

BROADCASTING
AND THE
PUBLIC



Broadcasting and the Public

A Case Study
in Social Ethics

By the
Department of Research and
Education of the Federal
Council of the Churches of
Christ in America



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BROADCASTING AND THE PUBLIC

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FOREWORD

THIS report is the result of an extended inquiry undertaken pursuant to an action taken by the Executive Committee of the Federal Council of the Churches of Christ in America, which requested the Department of Research and Education to make the study. Its purpose has been to trace the development of the broadcasting industry with particular reference to the cultural, social, moral, and spiritual values that are concerned in this great new means of communication; to throw some light on the problem of achieving a wholesome balance of liberty and social control in broadcasting; and to offer some guidance to the constituency of the Federal Council in the discharge of the duties of citizenship in furthering the development of high standards in radio considered as a public service.

The gathering and organization of the data and the drafting of the report were done by Miss Inez M. Cavert, of the research staff, under the guidance of a special committee of the Department, which collaborated with members of the staff in evaluating and interpreting the data. An enormous amount of documentary material has been assembled and carefully examined. The Department gratefully acknowledges the willing assistance given through correspondence and interview and the furnishing of documents by many persons having special knowledge of the subject.

In accord with the custom of the Department,

the report has been presented in draft form to responsible representatives of the industry, who have offered many useful suggestions. Responsibility for its present form and content, however, is borne exclusively by the Department.

CHAPTER I

RADIO—ASSET AND SOCIAL PROBLEM

ONLY a few years ago broadcasting was a great scientific novelty; today it is the greatest means of mass entertainment and education the world has ever known. How is society utilizing this new instrument and what are the values to be conserved and the dangers to be avoided in its further development?

If for no other reason than that religious broadcasting has become an important means of extending their influence, the churches of America have a large stake in this new industry and a corresponding responsibility. But the churches have a valid concern with radio quite apart from its specifically religious use. Nothing that affects the social well-being can fail to be of concern to organized religion. In particular, the fact that broadcasting enters so largely into home life makes it incumbent upon the Christian Church to maintain an intelligent and active interest in its future development. The churches have no more right than other institutions to dictate the policies of the industry, but they have a definite obligation to make their influence felt and to co-operate with the industry in the progressive improvement of its standards.

It is true that broadcasting is but one form of communication among many. It is true that the determination of what shall be heard in any home

is a matter determined by the voluntary act of a person at the receiving end. Yet the very wide distribution of receiving sets, the continuous availability of the programs, the irresistible appeal of the radio to children and the consequent impossibility of exercising that discrimination and choice which are possible with reference to other forms of entertainment—all these considerations give a unique character to broadcasting and give rise to a unique social problem. While citizenship in a democracy implies the largest "possible measure of freedom to the individual," it also entails upon the community an obligation to put the highest possible values within the range of his choice.

In the United States the cost of radio programs is borne directly or indirectly by commercial advertising. Obviously, this is true also of the dissemination of news through the press and equally true of most of our magazine literature. Yet here again, the broadcast word is different from the printed word. There is much less possibility of discrimination on the part of the listener to a program than on the part of a reader of the press as to what commercial persuasions he will subject himself to. Also, the immature child as well as the sophisticated adult is made the object of intensive commercial cultivation. These facts do not nullify the claim of radio to be a great public service, but they place upon the industry a peculiar social responsibility.

The coming of this new vehicle of information and of artistic expression also creates problems in the field of education. How can the radio be most

effectively used as an educational asset? The claims of formal education for time and for special radio frequencies have to be evaluated against the mass demand for entertainment. The dissemination of news always offers the possibility of propaganda slants, designed or unintentional. Perhaps the most crucial question at this point is how to make broadcasting realize its great potentialities in political education without the abuses to which it is subject even under wise and conscientious administration. The stations bear heavy responsibility of which many of them are painfully aware and in the discharge of which they need intelligent community support.

The use of the radio by governments in various parts of the world for broadcasting propaganda to other countries has become an international problem. In future developments of this sort the cause of peace and international co-operation has much at stake.

These are some of the problems with which broadcasting confronts thoughtful citizens today. Information designed to be helpful in their co-operative solution is offered in the pages which follow. An understanding of the technical terms used will be facilitated by consulting the appended glossary. The problems dealt with are not too technical for the general reader. They are among the many issues with which our citizenry must deal intelligently if the values of democracy are to be conserved.

CHAPTER II

EARLY DEVELOPMENTS

THE development of broadcasting has been greatly influenced by the peculiar circumstances under which it evolved. Wireless telegraphy became important for ship-to-shore communication early in this century. But wireless telephony, of which the broadcasting of programs is a very important part, did not go much beyond the experimental stage until after the World War. One of the reasons was that the essential patents were owned by so many different companies that it was difficult for any one company to build radio equipment without infringing on the patents held by the others.

At first the chief importance of radio seemed to be as a means of transoceanic communication. The World War made the Navy Department painfully aware of the importance of radio communication in our system of national defense since Great Britain largely controlled the cables. It is not surprising that Secretary of the Navy Daniels had a bill introduced into Congress to give the Navy Department a complete monopoly over radio and to provide that it should be reserved for the use of ships at sea and for communication with Central and South America. But by this time the country was growing weary of the extreme centralization necessary during the war, and the proposal received short

shrift from the House Committee on the Merchant Marine and Fisheries.

ORGANIZATION OF THE RADIO CORPORATION

Shortly afterward the Navy Department discovered that the General Electric Company was about to sell to the British Marconi Company the exclusive rights to the Alexanderson transmitter, the best device then available for supplying the power necessary for transatlantic communication. To the Navy Department this meant that Great Britain would be able to control radio as she already controlled the cables. Therefore, a conference was called on April 6, 1919, between Admiral W. H. G. Bullard and Captain S. C. Hooper, representing the Navy Department, and officials of the General Electric Company. At this meeting Admiral Bullard described the danger to American interests if these machines should be sold to foreign companies and "unfolded a scheme of radio communication . . . in the United States, Central and South America." After the officials of the company had agreed not to sell the rights to the transmitter, Admiral Bullard suggested that "the machine could be sold to themselves by forming a really true American Radio Company and thus creating their own market."¹ This suggestion was accepted.

On October 17, 1919, the Radio Corporation of America was organized as a Delaware corporation.

¹ Bullard, W. H. G., "Some Facts Connected With the Past and Present Radio Situation in the United States." *United States Naval Institute Proceedings*, Vol. 49, pp. 1622-34, October, 1923.

