
OF 650 KC AT NASHVILLE 700 KC AT CINCINNATI 840 KC AT
END 1=

Telefax

WESTERN UNION

Telefax



W BXAO2 4/2=

1961 SEP 15 AM 9 57

LOUISVILLE, AND 870 KC AT NEW ORLEANS WARRANTS INCLUSION
OF THESE CHANNELS IN THE GROUP AS TO WHICH NO ACTION IS
TO BE TAKEN AT THIS TIME, WE HAVE EXAMINED THE
FEASIBILITY OF DUPLICATION ON THESE CHANNELS AND,
WHILE WE RECOGNIZE THAT DUPLICATION OF THESE CHANNELS
IS POSSIBLE WE ARE RELUCTANT TO TAKE ANY ACTION AT THIS
TIME WHICH WOULD LIMIT THE POTENTIAL OF THESE STATIONS
FOR PROVIDING IMPROVED SKYWARE SERVICE IN UNDERSERVED
AREAS OF THE SOUTHEAST UNQUOTE=

J CARLTON LOSER MC.= 916a.

October 11, 1961

Dear Carlton:

We want you to know we appreciate greatly all that you did in the recent session of Congress with respect to amending the Communications Act which would protect the clear channel stations. The members of our group were informed of your action at a meeting here in September and all expressed their appreciation.

While it appears that WSM is "home free" at the present time, our advises from Washington indicate that the present proposed duplication of thirteen stations is only the beginning. We were deeply shocked when the FCC chose to proceed with its proposed order in the face of the letter from Mr. Oren Harris asking them to withhold action until such time as the bills in question could be considered.

I trust that you are having a pleasant respite from your Washington offices and I do hope that I shall see you before you go back.

Best wishes.

Sincerely yours,

John H. De'itt, Jr.

The Honorable Carlton Loser
Federal Building
Nashville, Tennessee

from the desk of **NORM GLENN**

10/4

Dear Jack -

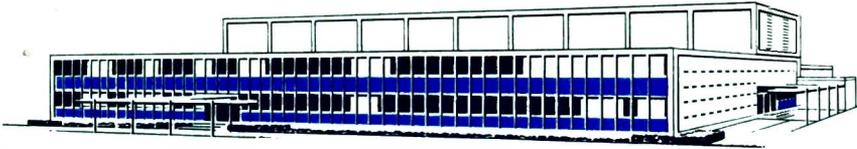
Our **BIG RADIO**
editorial is making quite
an impression. Attached
is a letter from WCAU
received today. Also one
from Ward Quaal in
the same mail.

Best,

Norm

SPONSOR

40 EAST 49TH ST., N. Y. 17, N. Y.
MURRAY HILL 8-2772



wgn inc.

2501 West Bradley Place - Chicago 18, Illinois - LAkeview 8-2311

Radio/720 Television/Channel 907 5 1961

ROUTE	Glenn Mot
TO	AA
Final handling by	

Ward L. Quaal Executive Vice President and General Manager

October 2, 1961
Dictated 9/27/61

Mr. Norman R. Glenn
Publisher
Sponsor
40 East 49th Street
New York 17, New York

Dear Norm:

It was grand to see you again and please be assured I am deeply grateful for the splendid editorial on "big" stations. I am seeing that wide distribution is given this excellent piece. I can't begin to tell you how important it is to both you and me.

I was pleased to hear of the new and ambitious plans of Sponsor and U. S. Radio. I think you have a "ten strike" going for you, Norm.

All the best and much appreciation.

Sincerely,

Ward L. Quaal

WLQ/rmz

ROUTE	6644	MS
TO	WD	
	555 Fifth	
	OCT 8	1961
Final handling by		
NRB		

WCAU

CBS Radio - A Division of Columbia Broadcasting System, Inc.

CITY & MONUMENT AVENUES, PHILADELPHIA 31, PA. · GREENWOOD 7-8300

THOMAS J. SWAFFORD

Vice President
and General Manager

October 4, 1961

Mr. Norman R. Glenn
Editor & Publisher
SPONSOR
555 5th Avenue
New York 17, New York

Dear Norm:

Your September 18th editorial on "Big Radio" (Sponsor Speaks) was a delight to read and I, of course, agree with you completely that "community radio hasn't swept away the need for the big area giant that sustained some sledgehammer blows in the early tv years and has now come back stronger than ever."

The "Who's Who" station list that follows is a most impressive one. However, may I differ with you in one respect. WSM has been mentioned twice!

Am I to think that WSM is twice as good as the other stations named? I would like to believe that one of your proofreaders slipped up and the WCAU Radio call letters were meant to occupy some space in that paragraph.

Some of our credentials: the major station in the Philadelphia market for 39 years (40 next May) ... the first CBS affiliate back in 1927 ... CBS Owned since 1958 ... first in the ratings ... fighting editorials ... two-hour listener-participating "Talk of Philadelphia" program daily ... a recent "Eggs 'Round the Clock" promotion and free breakfast for listeners drew 5,200 people to our grounds on a fine August day between 7-10 AM.

Most emphatically, WCAU Radio is Big Radio! Sponsor proofreaders please note!

Our thanks to "proof-reader" Swafford for catching our WSM flub. And we certainly agree that WCAU qualifies as BIG RADIO. Our apologies to the many stations whose names should have been included and weren't.

Cordially,



JAMES D. EASTLAND, MISS., CHAIRMAN

ESTES KEFAUVER, TENN.
OLIN D. JOHNSTON, S.C.
JOHN L. MCCLELLAN, ARK.
SAM J. ERVIN, JR., N.C.
JOHN A. CARROLL, COLO.
THOMAS J. DODD, CONN.
PHILIP A. HART, MICH.
EDWARD V. LONG, MO.

ALEXANDER WILEY, WIS.
EVERETT MCKINLEY DIRKSEN, ILL.
ROMAN L. HRUSKA, NEBR.
KENNETH B. KEATING, N.Y.
NORRIS COTTON, N.H.
HIRAM L. FONG, HAWAII

United States Senate

COMMITTEE ON THE JUDICIARY

September 20, 1961

Mr. John H. DeWitt, Jr.
President
WSM, Inc.
Nashville, Tennessee

Dear Mr. DeWitt:

Thank you very much for your telegram. I am sorry I am late in replying.

I think probably the bill you have in mind is S. 2290 introduced by Senators Capehart and Talmadge which prohibits the Federal Communications Commission from granting licenses to more than one standard broadcast station operating before local sunrise or after local sunset on certain class I-A clear-channel frequencies.

The bill is still pending in the Senate Commerce Committee. I am informed hearings will be held next session on the bill. I appreciate your advice on the measure and will certainly look it and do what I can to help.

With kindest regards.

Sincerely,


Estes Kefauver, U.S.S.

bd



Clear Channel Broadcasting Service

Shoreham Building
Washington 5, D. C.

October 4, 1961

~~John H. Seaver~~
Director

Mr. John H. DeWitt, Jr.
President & Station Manager
WSM, Inc.
301 - 7th Avenue North
Nashville 3, Tennessee

Dear Mr. DeWitt:

At Russ Eagan's request, I am sending to you under separate cover 100 reprints of the remarks made by Senator Capehart on July 20, 1961, in connection with his introduction, on a co-sponsorship basis with Senator Talmadge, of S. 2290 which would amend the Communications Act so as to prohibit any further breakdown of any of the remaining Class I-A clear channel frequencies.

At the meeting held in Nashville on September 14, it was suggested that each station be furnished copies of Senator Capehart's remarks in the belief that they constitute a simple explanation of the reasons why there should be no further duplication of Class I-A frequencies.

If you need additional copies of Senator Capehart's remarks, please let me know.

Sincerely,

Bernice Hase

Encl.



Sponsored by Independently Owned
Clear Channel Radio Stations

September 25, 1961

Mr. Reed Rollo
Kirkland, Ellis, Hodson, Chaffetz & Masters
World Center Building
16th and K Streets
Washington, D. C.

Dear Reed:

George Reynolds and I have considered your request for a statement with respect to the effect on the Air Force BRECUM project if the FCC Clear Channel decision is carried out. Two months from now we would be in a far better position to assess the situation accurately but I think there are some general statements which we could make about it at the present time which may be helpful to you.

This project in order to be successful must rely on the use of very weak fields in the daytime and during times when the skywave is not present due to ionospheric difficulties. Normally in a narrow band system one could work with a poor signal to noise ratio and I believe that this is true with respect to this project when static and man-made interference are considered but this statement does not hold with co-channel interference because the interference is still within the pass band of the narrow band receiver.

If we take an individual case, such as the duplication of WSB in Alaska, I do not believe that trouble would ensue. If we go now to WGN being duplicated in Montana, I suspect that there will be trouble during the sunrise and sunset period even with one duplication. If the stations are duplicated further so that creeping paralysis takes place as in the case of WOR, I believe the possibilities would largely be destroyed of using these channels for military communication purposes as contemplated.

Daytime stations added on the clear channels can be just as troublesome as full time stations because of the fact that the plan envisions the use of very weak received signals which can be destroyed by daytime groundwave and transition period skywave interference. At the present time we do not know what ratio of desired to undesired signal strengths can be tolerated with this particular type of transmission. When this ratio is determined, we will be in a better position to assess the overall effect of duplication.

Mr. Reed Rolle

-2-

September 25, 1961

George and I believe that the statements set down above are accurate so far as we can determine at the present time.

Best wishes.

Sincerely yours,

John H. DeWitt, Jr.

JHD:ab

September 25, 1961

Mr. Reed Rollo
Kirkland, Ellis, Hodson, Chaffetz & Masters
World Center Building
16th and K Streets
Washington, D. C.

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Mr. Reed Rolle

-2-

September 25, 1961

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John H. DeWitt, Jr.

JHD:ab

September 25, 1961

-2-

Mr. Reed Hoffa

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Best wishes.

Sincerely yours,

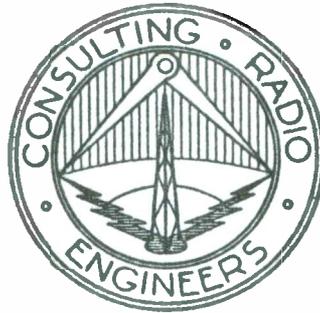
John H. DeWitt, Jr.

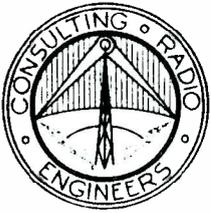
JHD:ab

ENGINEERING STATEMENT
ON BEHALF OF
CLEAR CHANNEL BROADCASTING SERVICE

DOCKET 6741

October 16, 1961





A. D. RING & ASSOCIATES

CONSULTING RADIO ENGINEERS

1710 H STREET, N. W.

WASHINGTON 6, D. C.

CABLE ADDRESS:
RINGCO
WASHINGTONDC

A. D. RING
STEPHEN W. KERSHNER
HOWARD T. HEAD
CHARLES S. WRIGHT
MARVIN BLUMBERG

October 16, 1961

City of Washington }
District of Columbia } ss

Howard T. Head, being first duly sworn, upon oath deposes and says that he is a consulting radio engineer, a partner in the firm of A. D. Ring & Associates, with offices at 1710 H Street, N. W., Washington, D. C. He is a registered professional engineer (Reg. No. 2521) in the District of Columbia. His qualifications as an engineer are a matter of record with the Federal Communications Commission.

The firm of A. D. Ring & Associates has been retained by Clear Channel Broadcasting Service to make engineering studies of the Commission's Report and Order in Docket 6741, released September 14, 1961. The Commission's Order includes provisions for new Class II-A unlimited time stations on eleven of the Class I-A clear channels, and the reassignment of two stations now operating on other channels to two additional Class I-A clear channels. The affected channels are listed in the following table, which shows the dominant Class I-A station on each channel, together with

the state or states in which the Commission proposes to assign a 10 kw unlimited time station (5 kw for KFMB, San Diego on 760 kc) on each channel.

TABLE I

Class II-A Assignments
Proposed on Class I-A Clear Channels

<u>Chan.</u> <u>(kc)</u>	<u>Existing Class I-A Station</u>	<u>State(s) in which Class II-A</u> <u>Assignment may be applied for</u>
670	WMAQ Chicago	Idaho
720	WGN Chicago	Nevada or Idaho
750	WSB Atlanta	Anchorage, Alaska (KFQD)
760	WJR Detroit	San Diego, Cal. (KFMB)
780	WBBM Chicago	Nevada
880	WCBS New York	North Dakota South Dakota or Nebraska
890	WLS Chicago	Utah
1020	KDKA Pittsburgh	New Mexico
1030	WBZ Boston	Wyoming
1100	KYW Cleveland	Colorado
1120	KMOX St. Louis	California or Oregon
1180	WHAM Rochester	Montana
1210	WCAU Philadelphia	Kansas, Nebraska or Oklahoma

According to the Commission's Order, these Class II-A assignments which are contemplated, with the exception of KFQD on 750 kc and KFMB on 760 kc, are intended to render the maximum possible amount of primary ground wave service to "white areas" at night. Studies have been made to determine the maximum amount of primary service to "white areas" which could be rendered on each of these channels by assignments located in the indicated states. This new primary nighttime service to "white areas" has been compared with the additional nighttime primary service to "white areas" which could be

rendered by increasing the power of the dominant stations from 50 kw to 750 kw on each channel. These studies show that the Commission's aim of providing maximum nighttime primary service to existing "white areas" could be far more readily realized by increasing power of the existing Class I-A stations than by assignment of new Class II-A stations to the sparsely populated areas.

Studies were made of the population density in the states listed in the table above, using the most recent population distribution map prepared by the Census Bureau. Assumed locations were chosen for each of the Class II-A stations where it appeared the maximum service to "white areas" would be provided by the new facility. At the same time, care was taken to avoid concentration of Class II-A stations in the more populous states where opportunities for multiple Class II-A assignments would be provided under the new rules. Based on these studies, Class II-A stations were assumed to be operating with 10 kw power at night, employing directional antennas to protect the dominant stations, at the cities given in the following table:

TABLE II
Assumed Class II-A Assignments
On Clear Channels

<u>Channel</u>	<u>Location</u>
670 kc	Gooding, Idaho
720	Hawthorne, Nevada
780	Fallon, Nevada
880	Holdrege, Nebraska
890	Beaver, Utah
1020	Lovington, New Mexico
1030	Lusk, Wyoming
1100	Springfield, Colorado
1120	Oakridge, Oregon
1180	Hamilton, Montana
1210	Pratt, Kansas

Figures 1 through 11 are a series of maps showing the Type B service contours (nighttime interference-free) for the assumed operations listed in Table II. The areas and populations of the "white areas" within the service contours shown on these maps are listed in Table IV.

Figures 12 through 21 are a series of maps showing the Type B service contours (nighttime interference-free) for the Class I-A stations now operating on the channels listed in Table I for both 50 kw and 750 kw operation. These maps show only those portions of the Type B contours of the Class I-A stations where a power increase from 50 kw to 750 kw would result in service to nighttime "white area". Type B service contours of other stations serving these areas are shown.

The following table lists the area and population which would be provided with a first nighttime primary service (Type B) by an increase in power of the indicated stations from 50 kw to 750 kw:

TABLE III

Area and Population Not Now Receiving
Primary Nighttime Service Which Would
Be Served by an Increase in Power
of Class I-A Stations to 750 kw

<u>Channel</u>	<u>Station</u>	<u>Area</u>	<u>Population</u>
670 kc	WMAQ	<u>/1</u>	<u>/1</u>
720	WGN	3,990	70,909 <u>/1</u>
750	WSB	7,542	257,460
760	WJR	9,550	234,868
780	WBBM	<u>/1</u>	<u>/1</u>
880	WCBS	675	24,529
890	WLS	<u>/1</u>	<u>/1</u>

/1 Essentially same as WGN for all Chicago stations.

TABLE III (CONT'D)

<u>Channel</u>	<u>Station</u>	<u>Area</u>	<u>Population</u>
1020 kc	KDKA	2,169	110,180 <u>/2</u>
1030	WBZ	2,070	131,196 <u>/2</u>
1100	KYW	6,282	276,675
1120	KMOX	27,697	609,681
1180	WHAM	5,343	250,801
1210	WCAU	1,130	51,713

/2 The present Type B nighttime service of KDKA on 1020 kc and WBZ on 1030 kc is limited by mutual adjacent-channel skywave interference; thus, a simultaneous power increase would not increase the Type B service rendered, assuming Type B service in this instance to be limited by adjacent-channel skywave interference. The figures given here assume that one station or the other, but not both, increases power to 750 kw.

The following table lists the area and population (all within "white area") which would receive primary service at night if 10 kw Class II-A Stations should be authorized as listed in Table II above:

TABLE IV

Areas Receiving First Primary Nighttime Service From Proposed Class II-A Assignments

<u>Channel</u>	<u>Location</u>	<u>Area</u>	<u>Population</u>
670 kc	Gooding, Idaho	4,121 sq.mi.	21,026
720	Hawthorne, Nevada	2,964	8,644
780	Fallon, Nevada	2,482	7,554
880	Holdrege, Nebraska	10,060	89,063
890	Beaver, Utah	5,230	8,469
1020	Lovington, New Mexico	2,964	18,304
1030	Lusk, Wyoming	3,832	9,775
1100	Springfield, Colorado	2,169	4,064
1120	Oakridge, Oregon	1,277	15,944
1180	Hamilton, Montana	1,301	6,731
1210	Pratt, Kansas	5,182	45,001

It will be seen that power increases for the Class I-A stations would be many fold more effective in accomplishing the

Commission's stated purpose of serving "white" area at night than the proposal to assign Class II-A stations to the areas indicated.

The Class I-A Stations, all operating with 750 kw power, would provide primary nighttime service to a total population of 1,885,816 persons in 64,378 square miles^{/1} who do not now receive primary service during nighttime hours. In contrast, the eleven Class II-A stations would provide nighttime primary service to only 234,575 persons in 41,582 square miles who do not presently receive primary service during nighttime hours.

Not only would the power increases for the clear channel stations result in substantial improvement in Type B service rendered at night, but these increases would also provide substantial improvement in all types of skywave service (Types D, E and F) rendered at night by the clear channel stations. The potential improvement is illustrated by exhibits previously submitted by Clear Channel Broadcasting Service in this proceeding.

In preparing Figures 12 through 21, exhibits previously submitted by Clear Channel Broadcasting Service have been relied on to the greatest extent possible. These exhibits have been employed to determine the location of the Type B service contours of the Class I-A stations for operating powers of both 50 kw and 750 kw, and these exhibits have also been

^{/1} Total population and area figures for "White Area" gaining Type B nighttime service from power increase of Class I-A stations considers only one Chicago station gaining "white area" and, considers KDKA gaining white area at 750 kw while WBZ remains at 50 kw.

used to establish the location of nighttime "white areas" not now receiving primary service.

For Stations WCBS, WCAU and KMOX, the Type B contours have been taken from exhibits prepared by this firm and submitted by the Columbia Broadcasting System in this docket.

KYW on 1100 kc operating with a power of 750 kw has been assumed to be non-directional, employing an antenna having an electrical height of 220 degrees. This antenna has been assumed to be sectionalized at the mid-point to improve the anti-fading characteristics. Station WBZ on 1030 kc has been assumed to employ a 200 degree conventional radiator for 750 kw operation, and Station WJR on 760 kc has been assumed to employ 220 degree conventional radiator for 750 kw operation, to improve anti-fading characteristics. Studies of the treaty requirements of the North American Regional Broadcasting Agreement indicate that on certain of the clear channels, the antenna systems for the 750 kw operation of the Class I-A stations must be modified from those upon which the earlier exhibits were based. Time has not permitted the preparation of new antenna designs as a basis for the studies in this affidavit, and the earlier work has been relied on. General studies of the antenna characteristics, however, indicate that by giving proper attention to the antenna design, especially anti-fading characteristics, service gains closely approaching those reflected in the earlier exhibits in this proceeding can be achieved while meeting the NARBA requirements.

The Class II-A stations were assumed to protect the

dominant Class I-A stations in accordance with the requirements of the Commission's Order. The nighttime limitations of the Class II-A stations were calculated using the propagation curves adopted for this purpose by the Commission. Ground wave service contours for the Class II-A stations were calculated in the usual manner.

The population counts listed in the tables above are based on the 1960 census and were made by laying out the pertinent contours on Minor Civil Divisions Maps. If 50% or more of a minor civil division fell within the contour, the entire division was included in the count, except for population centers within the division; otherwise the entire division was excluded. Cities and towns having a population greater than 2500 were not counted where the field strength was less than 2 mv/m. Areas were measured from the original maps, using a polar planimeter.

A study has also been made of the suppression of the signal toward the dominant Class I-A clear channel stations required by the Commission's Order for Class II-A stations operating in the states listed in Table I. This suppression has been compared with the maximum values of suppression considered feasible for a directional antenna operating with 10 kw power as given by the Commission's TRR Report No. 1.2.7, by Harry Fine.

TABLE V

Performance Required for Directional Antennas
Employed by Class II-A Stations

Freq. (kc)	Class I-A Station	Location of Class II-A Station	Distance from Class I-A Station (mi.)		Perm.Rad. Toward Dominant Station (mv/m)		Lowest Radiation for 10 kw Dir.Ant. Recommended By TRR 1.2.7 (mv/m)
			Min.	Max.	Max.	Min.	
670	WMAQ	Idaho	1180	1500	40	17	54
720	WGN	Nevada	1345	1700	66	24.5	54
780	WBBM	Nevada	1345	1700	66	24.5	54
880	WCBS	Nebraska	1140	1585	49	15	54
890	WLS	Utah	1110	1445	33	14	54
1020	KDKA	New Mexico	1270	1750	64	17.5	54
1030	WBZ	Wyoming	1680	2080	132	43	54
1100	KYW	Colorado	1070	1500	33	11.5	54
1120	KMOX	Oregon	1440	1830	96.5	32	54
1180	WHAM	Montana	1325	1905	125	25	54
1210	WCAU	Kansas	1050	1480	37	12	54

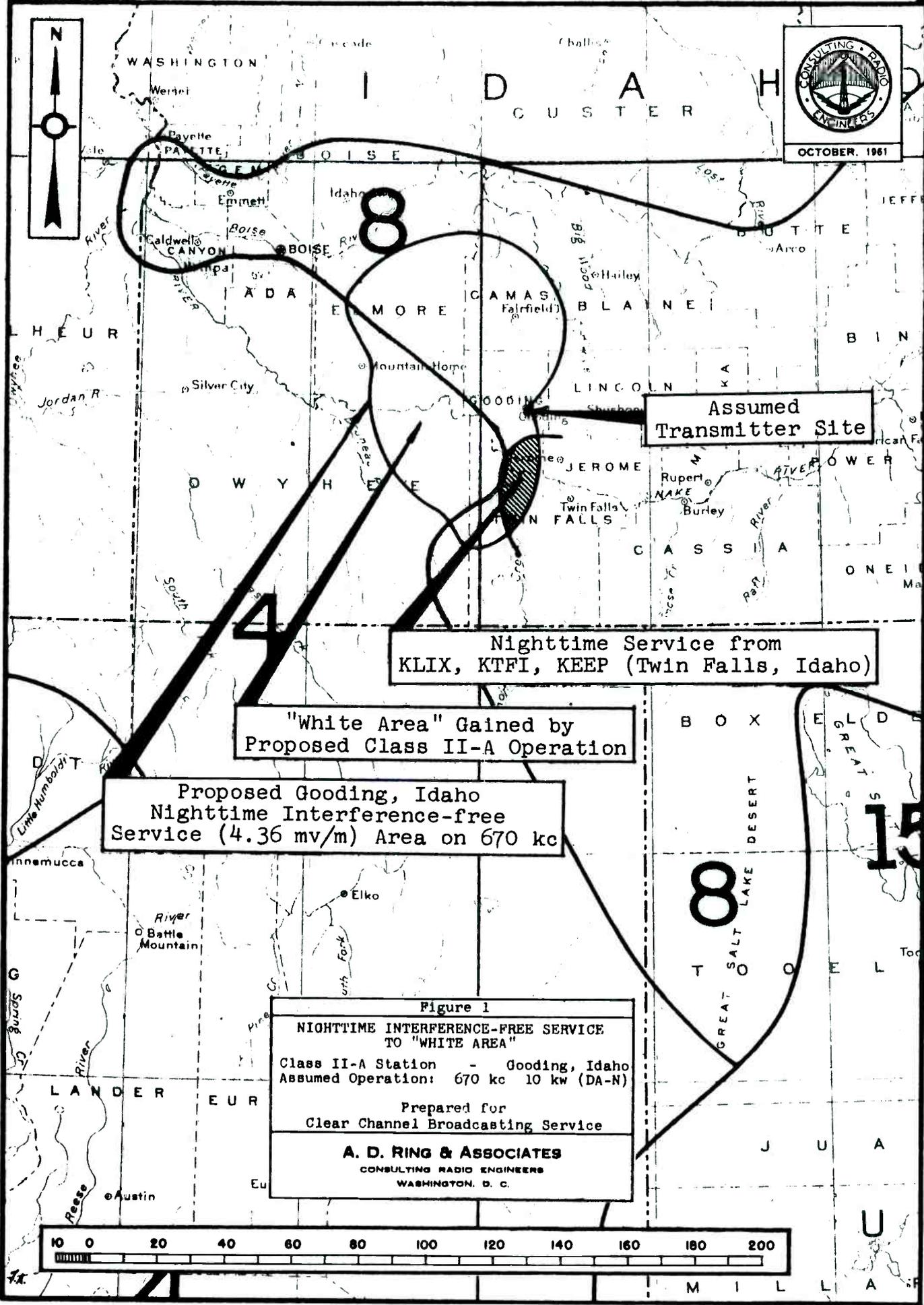
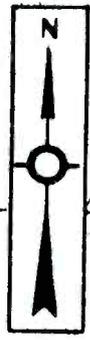
Affiant states that the calculations and exhibits in this report were made by him personally or under his direction and that all facts contained herein are true of his own knowledge except where stated to be on information or belief, and as to those facts, he believes them to be true.

Harold J. Head
Affiant

Subscribed and sworn to before me this 16th day of October, 1961.

Elsie Roche
Notary Public

My Commission expires: My Commission Expires March 31, 1963



Assumed Transmitter Site

Nighttime Service from KLIX, KTFI, KEEP (Twin Falls, Idaho)

"White Area" Gained by Proposed Class II-A Operation

Proposed Gooding, Idaho Nighttime Interference-free Service (4.36 mv/m) Area on 670 kc

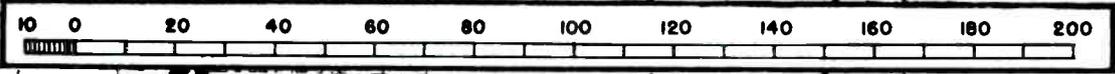
Figure 1

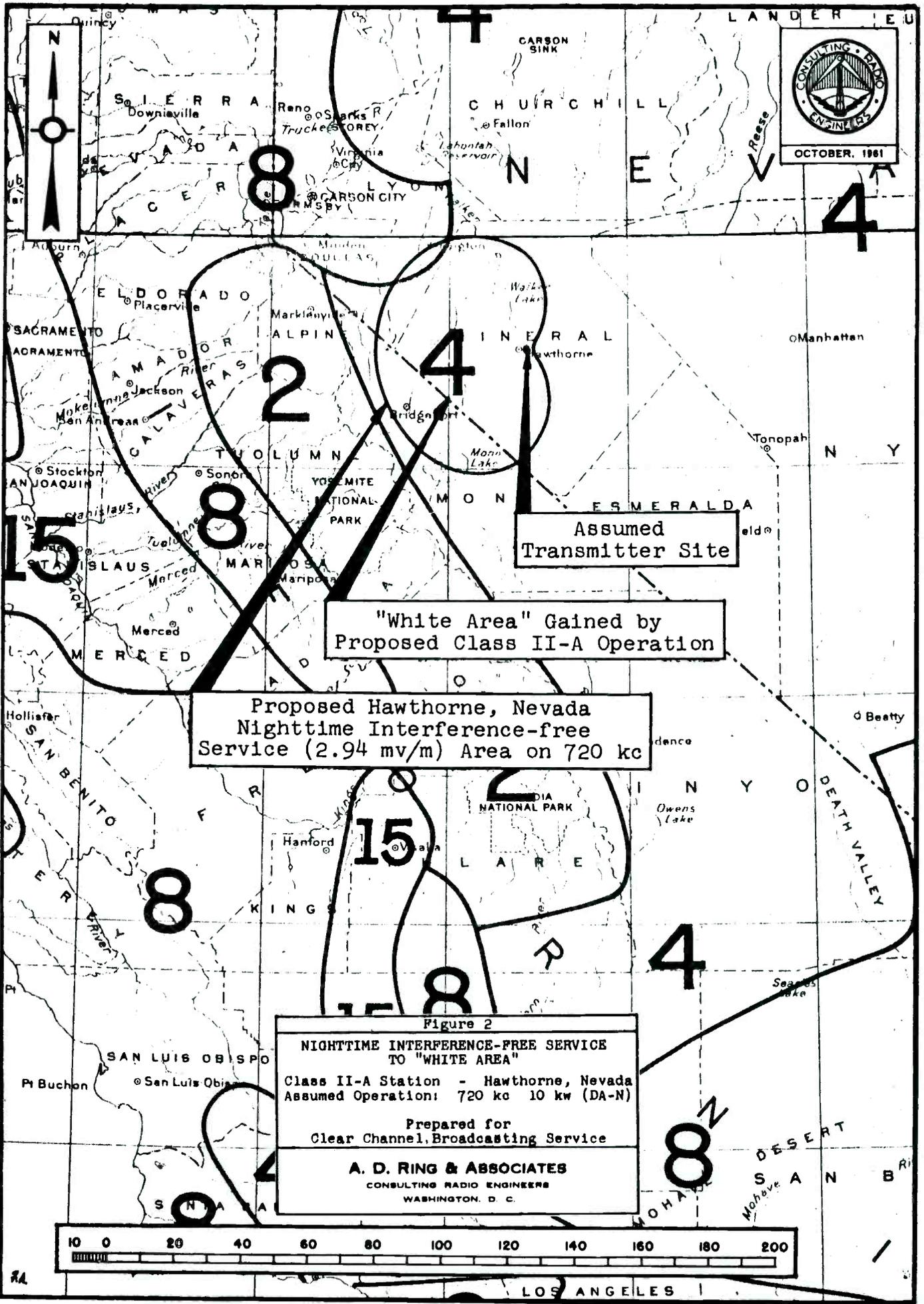
NIGHTTIME INTERFERENCE-FREE SERVICE TO "WHITE AREA"

Class II-A Station - Gooding, Idaho
Assumed Operation: 670 kc 10 kw (DA-N)

Prepared for
Clear Channel Broadcasting Service

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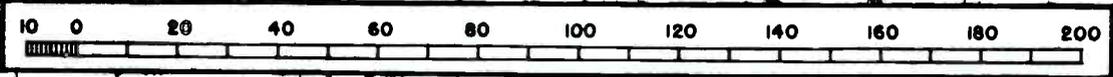


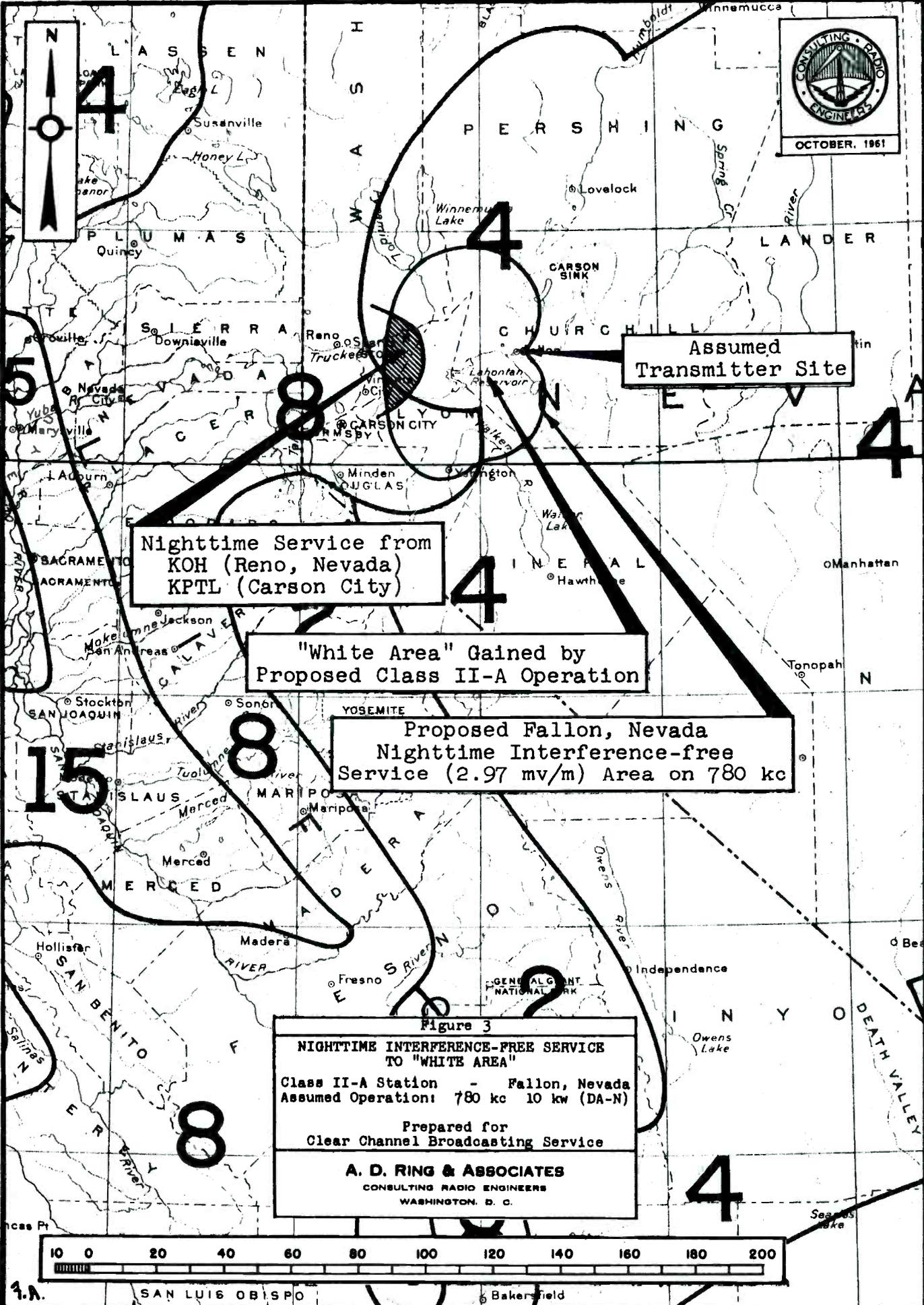
Assumed Transmitter Site

"White Area" Gained by Proposed Class II-A Operation

Proposed Hawthorne, Nevada Nighttime Interference-free Service (2.94 mv/m) Area on 720 kc

Figure 2
NIGHTTIME INTERFERENCE-FREE SERVICE TO "WHITE AREA"
 Class II-A Station - Hawthorne, Nevada
 Assumed Operation: 720 kc 10 kw (DA-N)
 Prepared for
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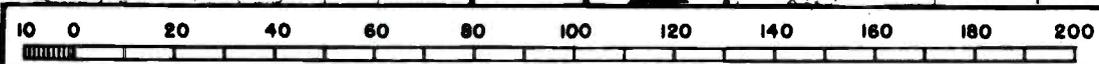
Assumed Transmitter Site

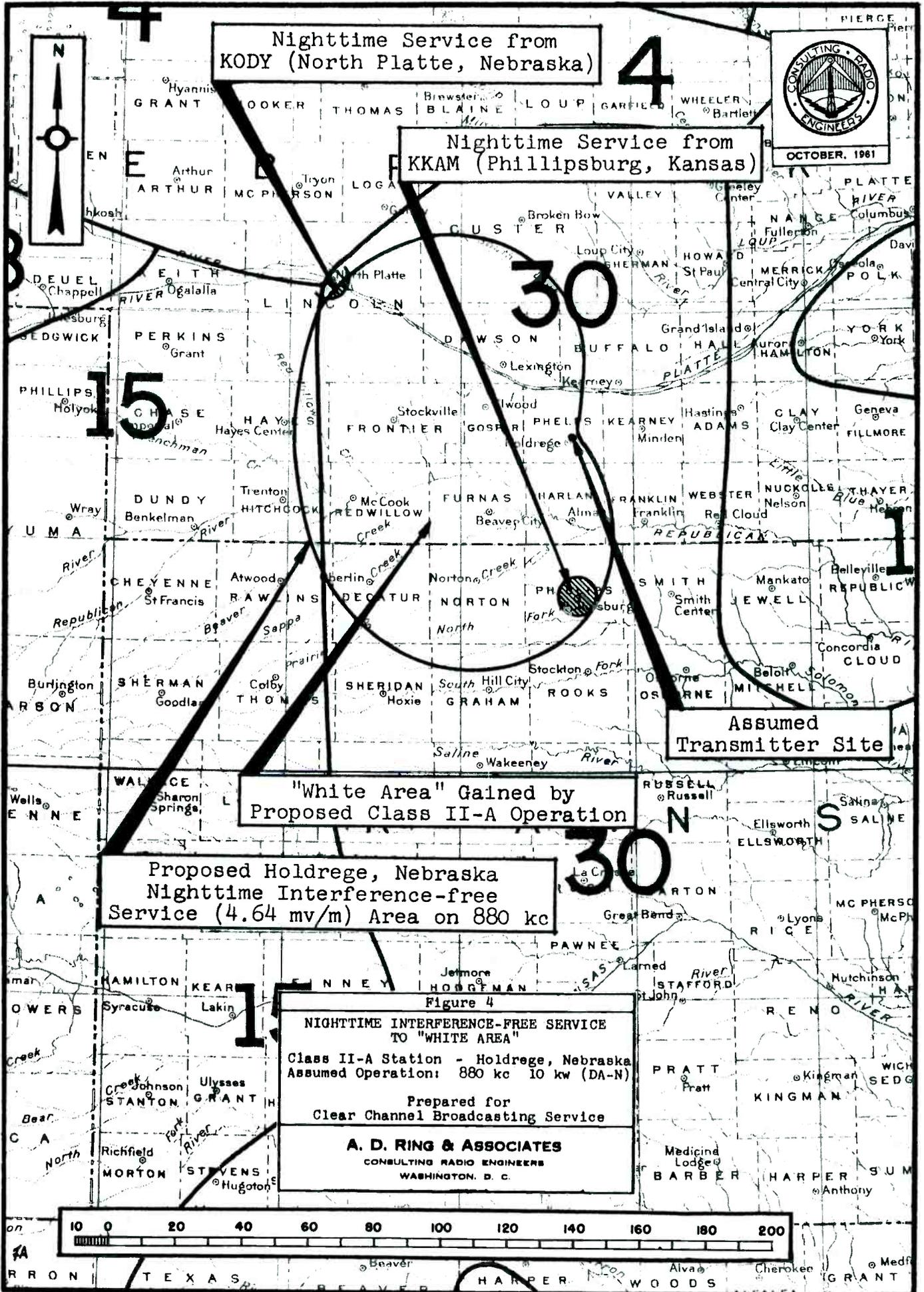
Nighttime Service from
KOH (Reno, Nevada)
KPTL (Carson City)