Its fundamental laws provide that aliens shall not be eligible for election as officers or directors, that the company may "permit such participation in the administration of its affairs by the government of the United States as the board of directors deem advisable." The bylaws provide that not more than twenty per cent of the total shares may be voted by foreigners.² It is probable that these provisions are due directly to the part played by the Navy in its creation. Admiral Bullard served for some time as the government representative on the board of directors.

The Radio Corporation soon reached agreements with the General Electric Company, the Marconi Company of America, the American Telephone and Telegraph Company, the Western Electric (a subsidiary of the latter), Westinghouse Electric and Manufacturing Company, and the United Fruit Company. By these agreements the Radio Corporation secured control of most of the high power stations in the country and of important patents, with a system of cross-licensing of patents. The Radio Corporation agreed to buy all the broadcast receiving apparatus it might sell from the General Electric and Westinghouse companies in the ratio of 60 and 40 per cent.

Thus the Radio Corporation, the biggest single factor in all fields of radio, came into existence in the period of reaction against centralization of control when *laissez faire* seemed entirely desirable. At

² Federal Trade Commission, *Radio Industry*, p. 19.

a time when the country was becoming eager for "normalcy" it occurred to few persons to question the desirability of such extensive control of so important a means of communication by a single company. Probably few outside the Navy Department gave any thought to the matter at all. And the Navy Department was satisfied, for it had kept the control of radio communication out of the hands of foreigners. As yet few, if any, dreamed of the vast possibilities of broadcasting as a source of communication, entertainment, and instruction.

FEDERAL REGULATION BEFORE 1927

Experiments with broadcasting had been carried on even before the war and aroused interest among amateurs. But general public attention was first caught in 1920 when KDKA in Pittsburgh broadcast election returns. The idea spread like wildfire. Within two years 564 stations were licensed. But the only law applicable to any form of radio was that of 1912 to promote ship-to-shore communication. The Secretary of Commerce and Labor (Secretary of Commerce after 1913) administered the regulations set forth in the law, but was not empowered to make new ones. Hence any applicant for a license was granted one. Difficulties were soon apparent. In 1922 Secretary of Commerce Hoover called the first radio conference, which included representatives from all branches of the industry. It recommended government regulation exercised by the Secretary of Commerce. For a time the broadcasting stations voluntarily accepted some degree of

regulation of frequencies and hours of broadcasting by the Secretary of Commerce. But there was always the question whether he really had the power to make such regulations under the law. In 1923 a federal court ruled that he could select the frequency to be used by a station. But in 1926 another federal court held that he could not prescribe any regulations whatever. This left the matter in confusion.

Soon after this Secretary Hoover announced that he would make no more regulations concerning broadcasting. Within six months after this announcement the number of stations had increased from 528 to 671. Stations which were dissatisfied with their assignments took whatever frequencies or hours of operation they preferred, even ignoring the gentlemen's agreement which reserved certain frequencies for the exclusive use of Canadian stations. The result was chaos.

From 1922 to 1926 Congress had considered many proposals to regulate the radio industry. But agreement could not be reached until it was evident that without such regulation satisfactory broadcasting was impossible. Even then a permanent solution could not be reached. A joint resolution was adopted providing that broadcasting licenses should not be granted for more than 90 days, and that applicants must sign a waiver of right to any frequency or to the use of the ether in radio transmission. And this was adopted so late in the session that it could not be presented to the President for signature before the adjournment of Congress.

Therefore, it was not approved until December 28, 1926, after the convening of the next session.

Why did the delay occur? There seem to have been several factors. There was a fundamental disagreement between the House and the Senate over the question whether control should be left with the Secretary of Commerce with the aid of an advisory body or whether it should be given to an entirely new agency. There was great fear that the attempt of the Radio Corporation to secure a monopoly of the receiving set industry, as well as of transoceanic wireless communication, would lead to a monopoly of broadcasting, and that the provisions against monopoly would not be sufficiently carefully framed to prevent this. The industry, on the other hand, was anxious to prevent the enactment of too drastic provisions in this regard. Perhaps the most important reason was the fact that the situation did not become really acute until the summer of 1926.

Even then it seemed to Congress that the essential thing was a commission to straighten out the assignment of licenses, and that thereafter the Department of Commerce might carry on the necessary regulation with the aid of an advisory body to consider cases in dispute. The Radio Act of 1927 created the Federal Radio Commission as a temporary body for one year, after which the control of radio was again to be transferred to the Department of Commerce. The Radio Commission was then to become an advisory body.

CHAPTER III

FEDERAL REGULATION SINCE 1927

At last an agency had been created with definite responsibility for the regulation of broadcasting. It was soon evident that the Radio Commission's task could not be accomplished in a year. But it lived "from hand-to-mouth" with a yearly extension of the law until the end of 1929 when it was continued "until otherwise provided for by law." It is hardly surprising that an agency which had so checkered a career as the Radio Commission did not show great initiative in fulfilling its task, particularly when its members must necessarily be politically acceptable. In 1934 the Radio Commission was abolished by the Dill-Rayburn Communications Act which created a Federal Communications Commission of seven members to regulate all communication by telegraph, telephone, cable, or radio. In drafting the proposal for the establishment of the Communications Commission, attention was concentrated on the unification of government regulation of different forms of communication. For the most part, the provisions of the Radio Act dealing with broadcasting were incorporated into the new law. Little effort was made to utilize the experience in regard to broadcasting gained since the adoption of the Radio Act in 1927.¹

¹A summary of the provisions of the Communications Act referring to broadcasting will be found in Appendix B.

THE "PUBLIC INTEREST"

The Communications Act requires, as did the Radio Act, that the assignment of licenses for radio stations shall be in accord with "public convenience, interest, or necessity." But what is in the public interest? The term comes from the laws regulating public utilities, but the Communications Act specifically states that *broadcasting* is not a "common carrier." If it were, then the emphasis would presumably be on the rates charged for broadcasting and on allowing anyone to broadcast who was willing to pay the fee.

If we may judge from the Congressional hearings and the debates before the enactment of the Radio Act in 1927, the important thing then seemed to be the prevention of unnecessary interference, so that the programs could be as clearly heard as possible. Certainly, that is a prime requirement. It is also evident that Congress greatly feared that the Radio Commission might attempt to censor programs, and that station operators might permit only candidates of their own parties to broadcast or might censor the speeches of the candidates of the opposing party.