"White Area" Gained by
Proposed Class II-A Operation

Proposed Fallon, Nevada
Nighttime Interference-free
Service (2.97 mv/m) Area on 780 kc

Figure 3
NIGHTTIME INTERFERENCE-FREE SERVICE TO "WHITE AREA"
Class II-A Station - Fallon, Nevada
Assumed Operation: 780 kc 10 kw (DA-N)
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Nighttime Service from
KODY (North Platte, Nebraska)

4



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Nighttime Service from
KKAM (Phillipsburg, Kansas)

30

15

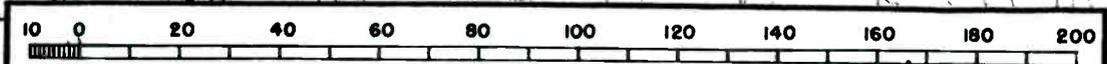
Assumed
Transmitter Site

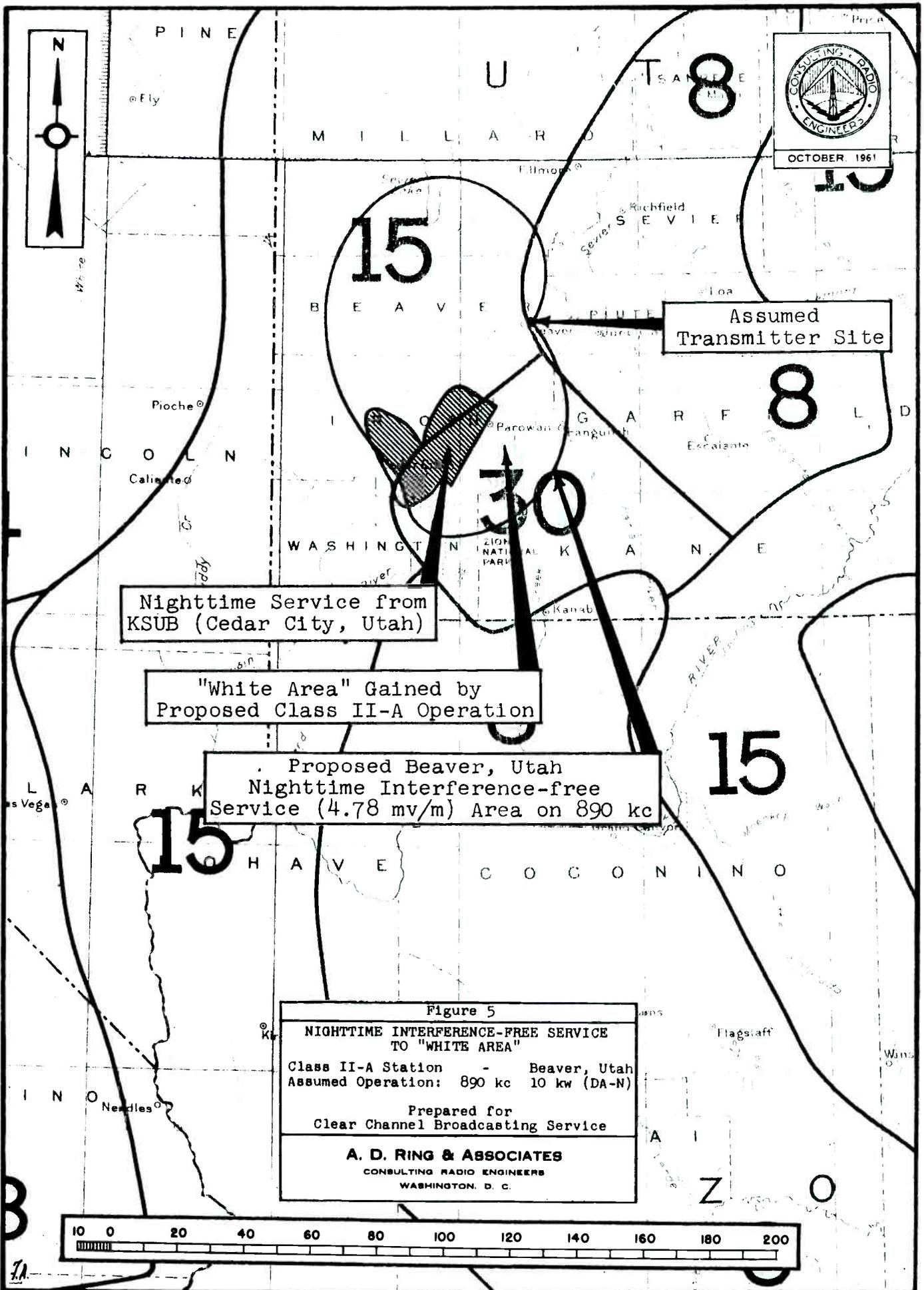
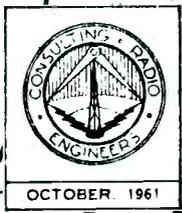
"White Area" Gained by
Proposed Class II-A Operation

Proposed Holdrege, Nebraska
Nighttime Interference-free
Service (4.64 mv/m) Area on 880 kc

30

Figure 4
NIGHTTIME INTERFERENCE-FREE SERVICE
TO "WHITE AREA"
Class II-A Station - Holdrege, Nebraska
Assumed Operation: 880 kc 10 kw (DA-N)
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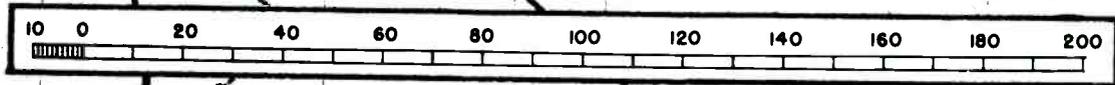


Nighttime Service from KSUB (Cedar City, Utah)

"White Area" Gained by Proposed Class II-A Operation

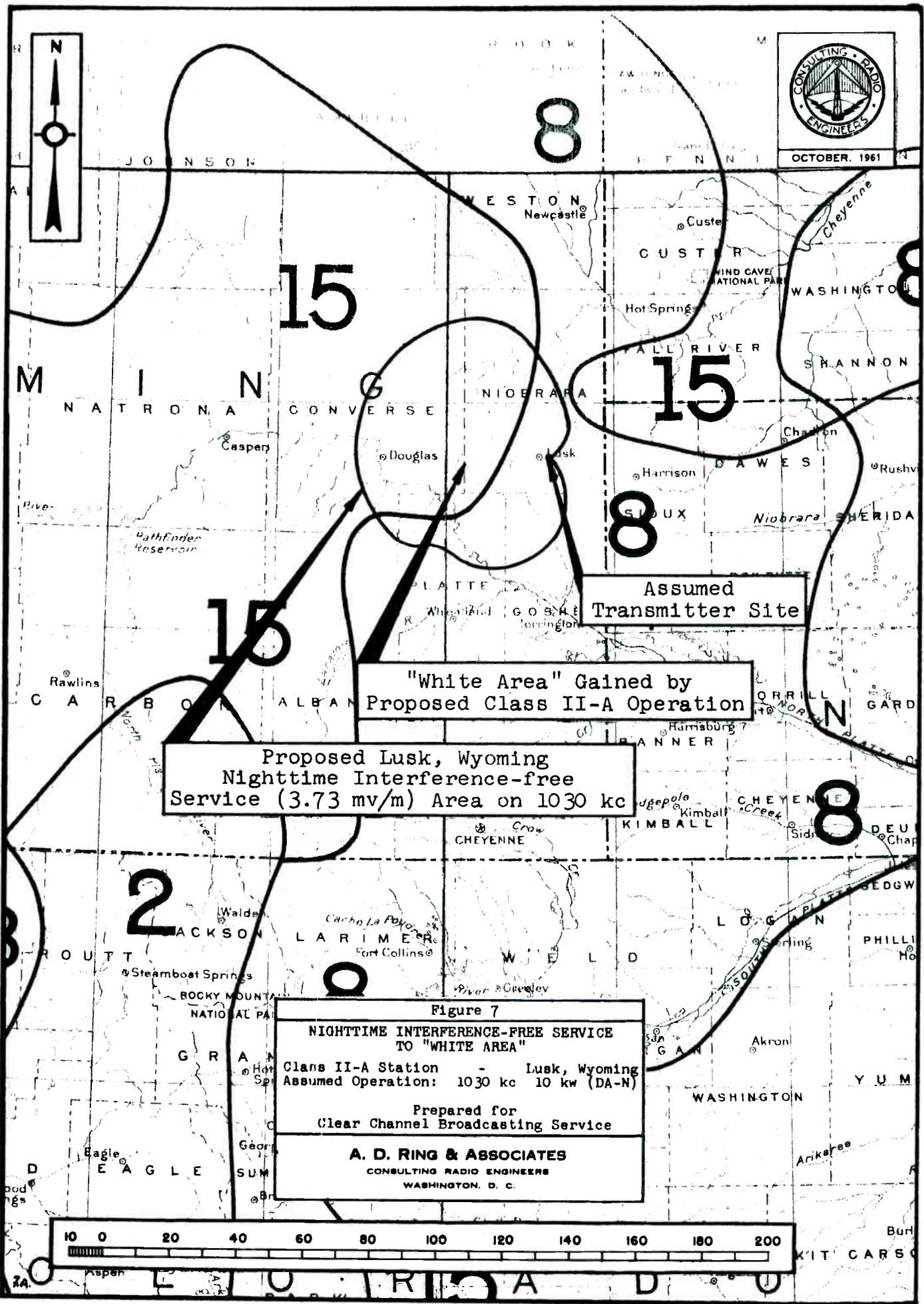
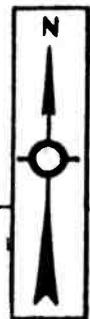
Proposed Beaver, Utah Nighttime Interference-free Service (4.78 mv/m) Area on 890 kc

Figure 5
NIGHTTIME INTERFERENCE-FREE SERVICE TO "WHITE AREA"
Class II-A Station - Beaver, Utah
Assumed Operation: 890 kc 10 kw (DA-N)
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Assumed Transmitter Site

"White Area" Gained by Proposed Class II-A Operation

Proposed Lusk, Wyoming Nighttime Interference-free Service (3.73 mv/m) Area on 1030 kc

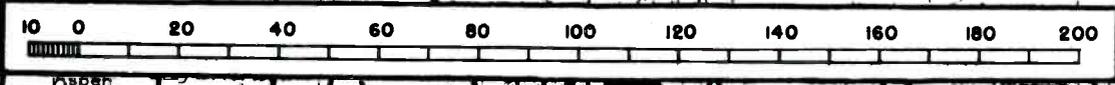
Figure 7

NIGHTTIME INTERFERENCE-FREE SERVICE TO "WHITE AREA"

Class II-A Station - Lusk, Wyoming
Assumed Operation: 1030 kc 10 kw (DA-N)

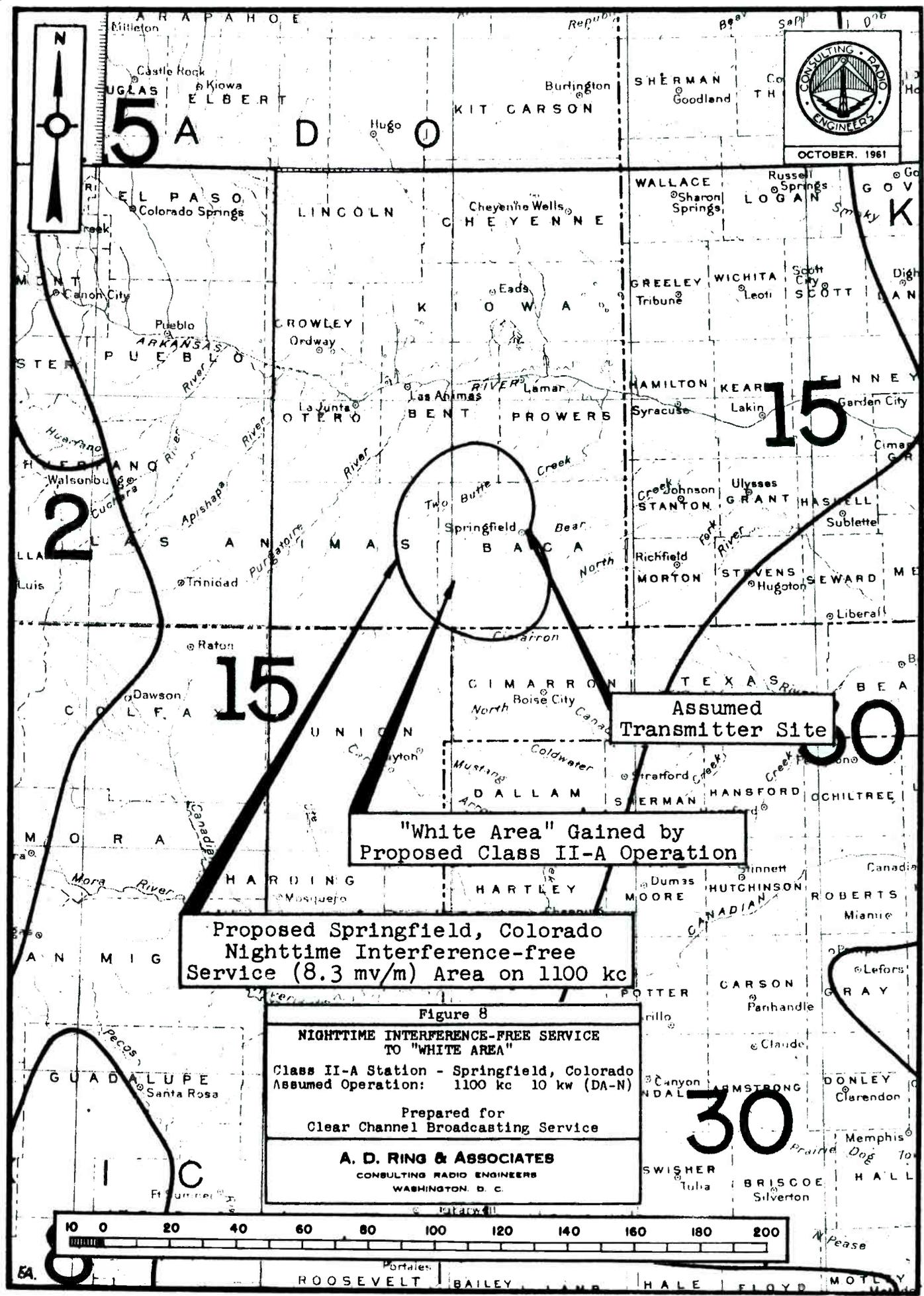
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Assumed Transmitter Site

"White Area" Gained by Proposed Class II-A Operation

Proposed Springfield, Colorado Nighttime Interference-free Service (8.3 mv/m) Area on 1100 kc

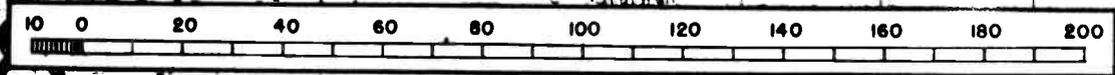
Figure 8

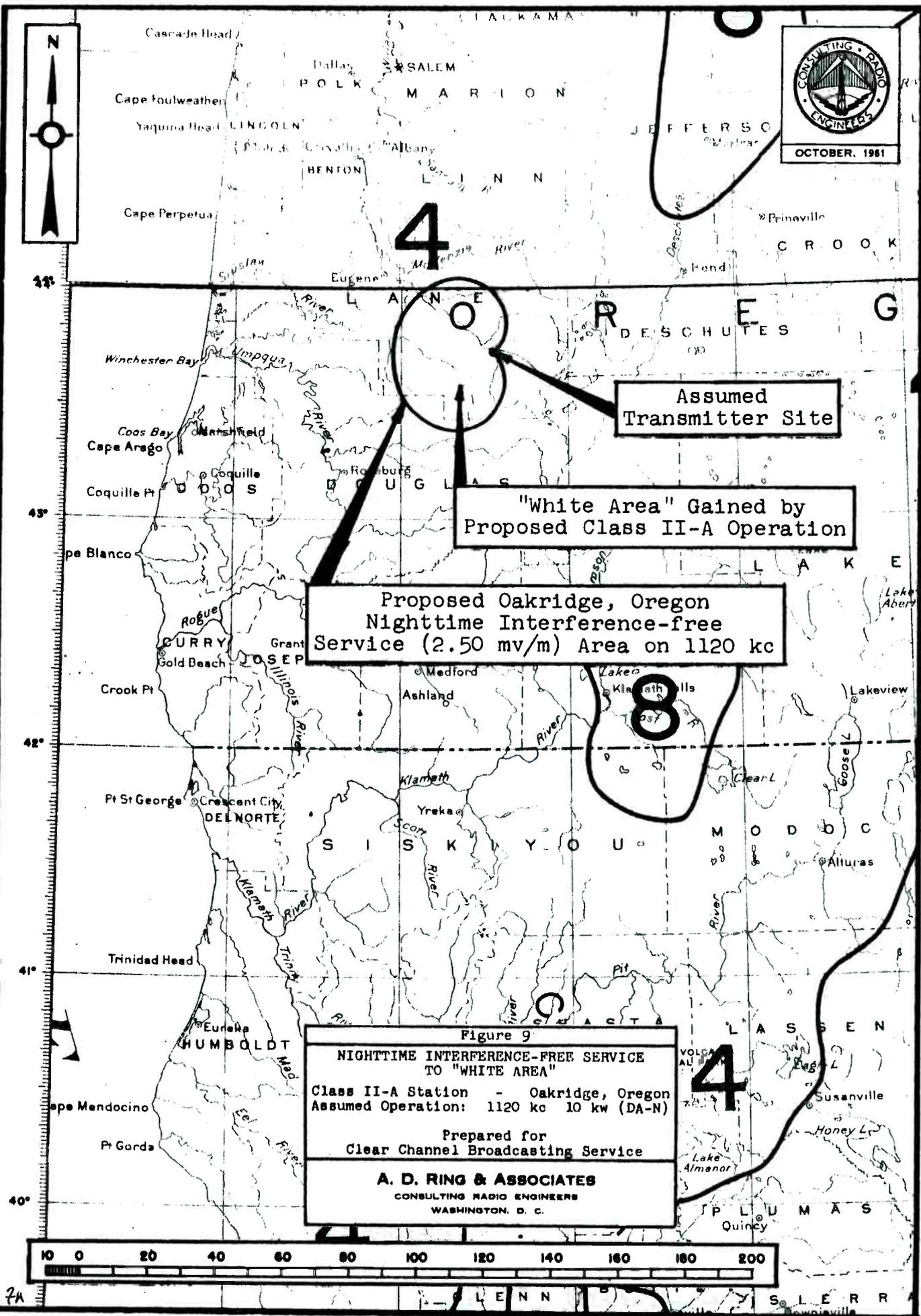
NIGHTTIME INTERFERENCE-FREE SERVICE TO "WHITE AREA"

Class II-A Station - Springfield, Colorado
Assumed Operation: 1100 kc 10 kw (DA-N)

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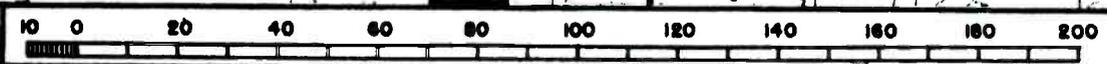


Assumed Transmitter Site

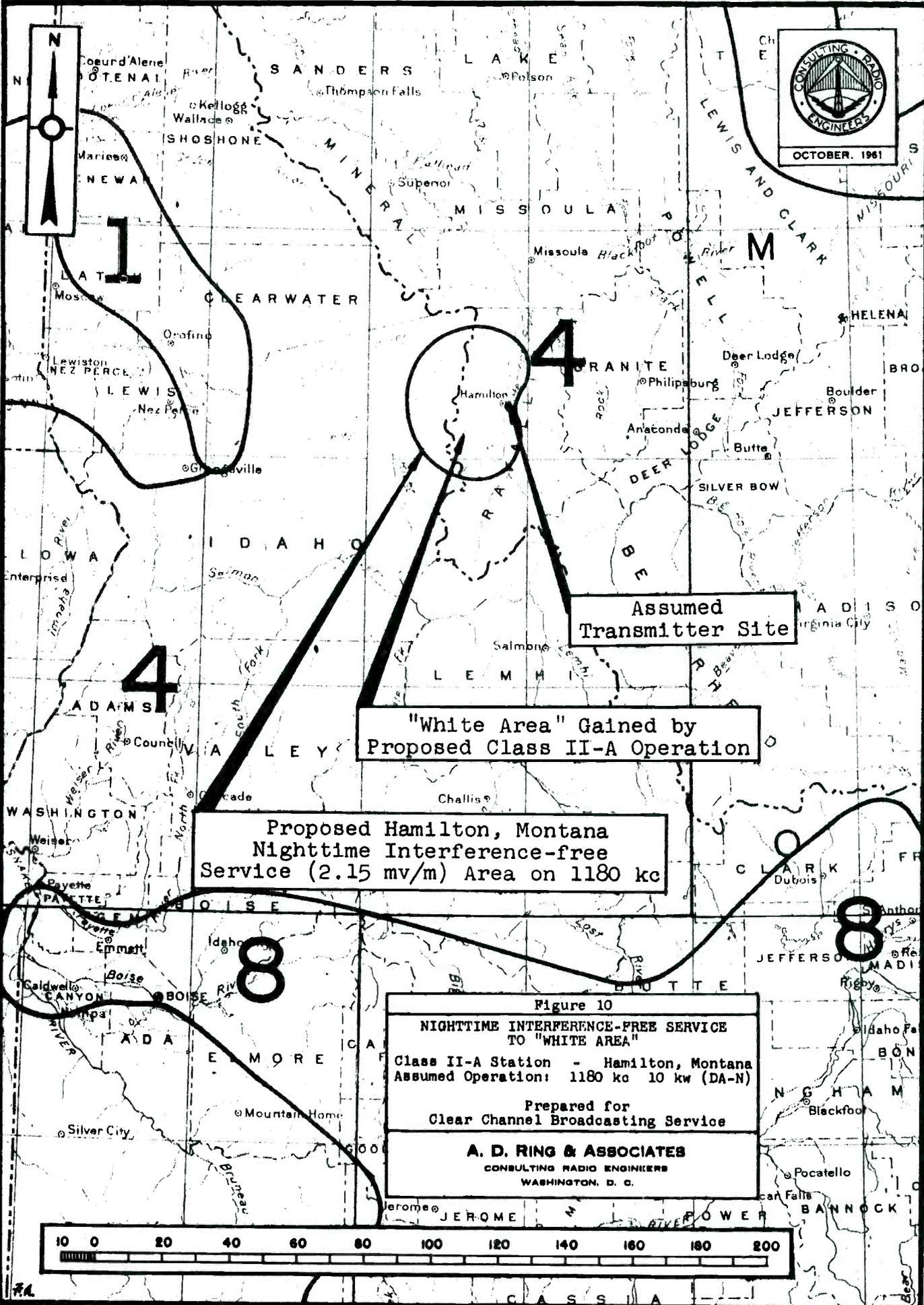
"White Area" Gained by Proposed Class II-A Operation

Proposed Oakridge, Oregon Nighttime Interference-free Service (2.50 mv/m) Area on 1120 kc

Figure 9
 NIGHTTIME INTERFERENCE-FREE SERVICE TO "WHITE AREA"
 Class II-A Station - Oakridge, Oregon
 Assumed Operation: 1120 kc 10 kw (DA-N)
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7A



Assumed Transmitter Site

"White Area" Gained by Proposed Class II-A Operation

Proposed Hamilton, Montana Nighttime Interference-free Service (2.15 mv/m) Area on 1180 kc

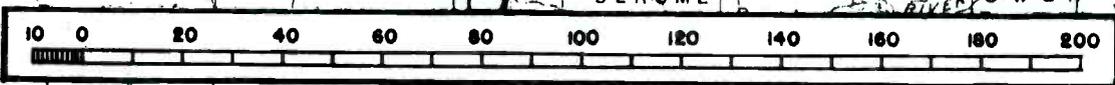
Figure 10

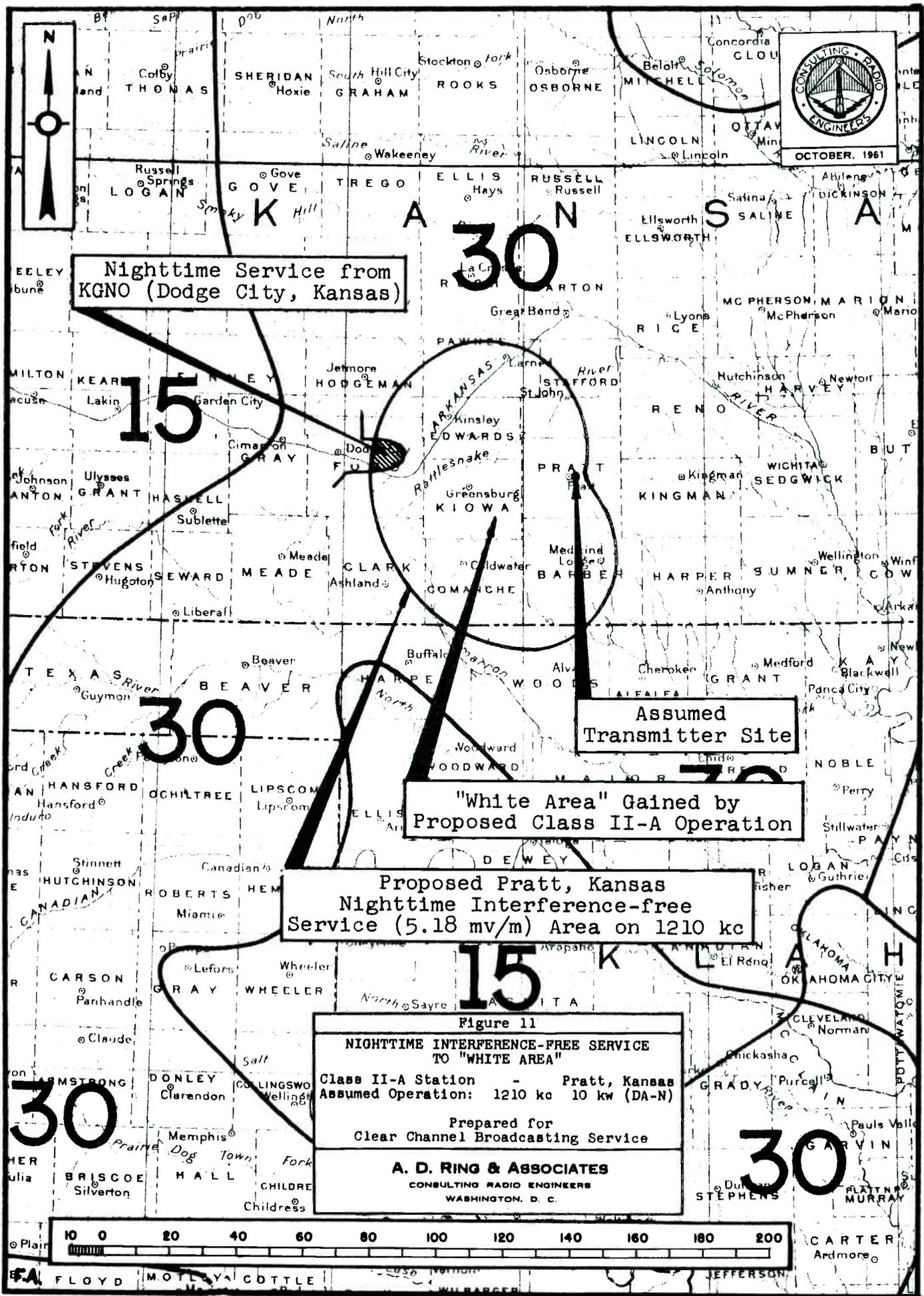
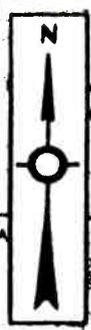
NIGHTTIME INTERFERENCE-FREE SERVICE TO "WHITE AREA"

Class II-A Station - Hamilton, Montana
Assumed Operation: 1180 kc 10 kw (DA-N)

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Nighttime Service from KGNO (Dodge City, Kansas)

Assumed Transmitter Site

"White Area" Gained by Proposed Class II-A Operation

Proposed Pratt, Kansas Nighttime Interference-free Service (5.18 mv/m) Area on 1210 kc

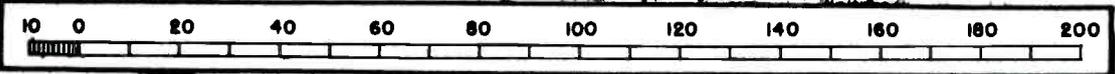
Figure 11

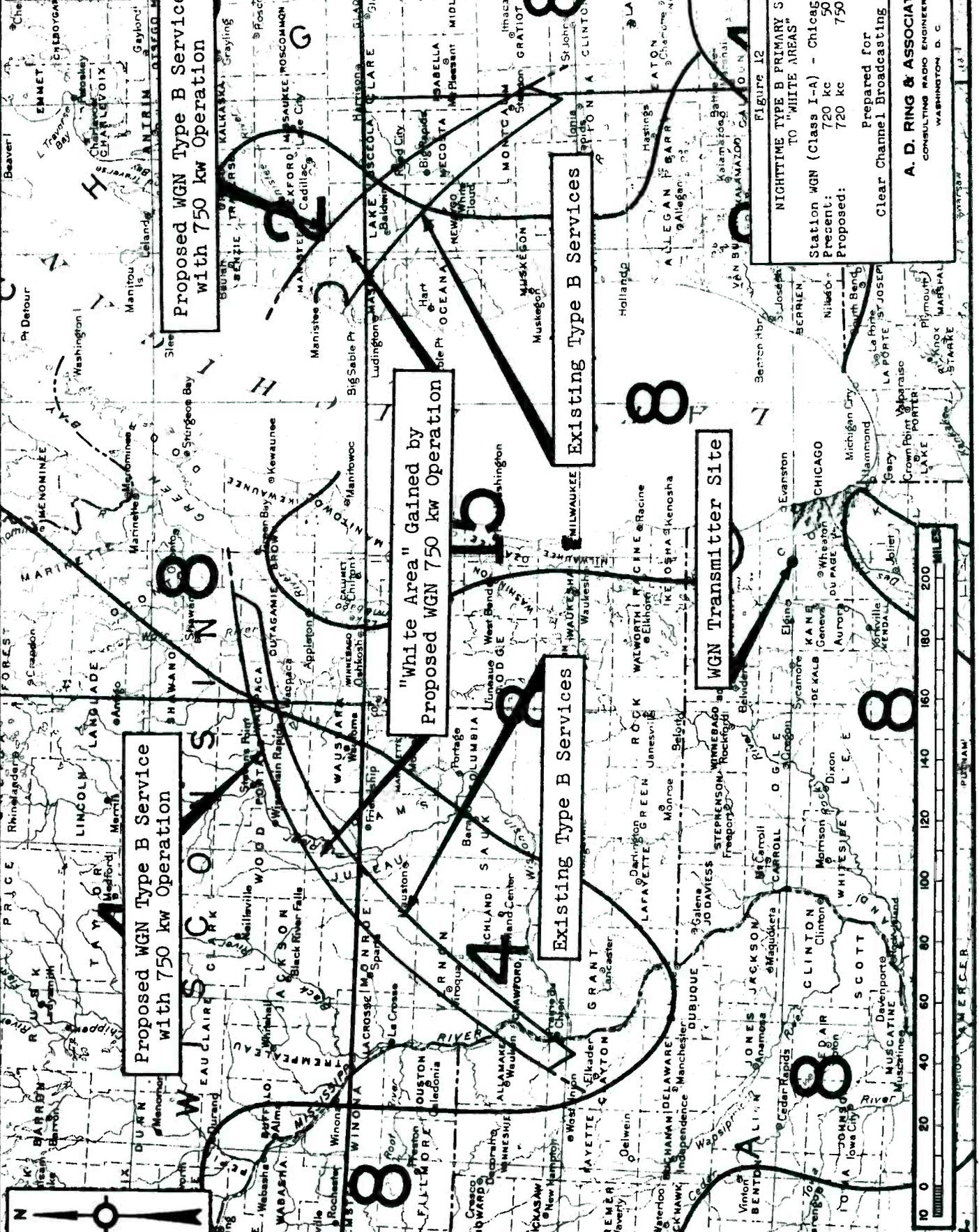
NIGHTTIME INTERFERENCE-FREE SERVICE TO "WHITE AREA"

Class II-A Station - Pratt, Kansas
Assumed Operation: 1210 kc 10 kw (DA-N)

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Proposed WGN Type B Service
with 750 kw Operation

Proposed WGN Type B Service
with 750 kw Operation

"White Area" Gained by
Proposed WGN 750 kw Operation

Existing Type B Services

Existing Type B Services

WGN Transmitter Site

Figure 12
NIGHTTIME TYPE B PRIMARY SERVICE
TO "WHITE AREAS"

Station WGN (Class I-A) - Chicago, Illinois
Present: 720 kc
Proposed: 720 kc

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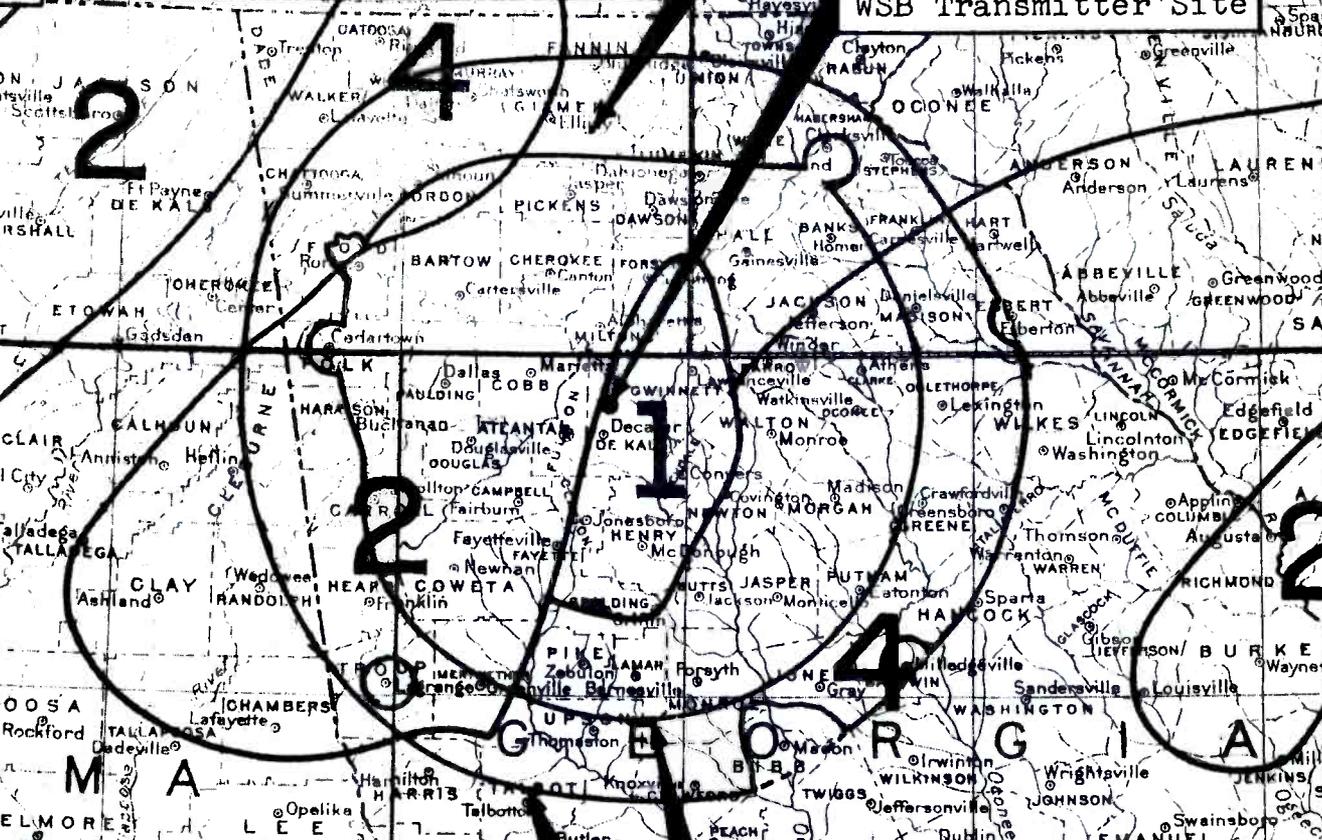