By what test, then, was the Radio Commission to determine which of two stations was best serving the public interest? With a limited number of frequencies available, it was obviously impossible to give everyone a license, and even more impossible to give each station all that it might desire in regard to frequency, power, and hours of operation. Some

method of deciding between applicants had to be determined. Priority alone was not sufficient; neither was the quota system, devised in order to equate differences in power and hours of operation, in the effort to equalize the distribution of facilities among the zones. The Commission soon took into account many other matters, such as the broadcasting apparatus maintained by the station, its care in fulfilling regulations, its financial standing, and, most important, the type and quality of program service rendered. The last item aroused criticism because the law says: "Nothing in this Act shall be understood or construed to give the Commission the power of censorship over . . . radio communications;" also that the Commission shall make no regulations which "interfere with the right of free speech by means of radio communication." In 1935 the Committee on Communications of the American Bar Association said in its report that "there is an inevitable conflict between the censorship provision of the law and the Commission's established policy of interpreting 'public convenience, necessity and interest' broadly enough to include consideration of program service."²

While it is sometimes urged that the term "public interest" as used in the law applies only to technical questions, probably relatively few people would seriously contend that the quality and type of program is not a matter of "public interest." But it must be recognized that the question raised is a

² American Bar Association, *Report of the Standing Committee on Communications*, 1935, p. 117.

serious one. If in a contest between two stations for the same facilities, the decision goes to that one which in the judgment of the Commission presents the better programs, there is always the possibility that the other station has been cut off the air merely because the Commission did not care for the type of programs presented.

No complete, formal statement in regard to the content of the "public interest" has ever been made, either by the Federal Radio Commission, or by its successor, the Federal Communications Commission. Indeed, there is even yet "virtually nothing in the court decisions giving body or content to the standard and surprisingly little in the Commission's decisions."³ The Radio Commission did, however, issue a rather elaborate statement defining its position in connection with its decision in the Great Lakes Broadcasting Company case in 1928. Since the Communications Commission still adheres, in general, to the principles laid down here, its findings in this case are worth noting. The Radio Commission concluded that "the government is interested mainly in seeing to it that the program service of broadcasting stations is good, i.e., in accordance with the standard of public interest, convenience or necessity." If public questions are discussed, there must be "ample play for the free and fair competition of opposing views." Furthermore, "the tastes, needs, and desires of all substantial groups among the listening public should be met,

³ Caldwell, Louis G., "Law: Regulation of Broadcasting by the Federal Government," *Variety Radio Directory*, 1937-38, p. 283.

in some fair proportion, by a well-rounded program, in which entertainment, . . . religion, education and instruction, important public events, discussions of public questions, weather, market reports, and news, and matters of interest to all members of the family find a place." Such a scheme leaves "no room for the operation of broadcasting stations exclusively by or in the private interests of individuals or groups so far as the nature of the programs is concerned. There is not room in the broadcast band for every school of thought, religious, political, social and economic, each to have its separate broadcasting station, its mouthpiece in the ether." In general, "particular doctrines, creeds, and beliefs must find their way into the market of ideas by the existing public-service stations, and if they are of sufficient importance to the listening public the microphone will undoubtedly be available." The Commission admits that by this reasoning advertising might also be ruled out as promoting the interests of a group. But since American broadcasting depends on advertising for its support, the Commission argues, "this advertising" must be limited "in amount and in character so as to preserve the largest possible amount of service for the public. . . . Advertising must be accepted for the present as the sole means of support for broadcasting, and regulation must be relied upon to prevent the abuse and overuse of the privilege."⁴

Louis G. Caldwell, formerly general counsel for

⁴ Federal Radio Commission, *Third Annual Report, 1929*, pp. 33-5.

the Radio Commission and one of the most prominent lawyers in the field of radio law, has defined the standard of public interest as "*a determination of the relative public importance of the several services.*"⁶ If one is to consider the phrase "public interest" in its ordinary meaning, entirely aside from the public utility concept, it seems clear that there are two main considerations: a distribution of facilities so that listeners may be able to hear the programs clearly without undue interference, and second that these programs may be of as good quality as possible. It is difficult to see how the Commission could have entirely disregarded the quality of programs presented—yet obviously the difficulties inherent in the situation are very serious.

The method of regulation by a commission, like the term "public interest," comes from the regulation of public utilities. But it is one thing to determine the rates which the railroads or the electric-light and gas companies may be allowed to charge, and a vastly different thing to decide who best qualifies to provide the American public broadcast entertainment and information. This is what the Commission does if it reaches its decision on the basis of the programs presented. In part this comes down to a matter of taste. To a considerable extent the same is true with reference to objectionable advertising. Two types of advertising are objectionable: that which is false or misleading, and that

⁶ "The Standard of Public Interest, Convenience or Necessity, as Used in the Radio Act of 1927." *Air Law Review*, Vol. 1, July, 1930, pp. 295-330.

which is vulgar or degrading. The first can be determined by objective standards; the second cannot.

The Commission has the power of "life and death" over all stations, subject to appeal to the courts, since licenses must under present regulations be renewed every six months. This means that a station may be compelled to stop broadcasting because the Commission disapproves a series of programs or certain advertising. This power is essential as a safeguard against broadcasters who may forget in their eagerness for profit they are required to operate in the "public interest." Yet the Commission has not developed standards to give more definite content to this legal term.

Clearly, the Commission must have some criteria by which to determine which of two claimants for facilities should be licensed. Since the repeal of the Davis Amendment⁶ the Communications Commission is required merely to see that the allocation is "equitable" as between the different states. But what is equitable? Certainly, the Davis Amendment failed in its purpose. The Commission never found it possible to secure a mathematical equality as between the different states and zones, and, even had that been possible, it would not have meant that all listeners in every state could hear the same number of stations with the same degree of clearness. It has been suggested that facilities should be

⁶ The Davis Amendment to the Radio Act required the Commission to "as nearly as possible make and maintain an equal allocation" of licenses, frequencies, hours of operation, and power as between the different zones and the states in each zone. It was repealed in 1936.

apportioned in accordance with the commercial markets available in the different sections of the country. But this would seem to mean allocation in the interest of the advertisers, which only in part represents the *public* interest. It would mean that the thinly populated sections of the country would be discriminated against in favor of the big cities. To a considerable extent this has always been true—and it was the reason for the original enactment of the Davis Amendment. The public interest would seem to require that these sections of the country—underprivileged in many ways—should have as adequate reception as possible. This principle is always recognized in utility regulation, and is quite as applicable to broadcasting. But how this end is to be achieved is still a moot question.