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"White Area" Gained by Proposed WSB 750 kw Operation

WSB Transmitter Site



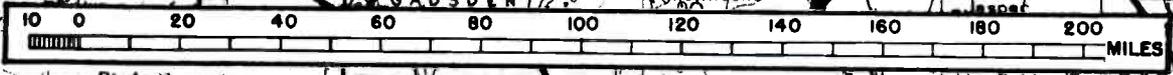
Proposed WSB Type B Service with 750 kw Operation

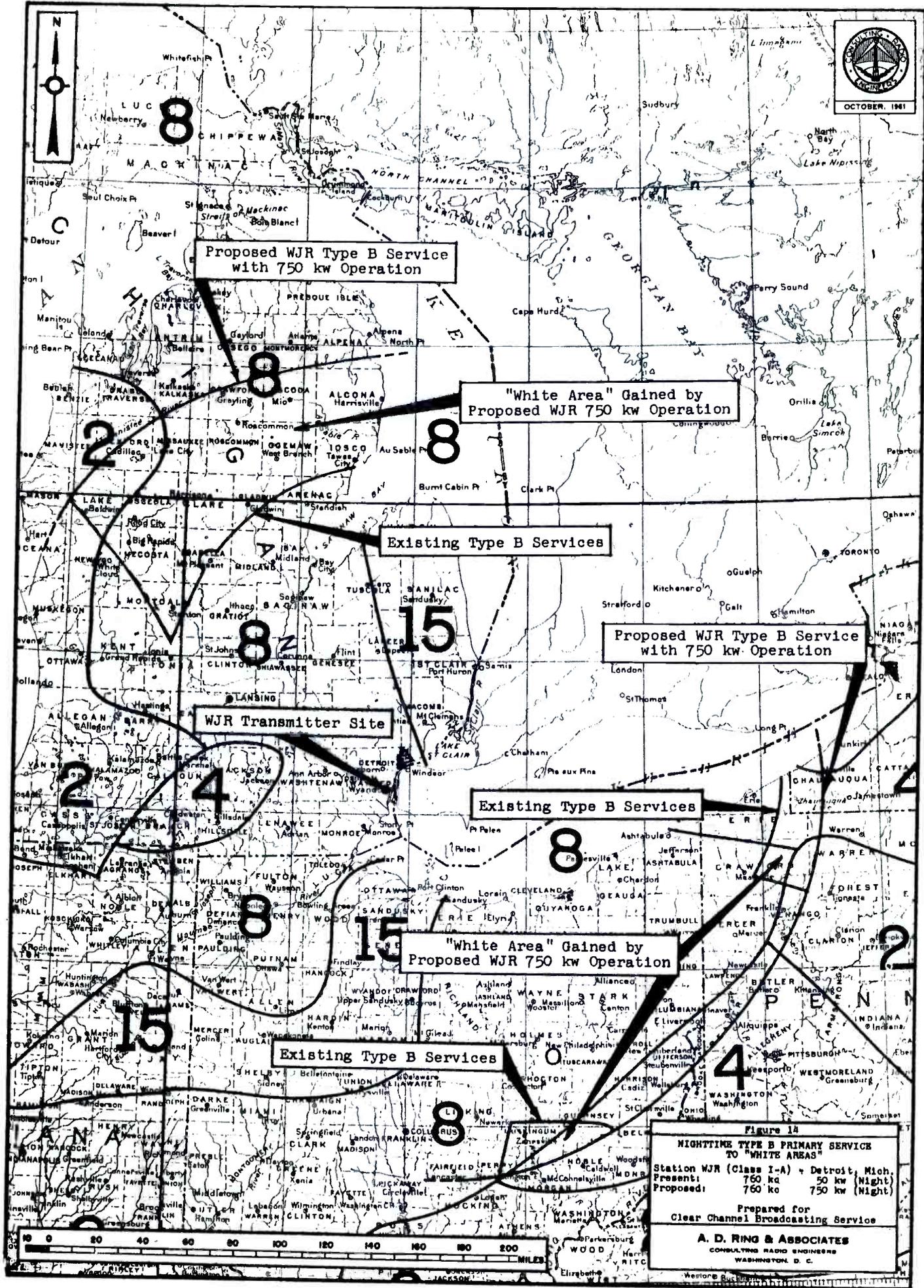
Existing Type B Services

Figure 13
NIGHTTIME TYPE B PRIMARY SERVICE TO "WHITE AREAS"

Station WSB (Class I-A) - Atlanta, Ga.		
Present:	750 kc	50 kw (Night)
Proposed:	750 kc	750 kw (Night)

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Proposed WJR Type B Service
with 750 kw Operation

"White Area" Gained by
Proposed WJR 750 kw Operation

Existing Type B Services

Proposed WJR Type B Service
with 750 kw Operation

WJR Transmitter Site

Existing Type B Services

"White Area" Gained by
Proposed WJR 750 kw Operation

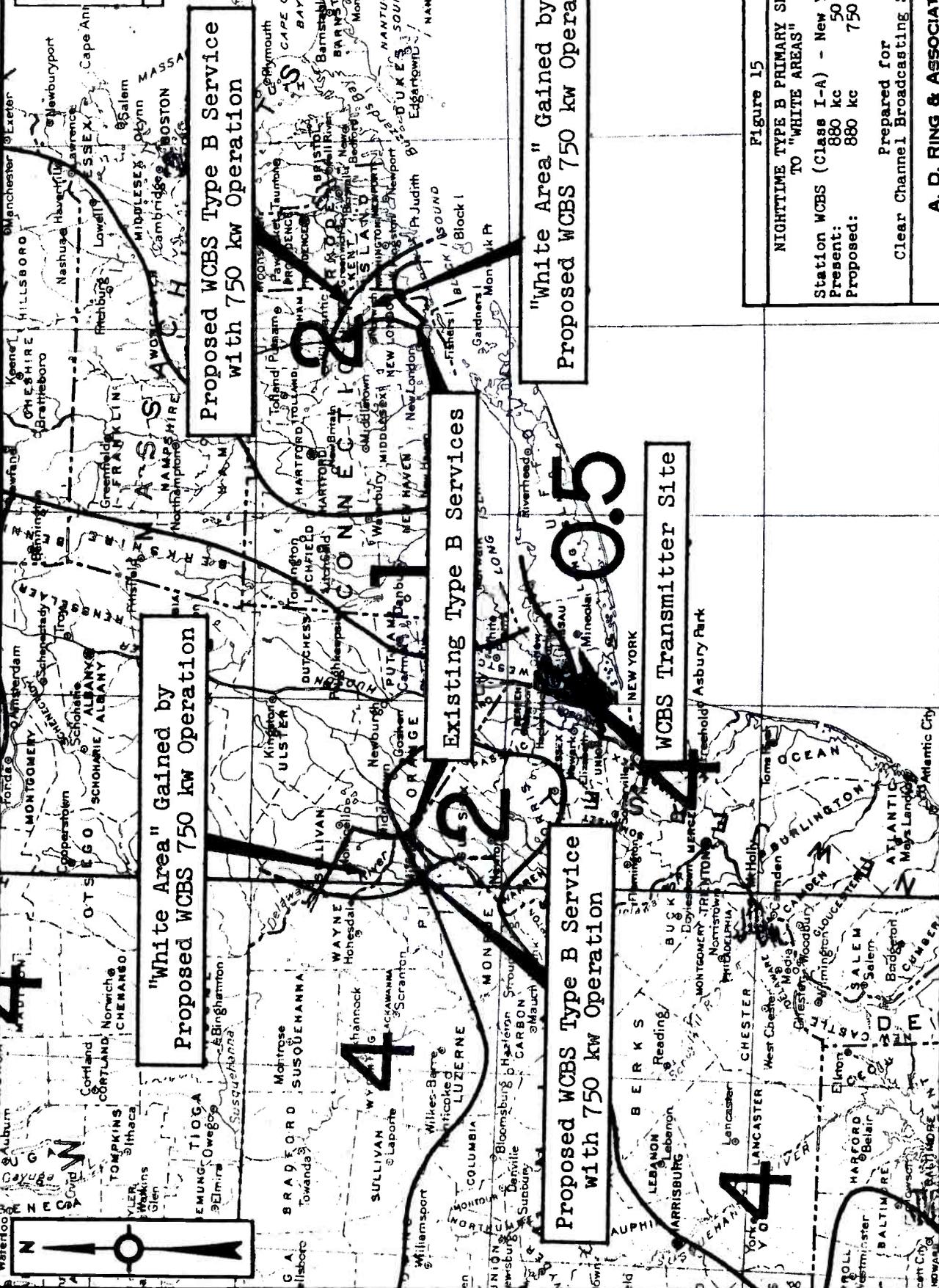
Existing Type B Services

Figure 14
NIGHTTIME TYPE B PRIMARY SERVICE
TO "WHITE AREAS"
Station WJR (Class I-A) + Detroit, Mich.
Present: 760 kc 50 kw (Night)
Proposed: 760 kc 750 kw (Night)

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"White Area" Gained by
Proposed WCBS 750 kw Operation

Proposed WCBS Type B Service
with 750 kw Operation

Proposed WCBS Type B Service
with 750 kw Operation

Existing Type B Services

"White Area" Gained by
Proposed WCBS 750 kw Operation

WCBS Transmitter Site

Figure 15

NIGHTTIME TYPE B PRIMARY SERVICE
TO "WHITE AREAS"

Station WCBS (Class I-A) - New York, N. Y.	
Present:	880 kc 50 kw (Night)
Proposed:	880 kc 750 kw (Night)

Prepared for
Clear Channel Broadcasting Service

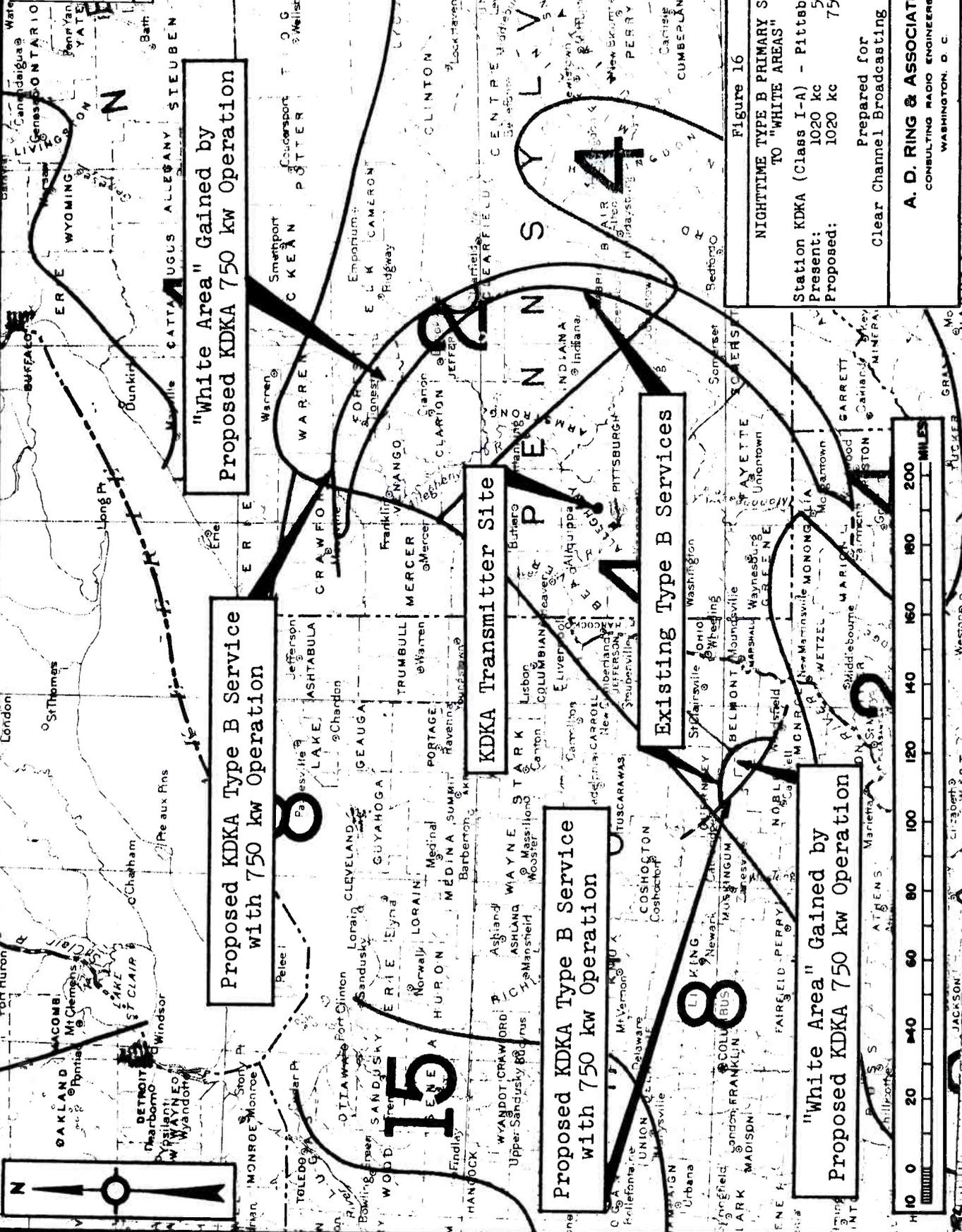
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Map by Corps May CH



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Proposed KDKA Type B Service with 750 kw Operation

Proposed KDKA Type B Service with 750 kw Operation

"White Area" Gained by Proposed KDKA 750 kw Operation

KDKA Transmitter Site

Existing Type B Services

Proposed KDKA Type B Service with 750 kw Operation

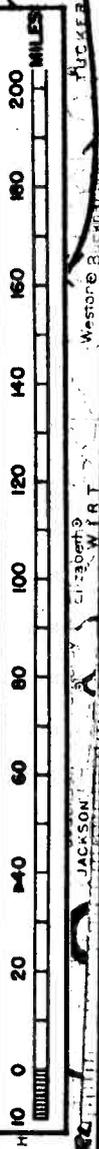
"White Area" Gained by Proposed KDKA 750 kw Operation

Figure 16
 NIGHTTIME TYPE B PRIMARY SERVICE
 TO "WHITE AREAS"

Station KDKA (Class I-A) - Pittsburgh, Penna.
 Present: 1020 kc 50 kw (Night)
 Proposed: 1020 kc 750 kw (Night)

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Flagged

Proposed WBZ Type B Service
with 750 kw Operation

Existing Type B Services

WBZ Transmitter Site

"White Area" Gained by
Proposed WBZ 750 kw Operation

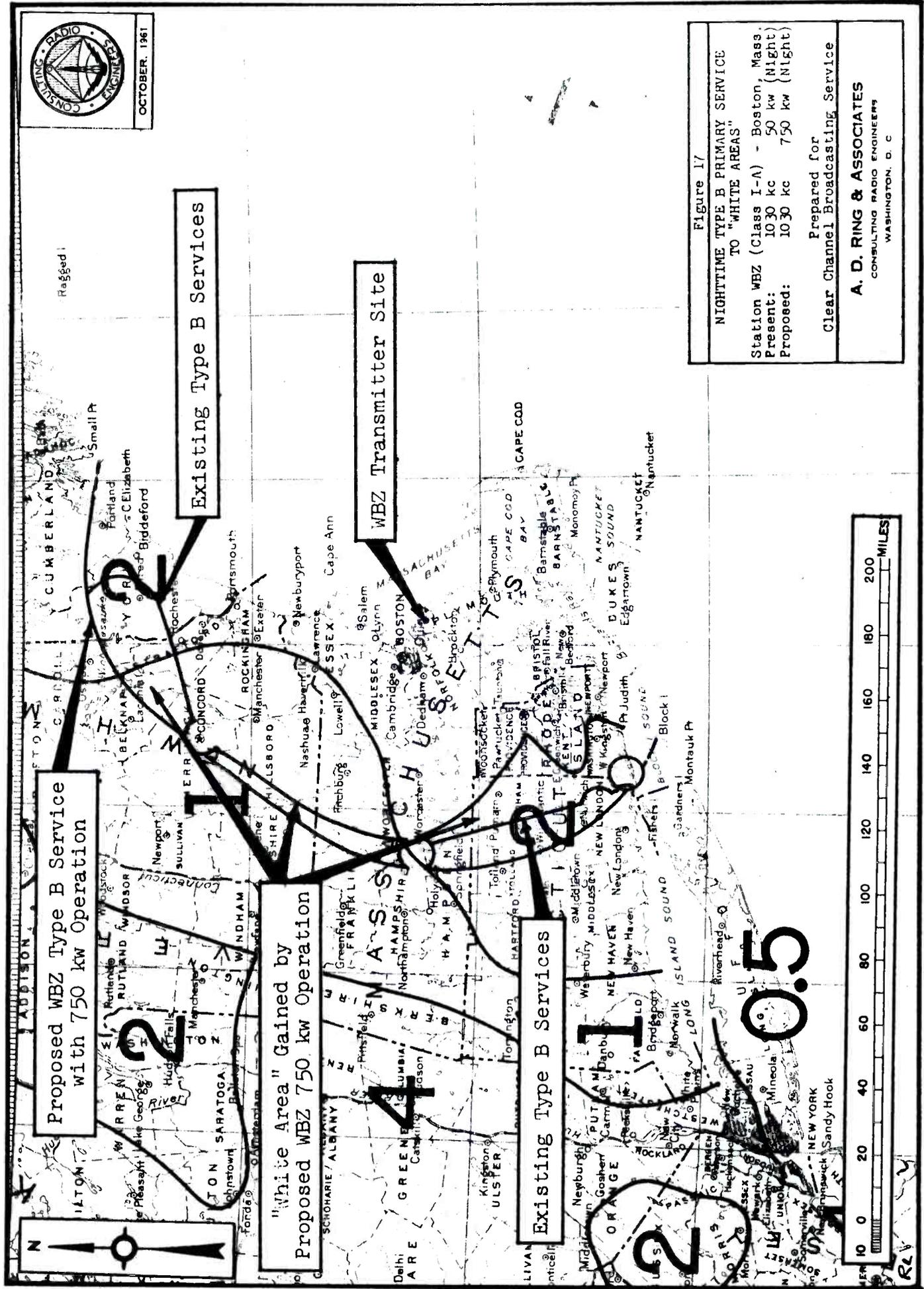
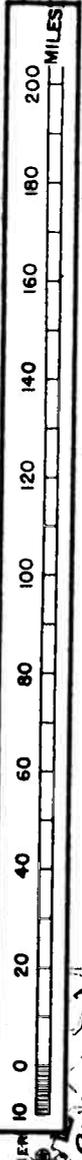
Existing Type B Services

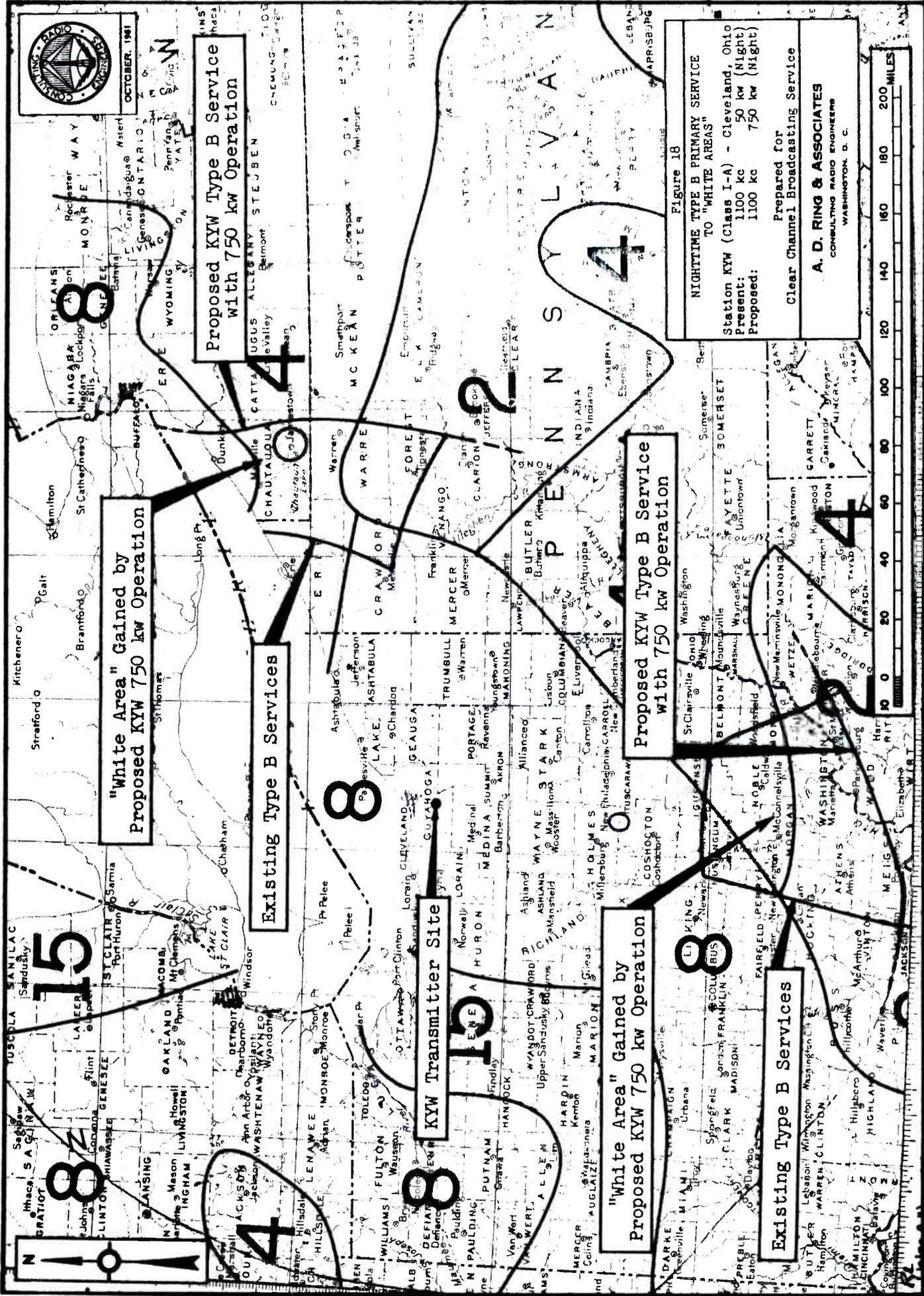
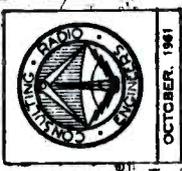
Figure 17
NIGHTTIME TYPE B PRIMARY SERVICE
TO "WHITE AREAS"

Station WBZ (Class I-N) - Boston, Mass.
Present: 1030 kc 50 kw (Night)
Proposed: 1030 kc 750 kw (Night)

Prepared for
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CONSULTING RADIO ENGINEERS
WASHINGTON, D. C.





**Proposed KYW Type B Service
with 750 kw Operation**

**"White Area" Gained by
Proposed KYW 750 kw Operation**

Existing Type B Services

KYW Transmitter Site

**"White Area" Gained by
Proposed KYW 750 kw Operation**

**Proposed KYW Type B Service
with 750 kw Operation**

Figure 18
**NIGHTTIME TYPE B PRIMARY SERVICE
TO "WHITE AREAS"**
 Station KYW (Class I-A) - Cleveland, Ohio
 Present: 1100 kc 50 kw (Night)
 Proposed: 1100 kc 750 kw (Night)
 Prepared for
 Clear Channel Broadcasting Service
A. D. RING & ASSOCIATES
 CONSULTING RADIO ENGINEERS
 WASHINGTON, D. C.





Proposed KMOX Type B Service
With 750 kw Operation

Existing Type B Services

KMOX Transmitter Site

Existing Type B Services

"White Area" Gained by
Proposed KMOX 750 kw Operation

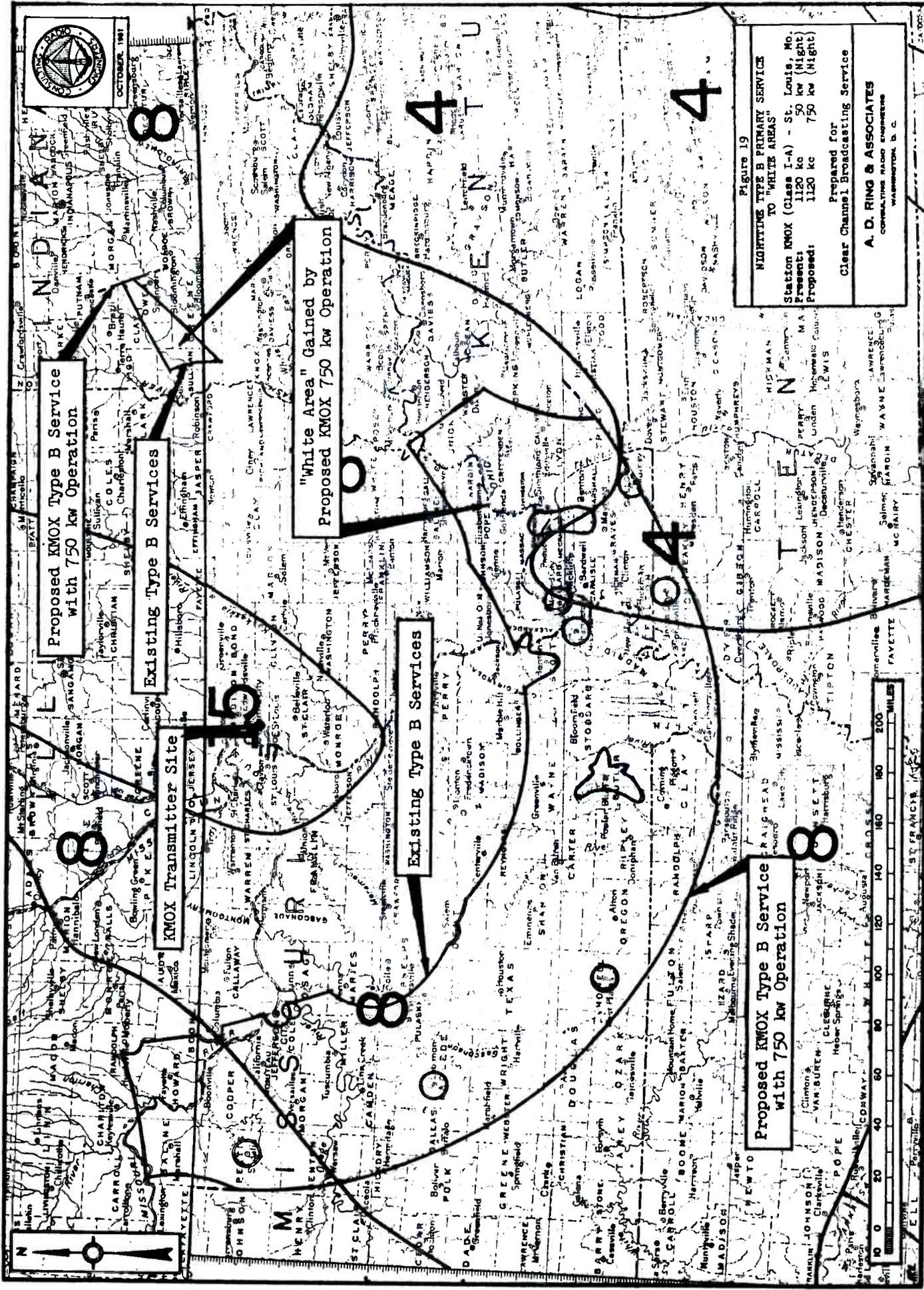
Proposed KMOX Type B Service
With 750 kw Operation

Figure 19
NIGHTTIME TYPE B PRIMARY SERVICE
TO "WHITE AREAS"

Station KMOX (Class I-A) - St. Louis, Mo.	Present:	1120 kc	50 kw (Night)
	Proposed:	1120 kc	750 kw (Night)

Prepared for
Clear Channel Broadcasting Service

A. D. RING & ASSOCIATES
CONSULTING RADIO ENGINEERS
WASHINGTON, D. C.





OCTOBER, 1961

"White Area" Gained by Proposed WHAM 750 kw Operation

Existing Type B Services

Proposed WHAM Type B Service With 750 kw Operation

WHAM Transmitter Site

Existing Type B Services

Proposed WHAM Type B Service with 750 kw Operation

"White Area" Gained by Proposed WHAM 750 kw Operation

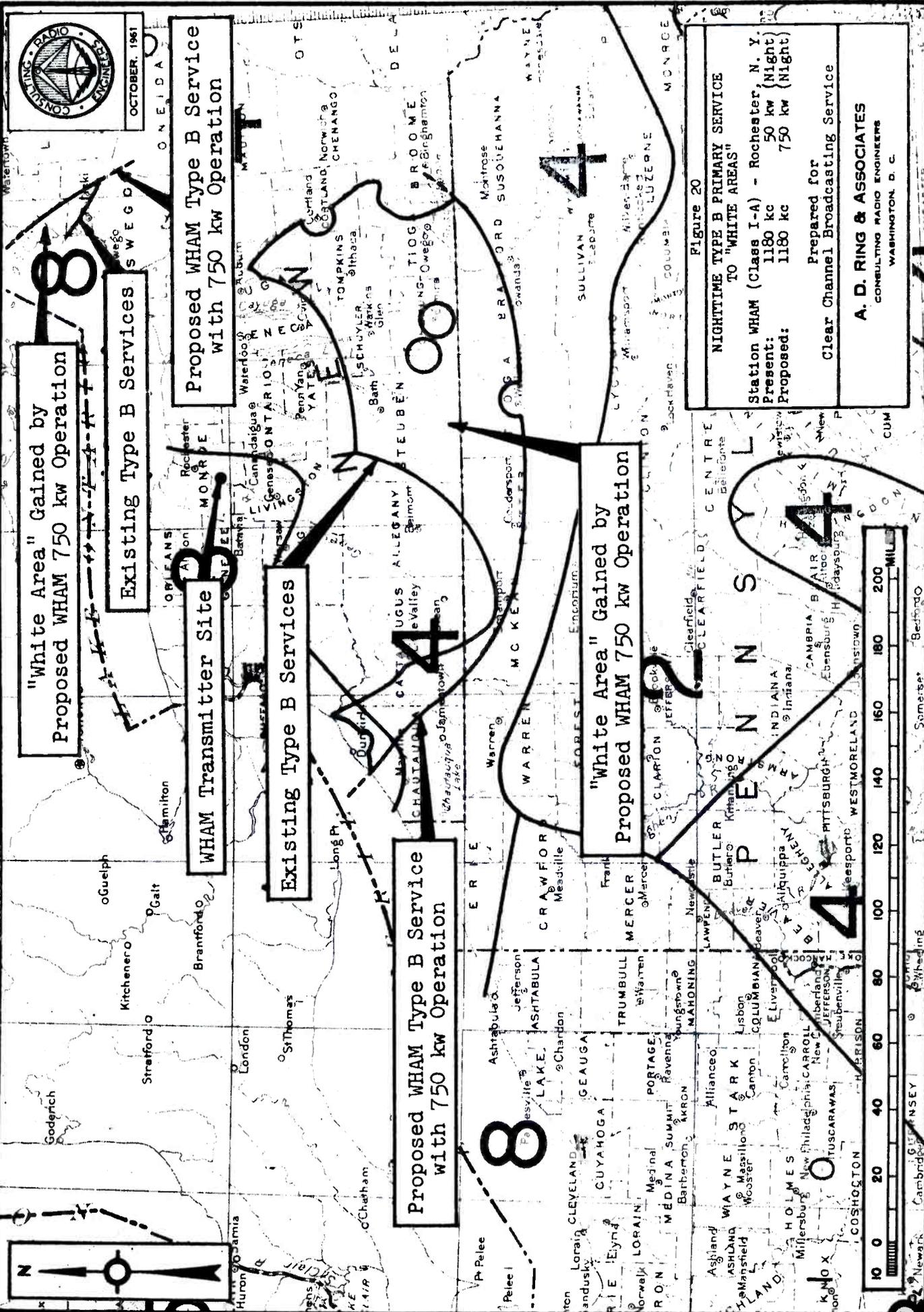
Figure 20

NIGHTTIME TYPE B PRIMARY SERVICE TO "WHITE AREAS"

Station WHAM (Class I-A) - Rochester, N. Y.
Present: 1180 kc 50 kw (Night)
Proposed: 1180 kc 750 kw (Night)

Prepared for
Clear Channel Broadcasting Service

A. D. RING & ASSOCIATES
CONSULTING RADIO ENGINEERS
WASHINGTON, D. C.





OCTOBER, 1981



"White Area" Gained by Proposed WCAU 750 kw Operation

Proposed WCAU Type B Service with 750 kw Operation

Existing Type B Services

WCAU Transmitter Site

"White Area" Gained by Proposed WCAU 750 kw Operation

Existing Type B Services

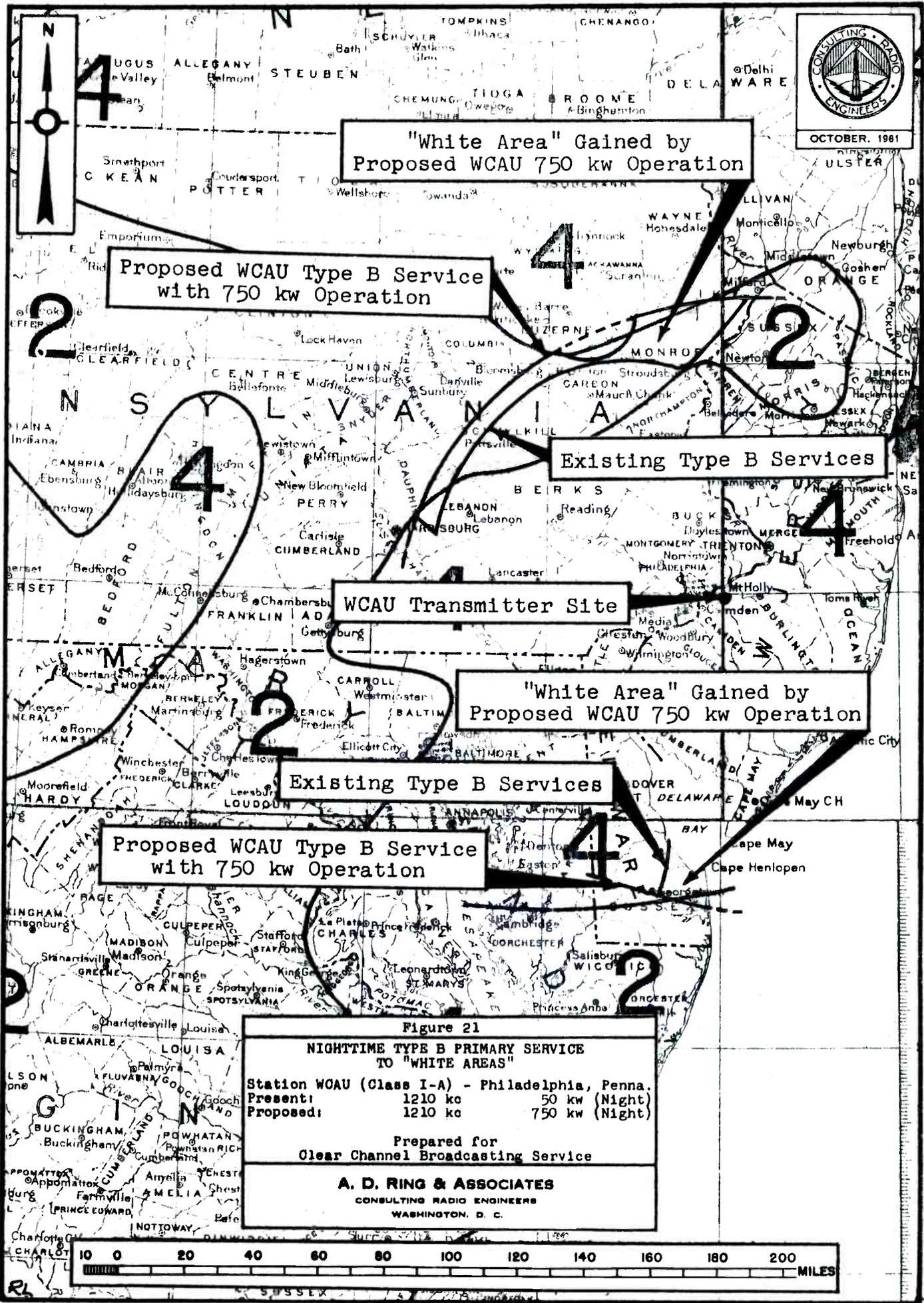
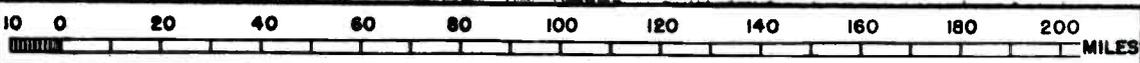
Proposed WCAU Type B Service with 750 kw Operation

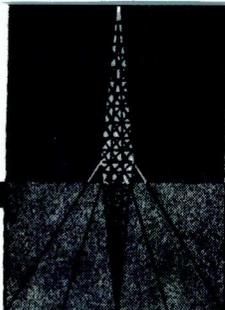
Figure 21
NIGHTTIME TYPE B PRIMARY SERVICE TO "WHITE AREAS"

Station	WCAU (Class I-A) - Philadelphia, Penna.	
Present:	1210 kc	50 kw (Night)
Proposed:	1210 kc	750 kw (Night)

Prepared for
Clear Channel Broadcasting Service

A. D. RING & ASSOCIATES
 CONSULTING RADIO ENGINEERS
 WASHINGTON, D. C.





RADIO STATION

WSM
INCORPORATED50000
WATTS

550 KILOCYCLES

NASHVILLE 3, TENNESSEE

*** CLEAR CHANNEL ***

January 16, 1962

Mr. Roy Battles
Clear Channel Broadcasting Service
532 Shoreham Building
Washington, D. C.