THE FEDERAL RADIO COMMISSION

The original Commission, appointed to undertake a particularly difficult and most important task, was sadly handicapped from the beginning. Congress failed to appropriate any money for its work, and confirmed only three of the five members before adjourning. One member died only a few months after his appointment. The Commission's life was from year to year until 1930, and its power was uncertain since no one could tell what position the courts would take. If a test case had been brought before the courts in the early days of its existence, a stay order might have stopped all its work almost as soon as it had been begun.

It is hardly surprising, then, that the Commission

did not proceed to reduce drastically the number of stations. The re-allocation of all stations, made in 1928 as a result of the enactment of the Davis Amendment, meant changes in frequency or in hours of operation for most of the stations in the country, but relatively few were removed from the air. Conditions were, however, improved by these changes.

The main general principles followed by the Commission were that "the public interest would best be served by the establishment of the best possible reception conditions throughout the entire country," that the "interests of the listening public were superior to those of the broadcasters and . . . in case of conflict the latter must yield to the former," and that "the standard of public interest, convenience, and necessity must be applied as a comparative rather than an absolute one."⁷

Some of the rulings of the Radio Commission--and of the Communications Commission, following the same general policy--have been sharply criticized as favoring great corporations. Applicants for construction permits or for licenses must prove their financial ability to operate a station. Undoubtedly, this gives the advantage to a strong corporation. On the other hand, it is the Commission's duty to see that stations do not cause needless interference with each other. If a station is not properly equipped or is carelessly operated, it may cause an enormous amount of unnecessary interference.

⁷ Herring, James M., and Gross, G. C., *Telecommunications*, pp. 270-2.

Since even low-powered stations are expensive to operate, the Commission must ascertain the applicant's ability to meet the costs.

At times the Commission has resorted to regulation by indirection. On August 14, 1933, Commissioner Lafount issued a statement declaring it to be "the patriotic, if not the . . . legal duty" of broadcasters "to deny their facilities to advertisers who are disposed to deny, ignore, or modify the codes established by the NRA. . . ." He reminded the stations that the Commission had "the right to take into consideration the kind of programs broadcast when licensees apply for renewals," and expressed the hope that they would not "unwittingly be placed in an embarrassing position because of the greed or lack of patriotism on the part of a few unscrupulous advertisers."⁸ In justice to the Commission it should be noted that H. A. Bellows, member of the original Radio Commission and later a vice-president of the Columbia Broadcasting System, who criticizes the Commission sharply for its use of such methods, says that "the pressure has never been applied for political purposes, but plenty of broadcasters have thought, and with some reason, that it might be so used."⁹

Neither the Radio Commission nor its successor, the Federal Communications Commission, have "legislated on the subject of the program service of broadcast stations," so that there are no regulations

⁸ Quoted in *Congressional Record*, June 5, 1934, pp. 10503-4.

⁹ Bellows, Henry Adams, "Is Radio Censored?" *Harpers*, November, 1935, p. 704.

(save for such matters as the keeping of program logs, the announcements to be made of call letters and in connection with the use of phonograph records and electrical transcriptions) in regard to programs or limits on the amount or character of advertising. It has, however, taken these questions into account "in the exercise of its *judicial* powers; that is, in granting or denying applications under the standard of public interest, convenience, or necessity."¹⁰ The United States Court of Appeals for the District of Columbia has upheld the Commission's position, but the question has not been considered by the Supreme Court. The Radio Commission defined "the constitutional guaranty of freedom of speech" as applying to "the expression of political and religious opinions, to discussions, fair comments, and criticisms on matters of general public interest, of candidates, of men holding public office, and of political, social, and economic issues."¹¹ With matters of this type the Commission has never dealt—although it has come very near it once or twice. It concluded that freedom of speech has nothing to do "with entertainment programs as such."¹²

Appeals from the decisions of the Radio Commission have raised many difficulties for the stations, especially for the smaller ones without strong financial backing. Since all available frequencies

¹⁰ Caldwell, Louis G., "Law: Regulation of Broadcasting by the Federal Government." *Variety Radio Directory, 1937-38*, p. 291.

¹¹ Federal Radio Commission, *Second Annual Report*, p. 160.

¹² Federal Radio Commission, *Ibid.*

were fully occupied, any change in frequency or increased hours of operation for a station meant that some other station must either go off the air entirely or suffer greater restrictions. The Radio Commission ruled that any station seeking a different frequency—in order to use more power, or to operate more hours per day, or to suffer less interference from other stations—must apply for a particular frequency. A hearing was held to determine whether this station or the one which would be displaced if the request were granted were best serving the public interest. Such hearings are very expensive since lawyers must be engaged to represent the station and a case must be built up carefully. A station might conceivably be called upon to defend its right to existence several times in a single year. Then, if it defended itself successfully, it might be called upon for a second defense before the Court of Appeals of the District of Columbia and even before the United States Supreme Court. If this meant serious difficulties for the small commercial stations, the situation of the college stations must have been far worse. At best, they operated on small budgets. To stretch these to include the expense of fighting a case through the courts would be difficult. This may in part explain the fact that certain of these stations voluntarily relinquished their licenses.

Some of the difficulties faced by the Radio Commission have already been noted. Sectional interests raised serious problems, for a commissioner tended to feel that as the representative of his zone,

he must champion its local interests. Labor groups were far from friendly to the Commission—witness the long struggle for a clear channel for WCFL, the Chicago Federation of Labor station. Many educators too opposed the Commission because they felt that it had been unfriendly to the institutional stations. Other interests were hostile because they would have preferred to have the regulation of radio left with the Department of Commerce. Even more serious was the question of political pressure exerted by members of Congress to secure special consideration for applicants from their districts.

The Radio Commission, like its successor, was subject to bitter criticism from its inception. Nevertheless, the Communications Act of 1934 made no fundamental change in the regulation of broadcasting.

THE COMMUNICATIONS COMMISSION

With the enactment of this law the Federal Radio Commission was abolished, and the Federal Communications Commission created to regulate radio in its different fields of application, and the telegraph and telephone services. The Commission has seven members, not more than four of whom may belong to the same party. The law provides that the Commission may separate into three divisions—broadcasting, telephone, and telegraphy (both wire and wireless). This division was adhered to for about three years, but was abolished in the summer of 1937. It is interesting to note that neither of the two members of the Communications Commis-

sion (the term of one of these expired in the summer of 1937) who have been most vocal in their comments on broadcasting were assigned to the broadcasting division.

In general, the Communications Commission has followed the same principles and procedure as the Radio Commission. And it has been subject to the same type of criticism and the same type of political pressure.

It will be remembered that at the time when the Communications Commission began its work, public concern over the false or highly-exaggerated claims of advertising was at its height. The Tugwell bill with its drastic proposals to regulate truth in advertising was then widely discussed and greatly feared both by broadcasting stations and advertisers. It will be recalled also that as a result of the depression even the major networks forgot for a time their earlier rules for limiting the length of commercial announcements, and the type of product which might be discussed over the air. Up to that time the Federal Trade Commission had ignored broadcast advertising so that the only limit was the good taste of the advertisers and the stations.

But the Communications Commission had no power to censor programs, much less to say "this or that shall not be advertised over the radio." It used its power to call stations for hearings on the renewal of their licenses where the stations were known to be broadcasting advertising about which there were many complaints. Most of the stations discontinued the especially objectionable advertising, and the

citations were withdrawn. H. A. Bellows, formerly vice-president of the Columbia Broadcasting System, comments: "The Commission may have been entirely right from the standpoint of public policy," but "it was deliberately . . . using its licensing power as a threat to obtain results which presumably could not have been secured, or at any rate so rapidly, by orderly legal procedure."¹⁸ Some improvement in broadcast advertising was soon evident. The Commission's influence, it must be remembered, goes far beyond its formal legal power. A mere inquiry by the Commission in regard to a program about which it has received complaints may be sufficient to cause the station to drop the program at once.

Criticism of the Commission has been sharp both from the broadcasting industry and from the general public. At times these have been directed against individual commissioners, more often against the body as a whole.

There have been many proposals for a Congressional investigation of broadcasting. During 1937 these became more insistent. On July 6, 1937, Senator White, author of the Radio Act of 1927, introduced a resolution (S. Res. 149) calling for a sweeping investigation by the Senate Committee on Interstate Commerce of the broadcasting industry and of the "acts, rules, regulations, and policies of the Federal Communications Commission with respect to broadcasting." It then seemed certain that this would be enacted. However, vacancies

¹⁸ "Is Radio Censored?" *Harper's Magazine*, Vol. 171, November, 1935, p. 703.

occurred in the Commission in the summer of 1937, which gave the President an opportunity to make new appointments and Congress delayed action on the proposal. On March 18, 1938, the Communications Commission voted an inquiry to "determine what special regulations applicable to radio stations engaged in chain or other broadcasting are required in the public interest." Among the special topics to be considered are: "contractual rights and obligations" of stations affiliated with networks; the degree of control which they exercise over programs and advertising; duplication of network programs by stations in the same area; program policies, contracts providing for "exclusive affiliation with a single network"; the proportion of facilities at the command of the networks; the nature of the service they render; the contractual rights and obligations of stations affiliated with networks; the effect of network operation on independent stations; competitive practices of such stations as compared with independent ones; practices tending toward monopoly, multiple ownership, and concentration of control through contracts to manage stations, network affiliation, and common ownership.¹⁴

In the late spring of 1938 members of the Senate and the House of Representatives again urged an investigation of the Commission and the industry. On June 10 the House Rules Committee approved a resolution calling for the appointment of a committee of seven to determine whether monopolies

¹⁴ *Broadcasting*, April 1, 1938.

exist in broadcasting. Before adjourning on June 16, 1938, Congress voted an investigation of monopoly in general. The proposal for a House investigation of broadcasting was defeated.

POLITICS AND THE COMMISSION

One of the most serious problems has been that of politics. It would probably be an exceptionally "hard-boiled" politician who would not agree in theory that the regulation of broadcasting should not be made a matter of partisan politics. Nevertheless, the creation of the Radio Commission afforded a new opportunity for securing jobs for the "deserving" politician, and radio stations were quick to use political influence in the hope of keeping their licenses or getting desired modifications. Many congressmen and senators seem to have felt—and apparently still feel—that they owe it to their constituents to bring all possible pressure on the Commission if the granting of a license is in doubt. Former Commissioner Ira N. Robinson testified some years ago that he considered it "almost as reprehensible for a member of Congress to write to the Federal Radio Commission to do or not to do a certain thing as it would be to . . . ask the court"¹⁵ to do or not to do it. But he added that Cabinet members, as well as senators and congressmen, made such requests. In one case where a Louisiana station was called for a hearing because of the complaints that indecent language was used, charges

¹⁵ U. S. Senate, Interstate Commerce Committee, 71st Congress, 1st and 2d sessions. *Commission on Communications*, p. 177.

were dropped after he had proved that he had a large audience and after both senators and several congressmen from the state had testified that such language was not used. There was, however, considerable other evidence that the language used was "pretty broad."¹⁶ Huey Long was then "boss" of Louisiana and the owner of this station had been one of his staunchest supporters.¹⁷ In a way, of course, this sort of thing indicates the extent to which the possession of a radio station has become one aspect of state sovereignty, so that the possible loss of an existing station seems an injury to the state—no matter what the quality of the programs. More important, however, is the fact that private interests are using political methods for their own ends.

Commissioner Robinson's statement was echoed by Chairman McNinch in a statement to the press in the fall of 1937: ". . . For anyone to make a request of or suggestion to a commissioner or staff member touching any pending quasi-judicial matter, or for anyone to respond to any such request which is not a part of the public record in the case, does violence to the true conception of how an independent Commission should exercise its quasi-judicial function."¹⁸

Another important point is the selection of personnel. Members of the Commission must be con-

¹⁶ *Ibid.*, p. 1608.

¹⁷ Carlson, Oliver, "Huey Long at Home." *New York Post*, May 3, 1935.

¹⁸ *Variety*, November 17, 1937, p. 51.

firmed by the Senate, which seems to mean that they must be acceptable to party leaders. While most of the employees are appointed in accordance with civil-service regulations, the highest ranking officials aside from the commissioners are not. This means that there is opportunity for patronage. In 1930 the general counsel of the Radio Commission was chosen apparently at the request of the White House at a hastily called special meeting of the Commission without consulting in advance either the chairman of the Commission or the head of the legal department, both of whom were lawyers. He had had little or no experience in radio law but had been of considerable service to the administration in the campaign a few months before.

Rumors of political influence have been even more rife in regard to the Communications Commission than they were about the Radio Commission.

The following comments from different sources show how the situation appears to close observers:

"Many broadcasters have long had a conviction that magic behind the scenes was equal in importance to the open and official presentation of facts, background, etc. . . . Sooner or later public opinion forces a halt in trading in oil fields, wave lengths, . . . and other natural resources."¹⁹

". . . The radio lobby in Washington was and is . . . ethically in the basement.