Dear Roy:

Attached is a copy of material prepared by George Lang and me in connection with the use of clear channels by the military and in time of emergency. I have read it again and believe it is accurate and can be used in whatever way you might like to use it in the presentation. I plan to use some of it when I make my visits in Washington on January 22, 23 and 24th.

Best regards.

Sincerely yours,

John H. DeWitt, Jr.

JHD:am

Military Use of Clear Channels--Conelrad

Conelrad means control of electromagnetic radiation. In the United States, there are 2.7 million transmitters in 65 different radio services licensed by the FCC. The control of these transmitters and the notification of public utilities, schools, factories, etc., in the case of an alert, is primarily via broadcast stations.

It must be remembered that although there are about 3800 broadcast stations on the air daytimes, only about 1800 are on the air between sunset and sunrise. This is because of a phenomenon called sky wave transmission prevalent mostly between sunset and sunrise which would produce a completely untenable situation if all 3800 stations stayed on the air on the 107 channels available to the standard broadcasters. Even with the number reduced to 1800, the interference between stations is so great that all but the clear channel services are reduced to comparatively small areas.

As stated in a foregoing paragraph, the sky waves from stations operating on clear (unduplicated) channels can and do supply service to the 40% land area and the 25 million people unable to get service from stations on duplicated channels. It is significant that the FCC has selected and is dependent on 50KW stations operating 24 hours a day to insure the most complete control of the aforementioned 2.7 million transmitters and to alert the greatest number of people in all walks of life. This service could be considerably augmented if these same stations would be allowed to use much greater power for proper usage of an available facility hampered by an unreasonable and arbitrary restriction of 50KW.

Military Use of Clear Channels--BROFICON

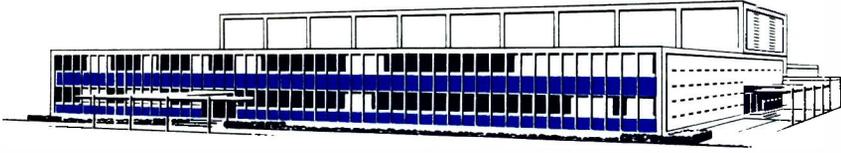
Shortly after the conclusion of World War II, the FCC approached certain clear channel broadcast stations to assist in setting up a fighter command system which was, and probably still is, restricted and referred to as BROFICON. After a couple of years of testing, the system was put in a "hold" position-- that is, the testing procedure was stopped, but the FCC wanted equipment left in "ready" position. Here, again, the 50KW clear channel stations were the essential ingredient for the successful operation of this defense system.

Clear Channel in Other Roles.

In this chapter, we wish to refer to many instances where clear channel stations have:

- (a) been a reliable source of weather information,
- (b) relayed programs when wire facilities were down,
- (c) been a source of national programs (president's speeches) for many smaller stations without network connections.

In a service previously mentioned - Conelrad - tests have been made using the 1240 and 640 KC clusters in sequential and simultaneous operation. In an area, defined as within a 40 or 50 mile radius, sequential operation of several (probably four) 5KW stations, some of which might be separated by at least 20 miles, produced a weird effect in receivers. Simultaneous operation proved to be better with only two stations in the cluster (with several in standby position). However, co-channel operation in either case produced far from even fair results. The FCC engineers agreed that more and better coverage could be had with one single highpowered station. We know that one clear channel station in Chicago with 50KW can cover the same area now getting some service from a hundred or more other stations. It is possible that a voice operated carrier 50KW clear can be the final answer for perfect CD use during alerts. Using a 2KC or less offset carrier arrangement, a group of stations across the country could use bands of 630 to 650KC and 1230-1250KC which because of the several hundred miles spacing could be of little help as a "homing" guide for enemy missiles.



Radio/720 Television/channel 9

wgn inc.

2501 West Bradley Place • Chicago 18, Illinois • LAkéview 8-2311

January 9, 1962

Mr. John H. DeWitt, Jr.
WSM, Inc.
Nashville, Tennessee

Dear Jack:

Carl and I have read with great interest your presentation on the clear channels. We both agreed that it was the kind of material that we need in this forthcoming battle.

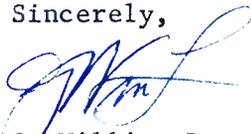
I did take the liberty of putting together some material on Conelrad and BROFICOM as you suggested. In addition, I have, at Carl's request, referred to instances where clear channels have performed some service that only clear channels can do--along the lines of the WSM achievement back in 1937. I have also outlined a new approach to the civil defense aspects of Conelrad which results from observation of many previous tests using sequential carrier operation and the more recent simultaneous carrier operation--all co-channel of course. I'd appreciate your comments on this latter idea I've drawn up.

All of this material was read at a meeting at WGN presided over by Roy Battles yesterday, January 8, at which the WGN "task force" presented their material and got further briefing from Roy. This engineering presentation was well received and was enthusiastically endorsed by Roy. As soon as you have gone over it and edited it, I suggest that you pass it on directly to Roy with a carbon copy to us, if you please.

Have been doing a lot of listening and I wish some of the politicians could be with me and see the difference between the clears and the shared channels. However, as you know, there are more and more foreign stations creeping in between our channels and sneaking up close to the clears, resulting in beats of between one-half and 5KC--we must fight hard for higher power in this country as you have pointed out.

That is all for now. Best wishes.

Sincerely,



G. William Lang
WGN, Inc.

GWL:DB

Clear Channels as a Natural Resource

Although there are 107 channels in the broadcast band, the United States under the North American Regional Broadcasting Agreement and the Treaty with Mexico has the use of only 25 of these channels on an exclusive basis at night. It has been demonstrated beyond any doubt that over 23 million people residing in 40% of the areas of the United States must depend on skywave service from clear channels at night as their only source of AM radio service. It has also been demonstrated that clear channels operating at a power of 50KW as is now the case cannot provide service of good reliability over the areas of the country in which skywaves are essential. The people residing in these areas are getting a second class service and there seems to be no other way to provide reliable service except through the use of high power on clear channels. While treaties forbid the operation of other stations on these channels in certain other countries at the present time it seems clear that if the United States placed other stations on the channels within its border then at the next treaty renewal conference the other countries will ask for similar privileges. Experience has shown that once stations are established on a channel it is virtually impossible to get them off. Our 1-A clear channels are therefore a precious national resource which must be guarded well otherwise this resource will be destroyed to the detriment of radio listeners in the United States.

The United States is in a unique position with respect to countries to the east and west of us because of the protection given by the vast ocean distances and the differences in time. It is also a fact that radio transmission across the North Atlantic is extremely poor because of the proximity of transmission paths to the auroral zone. The interference to our channels therefore comes from Latin American countries. At the present time interference from stations in Northern South America and Central America is at an all time high. We do not have agreements with these countries which protect us from this interference and it is anticipated that as the economy of these countries improves interference will become worse as times goes on. Cuba has been a source of interference to our broadcasting channels for many years and is notorious for its lack of respect for radio treaties even before the Castro regime. It is obvious that the best way to protect our sorely needed clear channels from this foreign interference is to increase the power of the stations which now operate on them in our country so as to make the operation of stations on these channels in other countries to the south of us untenable.

Clear Channels in Time of Emergency

The transmitters of the 25 clear channel stations are for the most part located 10 to 20 miles outside of the center of the city which they serve primarily. In case of a direct bomb hit on a city the probability of the transmitter surviving seems quite good. Radio is the No. 1 medium of communications to the public in time of emergency. Over 96% of the homes in the United States are radio equipped and in addition there are the large number of automobile and other battery operated receivers which are now in daily use. Although in case of an attack a few of the clear channel transmitters may be knocked out it will be possible for the public to pick up information from other clear channel stations many miles away provided the channels are not cluttered up with other stations. In 1937 during the great flood of the Ohio and Tennessee, residents of the Louisville, Kentucky area received directions over WSM, Nashville. Millions of other people listened to these broadcasts at distances up to 1,000 miles away. This.

gives some indication of what might be done with clear channels in bringing information to the general public in case of great disaster. These clear channel transmitters are or can be equipped with auxiliary power supply equipment which can be put in operation in case of total power failure. They can be operated remotely from underground fallout shelters with a minimum of investment. High power clear channel stations which are free of interference will afford the best basic communications system to the public with less vulnerability to attack than any other means of accomplishing the end desired.

Military Use of Clear Channels--BRECOM

Recently it has been found that the clear channel stations can be used to transmit teletype signals by frequency modulation over their carrier waves without interference to programs being carried simultaneously. A system is under development in connection with the U.S. Air Force and the FCC at the present time known as BRECOM (Broadcast Emergency Communications). This system envisages the use of a number of clear channel stations to relay teletype messages. Already it has been found that high reliability teletype circuits can be set up in this manner between stations separated as much as 300 miles. This service can be destroyed through the assignment of daytime and nighttime stations on the clear channels. While these experiments are still in the early stages it appears likely that the use of clear channels for this purpose can be extended for use by other military units over wide areas of the country.

LOUIS G. CALDWELL
(189-1951)
HAMMOND E. CHAFFETZ
REED T. ROLLO
DONALD C. BEELAR
PERCY H. RUSSELL
KELLEY E. GRIFFITH
PERRY S. PATTERSON
R. RUSSELL EAGAN
CHARLES R. CUTLER
FREDERICK M. ROWE
ALOYSIUS B. MEEBEE

LAW OFFICES OF
KIRKLAND, ELLIS, HODSON, CHAFFETZ & MASTERS
WORLD CENTER BUILDING - 16TH AND K STREETS, N. W.
WASHINGTON 6, D. C.

TELEPHONE STERLING 3-3200

CHICAGO OFFICE
PRUDENTIAL PLAZA
CHICAGO 1, ILLINOIS

January 11, 1962

JOSEPH DuCOEUR
RAYMOND G. LARROCA
JOHN P. MANWELL
RONALD J. WILSON

Mr. John H. DeWitt, Jr.
WSM, Incorporated
National Building
Nashville 3, Tennessee

Dear Jack:

I enclose herewith 13 nighttime interference-free maps from the list dated January 3, 1962. This means that there are still 12 maps from the January 3 list yet to come. I am also enclosing 9 additional maps which were on the original list but which were not included on the January 3 list. They were photostated before I was able to get the January 3 list into the hands of the photostater.

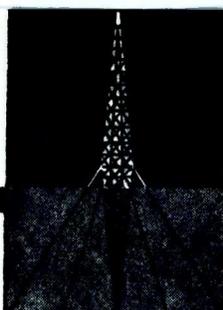
Sincerely,



Reed T. Rollo

RTR:rvh
Enclosures

P.S. I am sorry to have to advise you that Marjorie Russell died early this morning. Her funeral will be at 1 p.m. on Saturday, January 13 at the Hines Funeral Home, 2901 14th Street, N. W.



RADIO STATION

WSM
INCORPORATED50000
WATTS

650 KILOCYCLES NASHVILLE 3, TENNESSEE

*** CLEAR CHANNEL ***

December 21, 1961

Mr. Leonard Reinsch
Station WSB
Atlanta, Georgia

Dear Leonard:

Ward Quail and Roy Battles have asked that I try to arrange a meeting with Congressman Vinson and Senator Russell of Georgia to explain to them the defense aspects of the clear channel problem. I told them that I did not know either of these gentlemen and would ask you your opinion as to how to approach the matter.

I shall appreciate it if you will read the attached letter from Roy Battles and give me your opinion as to the value of various approaches and what should be done. I am a babe in the woods in these matters and you are the master.

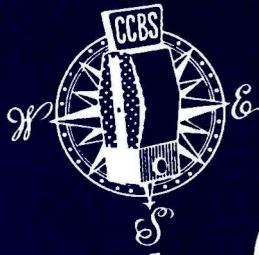
Best wishes for a fine holiday season.

Sincerely yours,

John H. DeWitt, Jr.

JHD:ab

Enclosure



CLEAR CHANNEL BROADCASTING SERVICE

Your Attention Please!

January 17, 1955

TO GENERAL MANAGERS AND CHIEF ENGINEERS:

FCC ANNUAL REPORT

The Federal Communications Commission recently issued its 20th Annual Report for the fiscal year ended June 30, 1954.

Of special interest to CCBS are the following paragraphs extracted from the Report:

"NORTH AMERICAN REGIONAL BROADCASTING AGREEMENT (NARBA)

"This treaty, intended to regulate the assignment of AM broadcasting stations in the North American region, was signed by all countries in that region, except Mexico and Haiti, on November 14, 1950. To become effective it requires ratification by three of its major signatories; namely, the United States, Canada, and Cuba. The latter country did so in December 1951. In this country the document was submitted to the Senate in February 1951, where it was referred to the Committee on Foreign Relations. A subcommittee held hearings in July 1953, but no further action has been taken.

"Since the expiration in 1949 of the Interim Agreement which, with some modification, extended the provisions of the first NARBA (1937), the Commission has pursued a policy, formalized in 1951, of refraining from making new assignments or modifying existing assignments which might endanger the new agreement. The other signatory governments have, in general, followed a similar procedure.

"Recently, however, there have been indications that certain of

these governments may be departing from this procedure in the face of the long delay in the effectuation of the agreement. If this trend continues, there is the prospect that present undesirable foreign interference to United States stations, which would have been substantially reduced with the implementation of the new treaty, will increase still further.

"Various exchanges of views have taken place between the United States and Mexico since the signing of the NARBA looking toward a settlement between the two countries on broadcast matters. This activity culminated in a series of meetings, held in Washington, March 29-April 2, 1954, for the purpose of negotiating an interim agreement between the two countries. While this end was not achieved at that time, a further conference was scheduled for October 28, 1954, at Mexico City.

"CLEAR CHANNELS

"In 1953 the Commission initiated steps looking toward a final decision in the pending rulemaking proceeding relating to 'daytime skywave' transmissions of AM broadcast stations (docket 8333). It had instituted this proceeding in 1947 to determine whether rules governing the allocation of AM stations should be modified to give more consideration to the ionospheric effect during daytime hours. The Commission later that year consolidated this proceeding with the clear-channel proceeding (docket 6741).

"Meanwhile, it was found necessary to defer action on applications for new and increased daytime and limited-time facilities on those clear channels on which the United States has priority for dominant class I stations. Upon further review of this problem, the Commission severed the daytime skywave proceeding from the clear-channel proceeding and on March 11, 1954, adopted a proposed report and order, and proposed further rulemaking in the daytime skywave proceeding.

"In that document the Commission proposed certain changes in its rules which would provide somewhat increased protection to class I stations against interference caused by the daytime skywave type of transmission. (On July 15, 1954, thereafter, oral argument was heard on the question whether these proposed rules should be adopted for the consideration of future applications for AM construction permits.) A period was also provided for interested parties to comment on the question whether existing stations should be required to comply with the proposed operating restrictions.

"Several other rulemaking matters affecting clear channels were instituted during the year.

"The Commission adopted rules which permit unlimited-time stations in United States territories to operate on frequencies upon which Mexico has priority of class I-A station use, provided that such stations protect the Mexican border. The frequencies involved are set forth in the 'Gentlemen's Agreement' with Mexico (1941-Executive Agreement Series 227) in which the United States agreed to limit its class II stations to daytime operations of 1-kilowatt power or less. Similarly, the Commission has proposed that the United States clear channels be made available to unlimited-time station operations in the territories, with similar requirements to protect Mexico.

"In another rulemaking proceeding, the Commission altered its rules by reclassifying the frequency 1540 kilocycles, thereby permitting a class I-B station to operate thereon at Waterloo, Iowa. This action was taken to safeguard the United States interests under the provisions of NARBA."

If you are interested in a copy of the Report, I should be glad to procure one for you.

Hollis

H.M.S.

- 3 -

(end)

January 5, 1962

Mr. Earl T. Leonard, Jr.
The Honorable Richard B. Russell's Office
United States Senate
Washington, D. C.

Dear Mr. Leonard:

Thank you so much for writing me in response to the letter of Mr. Leonard Reinsch to Senator Russell. I have decided to come to Washington for three days, January 22nd, 23rd and 24th and I hope that it will be possible to see the Senator on one of these dates. I assume that this would be a more convenient time in view of the fact that Congress convenes during the week of January 8th.

As you know, Mr. Reinsch manages WEB in Atlanta, among other of the Cox stations. WEB occupies one of the few (25) clear channels which are protected from interference under certain treaties in the North American region. For the past twenty-six years I have been chairman of the Engineering Committee of the clear channel group (CCCG) which is composed of most of the independently owned clear channel stations, as distinguished from network owned stations. During the last session of Congress there were identical bills placed before the Senate and House which would seek to stabilize the clear channels from further inroads in their service areas. One of the bills in the Senate was introduced by Senator Talmadge.

The reason that I wish to talk with Senator Russell is that there are certain defense aspects of the clear channel situation which we think he should know about. At the present time WEB and a number of other clear channel stations, some within and some outside of our group, are testing a system of emergency communications in conjunction with the FCC and the United States Air Force. Assignment of additional stations on these channels could reduce seriously their value for national defense purposes; this will be explained when I have the opportunity to see Senator Russell.

Mr. Earl T. Leonard, Jr.

-2-

January 5, 1962

We greatly appreciate your kind consideration in this matter and you can rest assured that I shall fit my schedule to whatever schedule would suit you and the Senator.

Sincerely yours,

John H. DeWitt, Jr.

JHD:ab

bcc: Mr. Edwin W. Craig
Mr. Ward Quaal

United States Senate
WASHINGTON, D.C.

January 2, 1962

Mr. Jack DeWitt
Radio WSM
Nashville, Tennessee

Dear Mr. DeWitt:

Senator Russell's schedule for this week is such that he is unable to make a definite appointment at this time.

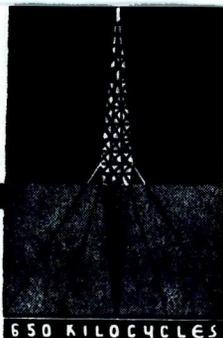
However, if you will call this office on Monday, January 8th, I feel sure we can arrange an appointment for you during the first part of the week if this is satisfactory to you.

With every good wish, I am

Sincerely,

A handwritten signature in cursive script, reading "Earl T. Leonard, Jr.", written in black ink.