"The greedy, grubby, cynical business going on

¹⁹ *Variety*, July 28, 1937, p. 35.

in Washington for years has left its mark. . . ."²⁰

"There is no blinking the fact that the general impression prevails, with good reason, that it requires political influence to back up applications before the F. C. C., as it did with the old Radio Commission. Nor can anyone connected with radio deny that the greatest of all pressure groups has been Congress itself, with congressmen and senators constantly urging privileges for various constituent applicants before the F. C. C."²¹

The last quotation comes from a senator, author of the original Radio Act and a student of the problem for a number of years: ". . . The air is full of reports that cases have been decided not alone on the evidence presented and the merits of the issue, but that political pressure . . . has been determinative in many instances. There is . . . a public impression that applicants before the Commission . . . must seek political aid."²²

We have already seen that the development of broadcasting as a vitally important system of mass communication made federal regulation of the industry necessary. This has proved to be an extraordinarily difficult administrative task in a field for which there was little or no precedent in past experience. It is not surprising, then, that the difficulties inherent in administration by a commission have been accentuated in the work of the Radio Commission and the Communications Commission.

²⁰ *Ibid.*, September 29, 1937, p. 28.

²¹ *Broadcasting*, April 1, 1937, p. 37.

²² White, Wallace H., *Congressional Record*, March 17, 1937, p. 3002.

CHAPTER IV

THE CONTROL OF BROADCASTING IN OTHER COUNTRIES

FEDERAL control of broadcasting in the United States has been briefly described. In other countries broadcasting stations are conducted either by a monopoly of some kind or, as in the United States, by independent commercial companies under government regulation. There are, however, many variations of these two general systems. The monopoly may be vested in the government, as in Germany today; in a quasi-government corporation, as in Great Britain; in a private concession as in Italy; or in a company in which the government has a controlling interest, as in Poland. Many combinations of the two systems are also possible. France has about the same number of government and commercial stations. Canada has now the Canadian Broadcasting Corporation, modeled in general after the British Broadcasting Corporation, and a number of commercial stations as well. Australia has powerful government stations and low-powered commercial stations. New Zealand has recently introduced government commercial stations, avowedly operated to provide revenue for the government. In the Netherlands the transmitters are owned jointly by the state and the broadcasting organizations and broadcasting is carried on by several societies representing different groups, of which

the five most important ones are respectively Catholic, Protestant, Christian, labor, and nonsectarian. These organizations are supported by contributions from listeners. In South America most broadcasting is on a commercial basis.

In general, where there is a monopoly or a chain of government stations, the expenses of broadcasting are met, in large part at least, by a license on receiving sets. In the beginning the registration of receiving sets was to a considerable extent a means of keeping track of those owning sets. Governments greatly feared the effect of broadcasting on their nationals and wanted to know where the sets were located. Limited amounts of advertising at certain hours are permitted in a number of countries where the receipts from license fees or a government subsidy forms the main source of revenue.

European systems are, in general, monopolies of some sort, with the exception of France, Spain (before the Civil War), Holland and Yugoslavia; in the western hemisphere there are either independent stations, or a combination of government stations and independent ones. Absolute control of programs is considered essential in any state under dictatorship. Even the democracies in Europe permit, in general, far less outspoken discussion of controversial affairs than is common in the United States. But, curiously enough, commercial broadcasting is creeping in over some government stations where it was not permitted before. Russia now allows a limited amount of advertising of its own state products. There is no general advertising on

the French government stations, but the state railways and the products of the state tobacco monopoly are advertised. Even the British government was said late in 1937 to be seriously considering the advisability of commercial broadcasting for the colonies where the license fee on receiving sets would not be adequate to meet the costs of broadcasting.¹ License fees on receiving sets vary widely in amount. In some countries it depends on the power of the set used. In Great Britain it is ten shillings (about \$2.50) a year.

The problem of detecting unlicensed sets is frequently serious; in Australia unlicensed sets have been confiscated on a few occasions, and in Germany owners of such sets have even been sent to prison. One source of dissatisfaction to listeners where license fees provide the financial support for broadcasting is the tendency of governments to appropriate part of the fund thus provided for their own purposes. In Great Britain from 1926 to 1936 the share of the British Broadcasting Corporation (commonly referred to as the B. B. C.) decreased as the number of licenses increased.² Over a ten-year period the B. B. C. received just over 53 per cent of the license fees paid in. A little more than 10 per cent went to the Post Office for the costs of collection, and a little more than one third to the British Treasury.³ In 1937, however, in accordance with the recommendations of the Ullswater Broad-

¹ *New York Times*, November 14, 1937.

² O'Brien, Terence H., *Public Ownership and Control*, p. 116.

³ *B. B. C. Annual*, 1937, p. 56.

casting Committee⁴ in 1936, the B. B. C. received 75 per cent of the revenue from licenses after the cost of collection had been deducted, and the government received £1,050,000 in addition to the income tax paid by the B. B. C. The cost of the television service, Empire short-wave broadcasts and the foreign language news broadcasts are included in the regular budget of the B. B. C. For the fifteen months ending March 31, 1938, additional funds were allocated to cover the costs of television and the foreign-language broadcasts, at the request of the B. B. C. In Sweden *Radiotjänst*, as the broadcasting organization is called, received only 3: 10 kroner (approximately 80 cents) out of each license fee of 10 kroner (approximately \$2.60) for broadcasting. A maximum dividend of 4 per cent is paid to the owners of *Radiotjänst* which operates as a monopoly under government control.⁵

Monopoly broadcasting, whatever the type, seems to have resulted in most countries in restrictions on the programs. Usually only one or two programs at a given time are available to listeners in those countries unless they can receive foreign programs as well. (This may be due to the lack of a sufficient number of frequencies.) Whatever the system under which broadcasting is carried on, "agitation for alteration is universal."⁶ In most European coun-

⁴ Appointed by the Postmaster General in 1935 to "consider the constitution, control and finance of the broadcasting service in this country and advise generally" on the way it should be conducted. Viscount Ullswater was chairman.

⁵ *Broadcasting in Sweden*, p. 2.

⁶ Batson, Lawrence D., *Radio Markets of the World*, p. 6.

tries broadcasting is carried on for fewer hours daily than in the United States.

THE BRITISH BROADCASTING CORPORATION

The B. B. C. is the best-known European broadcasting organization and the most often referred to in this country. Therefore, it seems desirable to give a more extended account of it as an illustration of broadcasting by a corporation created by the government but without direct government control. There has been much discussion in the United States of the desirability of adopting a system comparable to the B. B. C. It is doubtful whether the question as to the merits of such a monopoly as compared with commercial broadcasting can be weighed in a really objective manner either in this country or in Great Britain. The prevailing British attitude seems to be that the B. B. C. must be defended as a British institution while there is a similar tendency in this country to consider commercial broadcasting as American and, therefore, desirable. The latter point of view has certainly been promulgated by the broadcasters. But the fact that a similar attitude is found in Great Britain makes it probable that the broadcasters are not altogether responsible for the feeling in this country.

The B. B. C. has one station of 150 kilowatts at Daventry, over which the "national" programs are broadcast, and 7 regional stations of from 50 to 100 kilowatts power, as well as additional stations relay-

ing their programs. The Daventry station can be heard nearly everywhere in Great Britain, so that most listeners have a choice between the "national" program and the "regional" program for their section of the country. The latter is intended to emphasize matters of local interest. Programs from other parts of the country are frequently rebroadcast by one or more of the regional stations. In Great Britain, as on the Continent, listeners with reasonably good receiving sets can also hear programs from the more powerful European stations, notably the very powerful commercial station in Luxembourg over which many British manufacturers advertise in order to reach their own public.

Systematic broadcasting in Great Britain began late in 1922 after the organization of the B. B. C. (then the British Broadcasting Company) under government auspices. The capital for the new organization came from the manufacturers of receiving sets. But, since funds for operating were necessary, a license fee on receiving sets was established. In 1926 the company was reorganized as the British Broadcasting Corporation, and the stockholders of the former company were paid the par value of their stocks by the government. Sir John C. W. Reith, managing director of the company, was director-general of the corporation until the fall of 1938. Its charter, which originally ran from 1927 to 1936, was renewed in the latter year for ten years. The B. B. C. is a public-service corporation, responsible to the Postmaster General, but practically autonomous. The Postmaster General has power to for-

bid the broadcasting of any item and the B. B. C. is obliged to broadcast any items requested by a department of the government. Parliament has no direct control over the B. B. C. It has much potential indirect power since estimates are voted by Parliament. In the Parliamentary debates on the granting of the new charter to the B. B. C. in 1936, Mr. Lees-Smith, M.P., said that the House of Commons has "very wide powers" over the B. B. C. "if it wishes to exercise them," and that "both the government and the House deliberately impose upon themselves a self-denying ordinance." But, he added, "the Corporation ought to regard it as its duty . . . to attune itself in its policy to the general attitude of the House, as we would expect a Minister to do."⁷ Other speakers emphasized this point of view.

The relation between the government and the B. B. C. has been described by *The Spectator* (London) as follows: "There is no doubt that the B.B.C.'s policy is affected by the wishes of the government; but at present the relation between them is obscure, intermittent, irresponsible. . . ."⁸

The Broadcasting Committee recommended in its report in 1936 that "the Minister responsible in respect of broad questions of policy and culture should be a selected Cabinet Minister in the House of Commons, free from heavy departmental respon-

⁷ *Official Report, Parliamentary Debates, House of Commons, Fifth Series, Vol. 314, 881 (July 6, 1936).*

⁸ "The Government and the B. B. C." *The Spectator*, July 3, 1936, p. 5.

sibilities and preferably a senior member of the government; that this Minister should have the right of veto over programs and the duty of defending the Broadcasting Estimates in Parliament; but that technical control should remain with the Postmaster General."⁹ This proposal was, however, rejected by the government, and the Postmaster General still has the veto power. The members of the Board of Governors are nominated by the Crown, on the recommendation of the Prime Minister. The B. B. C. now has the right to state that an announcement is made at the request of a government department, or that the government has forbidden the broadcasting of an item. A recent student of the problem finds that "Ministers and Departments have, on the whole, shown restraint in using their powers and confined their requests to matter which can fairly be described as information of national importance; and that the B. B. C. . . . has on no occasion been compelled to broadcast matter of which its officials did not approve."¹⁰ The same observer finds that for the most part complaints in regard to requests to refrain from broadcasting a given item "have been either too infrequent or too slight, to be made the subject of specific public charge and substantiation." He points out, however, that if the B. B. C. consults, on its own initiative, a Minister on an important question, the advice given "might merge from counsel into con-

⁹ *Report of the Broadcasting Committee, 1955*, pp. 43-4.

¹⁰ O'Brien, Terence H., *op. cit.*, p. 157.

trol."¹¹ The B. B. C. said in 1938: "No Postmaster General has ever yet imposed a veto on any particular item in the programs."¹²

The Board of Governors, seven in number since 1936, decide "after discussion with the Director-General, upon major matters of policy and finance, but leave the execution of that policy and the general administration of the service in all its branches to the executive officers."¹³ From time to time there have been complaints that the Board of Governors is "highly unreflective of the general outlook of the community,"¹⁴ because of the advanced age of its members and the tendency to choose them from "a strictly limited range of the universal callings and conditions of the public."¹⁵ Another factor in the situation is the fact that the Board has always had "a strong majority of persons of pronounced Conservative or Conservative-Liberal outlook."¹⁶ The appointment in 1937 of Captain Ian Fraser, a prominent Conservative member of the House of Commons, and J. J. Mallon, warden of Toynbee Hall, to the Board of Governors indicates that the government is endeavoring to appoint persons more widely known than has frequently been the case in the past. Mr. Mallon's political sympathies are with the Labor Party.

Making all due allowance for the hazards of gen-

¹¹ *Ibid.*, p. 159.

¹² *B. B. C. Handbook, 1938*, p. 57.

¹³ *Report of the Broadcasting Committee, 1935*, p. 9.

¹⁴ Robson, W. A., *Political Quarterly*, Vol. 6, October, 1935, p. 4.

¹⁵ O'Brien, Terence H., *op. cit.*, p. 122.

¹⁶ Robson, W. A., *Public Enterprise*, p. 87.

eralization, the general policy of the B. B. C. has been to "give the listeners what they ought to have." In the United States it has been to "give them what they want." The fundamental difficulty is, of course, to know either what they should have or what they want. Gradually, the B. B. C. has had to lighten its programs materially in response to a popular demand. Recently careful study has been made of listener preferences. How do the two methods work out in practice?