RADIO STATION

**WSM**
INCORPORATED50000
WATTS

650 KILOCYCLES NASHVILLE 3, TENNESSEE

*** CLEAR CHANNEL ***

December 21, 1961

Mr. G. William Lang
WGN, Incorporated
2501 West Bradley Place
Chicago, Illinois

Dear George:

Thanks a lot for letting me have the enclosed booklets. These systems are most certainly designed to take advantage of many of the developments in the field of information theory. The phase lock system which we are using takes advantage of the same basic techniques and since at the present time we need only one channel, I believe we are in pretty good shape.

Very best wishes for a happy holiday season.

Sincerely,

John H. DeWitt, Jr.

JHD:ab

Enclosure

January 5, 1962

The Honorable Oren Harris
House of Representatives
Washington, D. C.

Dear Mr. Harris:

Thank you so much for receiving my telephone call of yesterday. I know that next week will be a very hectic one for you with all of the activity in connection with the convening of Congress. I have made plans to be in Washington on January 22, 23 and 24th and if it is convenient with you I would like very much to have the opportunity of seeing you for a short time during one of those days.

As I mentioned on the telephone, this is in connection with certain bills which were introduced in Congress last session seeking to stabilize the clear channel situation.

Warmest regards.

Sincerely yours,

John H. DeWitt, Jr.

JHD:ab

bcc: Mr. Edwin W. Craig
Mr. Ward Quaal

January 4, 1962

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NOTE TO: Messrs. Rollo, Egan, Quaal and DeWitt:

Here is the first rough draft of a letter that I propose to send to all CCBS station managers except, DeWitt, Quaal and Shouse. Will you please go over it with a red pencil marking up the copy so that I can have your suggestions soon.

Please list its shortcomings and omissions. Are the first two paragraphs too "flamboyant." This letter should go in the mail quickly.

Thanks and best wishes.

Sincerely yours,

Roy Battles

RB/bh
Encl.

Lack:
If you have suggested changes please telephone them to Bernice Hase. I'll get Quaal's suggestions in person 1/8/62 so these letters may be more immediately at Chicago.
[Signature]

CLEAR CHANNEL BROADCASTING SERVICE
SHOREHAM BUILDING
WASHINGTON 5, D. C.

January 4, 1962

FIRST ROUGH COPY PROPOSED PERSONAL LETTER
TO ALL CCBS STATION MANAGERS EXCEPT QUAAL, SHOUSE
AND DEWITT. SPECIAL LETTERS TO THESE TWO-THREE

Carbon copies of this letter going to Dewitt, SHOUSE
Quaal, Rollo and Eagan.

Re: Proposed Action Now to Win Congressional
Clear Channel Fight.

Dear _____:

As you know Congress has the Clear Channel ball. It was dumped there by the FCC.

We are on the spot. It is our move but we have accepted this challenge. Right
is on our side. ^{IN} ~~we are~~ dealing with a great natural resource.

Yet, the Commission thinks its off the hook. A showdown is in the making.
It is quietly waiting for the "Hill" to declare its Clear Channel intent. No
Congressional action can be interpreted by FCC as a go-ahead signal for universal
duplication. Adverse action spells a quick ^{end} to nighttime radio service to
remote rural regions.

FCC is also waiting for Congress to resolve the higher power issue.
This in general is the situation we face, and the Commission lobby and others
will be fighting us every step of the way. In short, _____,
you will agree its now or never. And that's the purpose of this letter. It is
going to all CCBS station managers.

Would it be possible for you to put the full ethical weight of your
organization into the Clear Channel fight for the next few months -- at least

C
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Y

to the greatest possible degree.

Actually, we face a great opportunity. We can help the Congress to do the right thing. We can bring vision, wisdom and statesmanship into this segment of radio policy. We can help our country fully measure up to what is called the "public interest, convenience and necessity," in the use of this ~~radio~~ resource.

Here are a few suggestions:

1. Would it be possible for you to send a top man to Washington soon to contact or recontact every single Congressman and Senator in your coverage area where such a contact can be made comfortably and without antagonism.

Four major objectives might be pursued in the case of each contact.

- (a) Explanation of the issue.
- (b) Asking each Legislator contacted to introduce a Bill freezing the present number of clear channels and authorizing the use of higher power.
- (c) Urging each Congressman and Senator to appear at the hearing and support the above.
- (d) Giving his general support to the ^{MEASURE} ~~subject~~ in the Halls of Congress.

If you can't spare such a man, the use of letters, telegrams and telephone calls to accomplish the same objectives would be helpful. Your CCBS office could serve as a coordinating point. Perhaps your man would be willing to help contact Congressional leaders outside of CCBS station coverage area.

2. Would it be possible for you to up-date your coverage area list where necessary of organizational and other leaders mobilizing these leaders where possible to:

- (a) Immediately contact their Congressmen and Senators in support of the Clear Channel Bills and requesting that similar Bills be introduced by each (see list of Bills and sample Bill in mimeographed brochure used at the November 29, 1961 Chicago CCBS managers' meeting).

These contacts should be made if possible in the next 4 weeks.

- (b) Be ready to send supporting letters and telegrams to the Chairman and other members of the Senate and House Commerce Committees that will be receiving testimony on our Bills as the time of the hearings.

The Governor.
Local political leaders.
Farm and other rural organizational leaders.
Farm Commodity and Marketing groups.
Rural Women's Clubs.
Over-the-road truckers, etc., are possible sources of such support. (We will need a flood of mail).

3. ~~Would it be possible for you or one of your top men to testify at the hearings? If so, you will want to write the Committee Chairman requesting time.~~ (More about this as more details about the hearings develop).

4. Do you have one or more local organizational or other leaders who would ~~be~~ make good witnesses and be willing to testify? Some thought should now be given to this so that adequate advanced briefing can be accomplished ^{so} and/that the party would be ready to take the witness stand in case it is eventually determined that his testimony would be helpful to us. Here again a letter asking for time should go to the Committee Chairman.

The point is, its next to impossible to win a controversial Congressional fight here in Washington without strong support from the grass roots.

Incidentally, do you have any tapes on file that might serve to show the interference problem in today's radio, ^{picture} ~~including~~ plus any tapes showing the mounting problem of man-made noise? We are thinking tentatively of trying to find such tapes to show the Committees at the time of the hearings the need for higher power. This would be one of our arguments. If you have such tapes, it would be helpful if you could tell us about them.

You should know that your COBS office is currently planning its formal testimony in cooperation with Messrs. Be-itt, ^{soon} ~~and~~ Egan. We need/any current information you have relating in general to:

- (a) Nighttime radio skywave listening to your station (including

December 28, 1961

Mr. G. William Lang
WGN, Incorporated
2501 West Bradley Place
Chicago, Illinois

Dear George:

Attached is the write-up which I have prepared covering the defense aspects of clear channels. I strongly urge that you add to this the fact that Conelrad depends on ~~clear~~ channel stations very strongly and that these stations are used to alert smaller stations over a wide area. Also I think you should mention ~~ROPHECON~~.

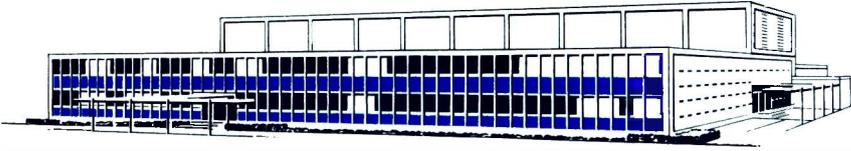
Best wishes.

Sincerely,

John H. DeWitt, Jr.

JHD:ab

Enclosure



Radio/720 Television/channel 9

wgn inc.

2501 West Bradley Place · Chicago 18, Illinois · LAkéview 8-2311

Ward L. Quaal Executive Vice President and General Manager

December 29, 1961
Dictated 12/28/61

Mr. John DeWitt, Jr.
President
WSM, Inc.
Nashville 3, Tennessee

Dear Jack:

George Lang has advised me of your trip to Atlanta.

As I have said so many times in the past, to you, personally, Jack, and about you to Mr. Craig, there are no words adequate to express the gratitude of all of us at WGN for what you are doing and what you have done in behalf of the Clear Channel group over the years.

Warmes wishes to you and Sykes and the youngsters for a New Year of continued good health and much happiness.

Sincerely,

Ward L. Quaal

WLQ:ek

December 26, 1961
Dictated 12/22/61

Mr. Roy Battles, Director
Clear Channel Broadcasting Service
Shoreham Building
Washington 5, D. C.

Dear Roy:

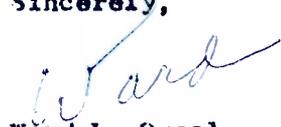
With reference to your letter of December 18 and, above all, the suggestion of the use of Henry Clay, I will contact him by telephone as a "feeler" between Christmas and New Year's.

I have known Henry for about fifteen years and he is a good friend. Unfortunately, he started at the "top" in broadcasting by marrying the daughter of the owner of a group of stations and he has never taken the time to really make a thorough analysis of anything in the business. He is a wonderful person, however, and a good friend, so I will do my best to get his help. I do not feel, however, that another contact of that nature is necessary with Mr. Harris in view of the good work already done by Jack DeWitt, Congressman Loser and that which can be accomplished by farm organizations. At any rate, I will talk with Henry.

As to Brooks Hays, I feel that he would be helpful primarily in regard to the military aspects of the subject at hand and also the fears of many of us that unless we put our own clear channels to proper use, irresponsible governments in the Latin American area are apt to do so. Actually, it is incredible to me that Mr. Castro has not done even more to harm U. S. radio transmission.

All the best to you, Roy, and many thanks for your dedicated efforts.

Sincerely,


Ward L. Quaal

WLQ/rmz

cc: John H. DeWitt, Jr.
R. Russell Eagan, Esq.

P. S. The matter of Congressman Harris was covered very well yesterday at a fine luncheon we held at the WGN Mid-America Broadcast Center in honor of Congressman Roman Pucinski, Democrat, 11th District, Chicago. He and Harris have reviewed this subject and let me assure you there is nothing that you can name that Mr. Pucinski will not do in our behalf.

LAW OFFICES OF

KIRKLAND, ELLIS, HODSON, CHAFFETZ & MASTERS

WORLD CENTER BUILDING - 16TH AND K STREETS, N. W.

WASHINGTON 6, D. C.

TELEPHONE STERLING 3-3200

CHICAGO OFFICE
PRUDENTIAL PLAZA
CHICAGO 1, ILLINOIS

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(1891-1951)
HAMMOND E. CHAFFETZ
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DONALD C. BEELAR
PERCY H. RUSSELL
KELLEY E. GRIFFITH
PERRY S. PATTERSON
R. RUSSELL EAGAN
CHARLES R. CUTLER
FREDERICK M. ROWE
ALOYSIUS B. M'CALLANE

December 27, 1961

JOSEPH DUROEUR
RAYMOND G. LARROCA
JOHN P. MANWELL

Mr. John H. DeWitt, Jr.
WSM, Incorporated
National Building
Nashville 3, Tennessee

Dear Jack:

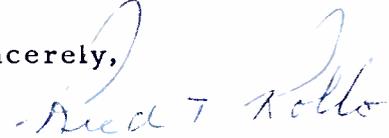
Enclosed are a few more maps showing night-time interference-free contours. The photostaters are still having difficulties in locating the proper maps; and I am wondering if we are forwarding them to you fast enough; and if not, whether we shouldn't call on some station engineer to come to Washington to pick out the appropriate maps from the Commission files.

According to my notes, I have sent you only 38 maps to date including the enclosed; and we still have approximately 77 maps to go.

Please let me have your views.

Best wishes for a happy new year.

Sincerely,



Reed T. Rollo

RTR:kg
Enclosures

December 28, 1961

Hon. Richard B. Russell
United States Senator
Winder, Georgia

Mr. Anderson ex assistant

My dear Senator

As you probably know, there has been considerable discussion about the status of clear channels. This discussion is of the utmost importance to WSB.

There is one area of clear channel service that we have not been able to publicize for obvious reasons. This is the vital area of defense.

The man best informed about this phase of our service is Jack DeWitt of WSM, Nashville.

I have taken the liberty of asking Jack to get in touch with you to arrange a meeting at your convenience. While I realize your schedule will be unusually strenuous in the next few weeks I would personally appreciate your arranging to see Jack at your convenience. He can meet you either in Winder or in Washington -- whichever best suits your schedule.

I want to take this occasion to extend to you best wishes for a most happy and fruitful new year.

Sincerely

amb

J. Leonard Reinsch

cc Hon. Richard B. Russell
United States Senate
Washington 25, D.C.

bcc ✓ Mr. John H. DeWitt Jr. - WSM
Nashville, Tenn.

Copy

December 28, 1961

Hon. Carl Vinson
Representative in Congress
Milledgeville, Georgia

My dear Congressman

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Sincerely

amb

J. Leonard Reinsch

cc Hon. Carl Vinson
House of Representatives
Washington 25, D.C.

bcc Mr. John H. DeWitt Jr. - WSM
Nashville, Tenn.

Copy

J. W. FULBRIGHT, ARK., CHAIRMAN

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JOHN J. WILLIAMS, DEL.

United States Senate

COMMITTEE ON FOREIGN RELATIONS

October 13, 1961

CARL MARCY, CHIEF OF STAFF
DARRELL ST. CLAIRE, CLERK

Mr. Jack DeWitt
President, WSM-TV
Nashville, Tennessee

Dear Mr. DeWitt:

Your note enclosing a reprint of Senator Capehart's speech has been received in the absence of Senator Gore who is presently abroad on a Senate assignment.

While I imagine Senator Capehart's remarks relative to S. 2290 had previously come to Senator Gore's attention, he will nevertheless appreciate your letting him know of your particular interest in the proposal to amend the Communications Act. As you may know, the Senate Interstate and Foreign Commerce Committee took no action on S. 2290 prior to adjournment, but it will, of course, be available for possible Committee consideration when the Congress reconvenes in January. In view of the interest you have expressed, Senator Gore, I am sure, will want to give full attention and study to this or any related measure whenever the Senate proceeds to consider it.

Sincerely yours,



Andrew J. Lynch
Legislative Assistant to
Senator Gore

AJL:jt



Clear Channel Broadcasting Service

Roy Battles
Director

Shoreham Building
Washington 5, D. C.

December 15, 1961

Mr. John H. DeWitt, Jr.
President & Station Manager
WSM, Inc.
301 - 7th Avenue North
Nashville 3, Tennessee

Dear Mr. DeWitt:

There is only one advantage in seeing Messrs. Russell and Vinson, Chairmen of the Senate and House Armed Services Committees, respectively, in their home state. That is that the pressures of other duties would be less pronounced than here in Washington.

On the other hand, I think the advantages of meeting these gentlemen in Washington, particularly if Leonard Reinsch could arrange the meeting and possibly participate therein, outweigh the disadvantages.

CCBS logic in approaching the top people on the Senate and House Armed Services Committees would be, it seems to me, to make sure that these people who carry heavy responsibilities in terms of our national security and defense should understand clearly the present and potential importance of clear channels in this area.

If, therefore, our case is sound, and if Messrs. Russell and Vinson agreed that duplication of clear channels would be against our national interest, possibly after checking with the Department of Defense, we would hope that these gentlemen would go to Mr. Minow, preferably through the White House, asking the Commission to withdraw its proposed duplication for defense and security reasons.

This logic has the added value that the defense aspects of the clear channel problem might provide an excellent basis for the Commission itself to decide against the proposed duplication.



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December 15, 1961

The advantages of meeting Messrs. Russell and Vinson in Washington very early in January include the following:

1. Through Mr. Reinsch or some other effective channel Mr. Russell might be persuaded to call together in his office, or possibly at breakfast, or at some other convenient period two or three of his Senate colleagues interested in defense. This might include Senator Byrd of Virginia who is the second ranking majority member of the Senate Armed Services Committee. It might include also key committee staff person and perhaps the administrative assistant for Mr. Russell and perhaps Mr. Byrd and others

It might also be worked out whereby Mr. Russell would be glad to call Chairman Vinson of the House Armed Services Committee and Representative Kilday who is the second ranking majority member of the House Armed Services Committee on the House side, along with their respective staff members.

Under some circumstances, Senator Russell might even be willing to call the ranking minority members of the Senate Armed Services Committee, namely, Senator Leverett Saltonstall of Massachusetts, and Senator Margaret Chase Smith of Maine, along with Congressmen Arends of Illinois and Gavin of Pennsylvania. These being the top two people of these two committees on the Republican side (on the other hand, we might have to meet with the Republican members of the Armed Services committees in a separate session explaining the entire operation to them, and informing them, of course, that we had visited the majority members of the committee leadership.

2. In Washington it might be possible for some high level person in the Department of Defense to meet the members of Congress on these two committees at the time you met with them. This would be an extremely helpful thing if such an individual could endorse your statements, particularly if he were a high ranking person. If he were just some lower echelon "Joe" who had nothing to say and had no authority, then no doubt having a Defense Department person with you would be worse than nothing.

Other advantages of coming to Washington for such a meeting would be:

1. We could meet and discuss strategy with respect to the proposed clear channel legislation with the authors and others of that legislation.

2. You might be able to kill two birds with one stone by making certain Defense Department calls while you were here.

December 15, 1961

3. There is, of course, other Congressional work to be done, including work at the White House and at the Commission.

4. We will have to be developing along about that time our testimony for the forthcoming hearings and you could lend great value to us in the way of advice and other contributions in getting ready for the hearings.

5. Mr. Quello of WJR is quite anxious that you have an opportunity to explain to Congressman Dingell who will be pushing for passage of our Bill rather vigorously and explain to the Congressman the defense aspects of the clear channel situation.

One interesting thing about some of the key members of the Senate and the House mentioned above may be summed up as follows:

1. Senator Russell is the fifth ranking majority of the Senate sub-committee on Independent Offices on Appropriations. He is also fifth ranking majority member of the Senate Democratic Policy Committee.

2. Senator Harry F. Byrd is rather influential in many matters on the Hill.

3. Senator Leverett Saltonstall is the top ranking minority member of the Republic Policy Committee and the second ranking minority member of the Senate sub-committee on Independent Offices on Appropriations.

4. Congressman Leslie C. Arends of Illinois, as you know, is the Minority Whip.

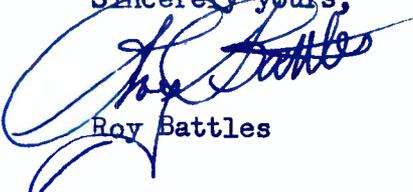
In short, an education for these gentlemen on the clear channel issue might be helpful in many ways.

Of course, we will have to be careful about using the Appropriations Committee route to gain our CCBS goal but on the other hand if the members of the sub-committee on Appropriations for Independent Offices should speak rather sternly to Mr. Minow at the time he is up asking for money, it might not do us any harm.

This has been a long letter, Jack, but I hope it will be helpful to us.

Best wishes.

Sincerely yours,



Roy Battles

RB/bh

cc: Mr. Quaal
Mr. Quello
Mr. Eagan