Any adequate comparison of the services actually rendered by the B. B. C. and that of the national networks is extremely difficult to make. Sir John Reith has said: "Whether broadcasting is conducted as a public service . . . or also as a means of attracting commercial good will as in the United States, . . . the results tend to become unexpectedly similar, and the material that is acceptable from the point of view of commercial good will differs only by fine shades from what is suitable from the point of view of the noncommercial broadcaster animated by a sense of his public mission."¹⁷

A comparison of the programs broadcast from the "national" station during 1933, and of those broadcast over the two N. B. C. networks and the Columbia System during the second week of November, 1934, indicates that the total proportion of music was almost the same. The two schemes of classification are too different to make an accurate comparison possible. "Serious" music occu-

¹⁷ *Encyclopedia Britannica*, 14th ed., Vol. 4, pp. 206-07.

pied 16.6 per cent of the time in Great Britain and classical and semiclassical 18.7 per cent in the United States. "Light" music and dance bands accounted for 35.6 per cent of the time in Great Britain and "popular" music 34.4 per cent of the time in America. At that time, however, "light" music in Great Britain was frequently "popular, sweet music,"¹⁸ while in the United States it was more often jazz and crooners. The proportion of time given to religious broadcasting was nearly three times as great in Great Britain as it was in the United States, and that given to talks of different types about twice as much. Religious broadcasting by the B. B. C. is limited to the larger church bodies. There is no such freedom of the air for religion as in the United States.

Americans are frequently annoyed by the gaps between programs, and the slowness with which things move in British broadcasting as compared with the prompt, rapid succession of American programs. There seems to be a general agreement that English programs are, in general, on a higher cultural level—though this is not as striking as it was formerly under the rule of "giving the listener what he ought to have." César Saerchinger, formerly European representative of the Columbia Broadcasting System, says:

"Artistically the B. B. C. has the best-balanced broadcasting schedule in the world. It devotes a greater share of its time to serious music of all kinds

¹⁸ Hergesheimer, Joseph, "Daffodils on the Air." *Saturday Evening Post*, August 25, 1934, p. 77.

than does American broadcasting, a perhaps equal amount to semi-classical and light music, and much less to dance music and jazz generally."¹⁹

What is the record of the B. B. C. in regard to the broadcasting of controversial issues? For some years its charter forbade the broadcasting of such programs. Early in 1928, however, the ban was lifted. (It must be remembered that American broadcasters too were fearful of controversy in the early years.) As late as 1931 India had not yet been discussed over the radio and "the ban against talks on Russia" had been raised "only quite recently."²⁰ Judging from the comments in the English press and from speeches in the Parliamentary debate on the renewal of the charter of the B. B. C. in 1936, the discussion of controversial issues has not developed in Great Britain as it has in the United States. Megan Lloyd George said in the course of the debate that the "B. B. C. at the moment is frankly scared of controversy. . . . It is not the fact that talks are controversial which is objectionable, but the fact that all sides of the controversy are not always allowed to come to the microphone."²¹ She insisted that more controversial talks were needed. In the Parliamentary debate on the B. B. C. in 1933 several Labor members complained that the Opposition had been given no opportunity to reply to the Sec-

¹⁹ Saerchinger, César, "Radio in Europe," *Atlantic Monthly*, April, 1938, p. 511.

²⁰ Woolf, Leonard, "The Future of British Broadcasting," *Political Quarterly*, Vol. 2, 1931, pp. 172-85.

²¹ *Official Report, Parliamentary Debates, House of Commons*, Fifth Series, Vol. 314, 941.

retary of State's broadcast on India or to the Prime Minister's broadcast on unemployment.²²

The B. B. C. has been bitterly criticized by conservative groups for giving an undue proportion of time to speakers of a liberal or radical trend and by the liberals for its conservatism. Within a few months in 1936 and 1937 there were caustic comments in the British press over the news reports on the civil war in Spain—one writer complaining that they were unduly favorable to the Insurgents, the other that only Loyalist news was broadcast.

The general arrangement for political speeches in Great Britain is that the party whips select the speakers and agree on the division of time. What this may mean in actual practice is indicated by the fact that in September, 1933, Sir Austen Chamberlain, David Lloyd-George, Winston Churchill, and Lord Snowden protested to the chairman of the B. B. C. against the "elimination and silencing" of political broadcasts by members of Parliament who were not selected by the party whips.²³

The Broadcasting Committee concluded that it was "inevitable" that the political party in power should have more prominence in broadcasting than the Opposition. "There are numbers of occasions on which Ministers of State are called upon to make important pronouncements. These necessarily have some political flavor and tend naturally to stress the beneficence of government activities. There is an equally inevitable tendency in the general pro-

²² London *Times*, February 23, 1933.

²³ *Manchester Guardian Weekly*, September 15, 1933.

grams of the Corporation to devote more time to the expression of new ideas and the advocacy of change, in social and other spheres, than to the defense of orthodoxy and stability, since the reiteration of what exists and is familiar is not so interesting as the exposition of what might be."²⁴

The record of the B. B. C. in the one serious industrial crisis in Great Britain since its organization—the general strike of 1926—is not clear. The B. B. C. was not formally commandeered by the government—as it might have been under the charter—and “it was owing to B. B. C. insistence that the bulletins of the Trade Union Council, as well as the communiqués of the government” were both broadcast.²⁵ Yet the position taken by the B. B. C. was so unsatisfactory to labor groups that C. R. Atlee, leader of the Opposition in the House of Commons, declares in his reservations to the report of the Broadcasting Committee that “the way in which the broadcasting system was used by the government of the day created in the minds of a very large section of the community grave suspicion which has prejudiced the Corporation ever since.”²⁶

The question of censorship is a much-discussed matter. It seems clear that a greater degree of censorship is taken for granted in England than in this country. In 1932 the London *Economist* complained editorially that “. . . B. B. C. censorship is a much more subtle and complicated thing than,

²⁴ *Report of the Broadcasting Committee, 1935*, p. 28.

²⁵ Matheson, Hilda, *Broadcasting*, p. 211.

²⁶ *Report of the Broadcasting Committee, 1935*, p. 49.

for example, the Lord Chamberlain's censorship of plays; it varies from case to case both in method and application, and it would not be at all easy to say in a sentence either who has the right to exercise censorship or how it is done."²⁷ No doubt, most of the censorship of the B. B. C. is, as the organization claims, in order to prevent advertising, and to help a novice improve his script. Miss Lloyd George also commented in her speech on the renewal of the charter that "Broadcasts are always supervised, and if there is anything about which the authorities feel a little doubt or which they think might be interpreted as being controversial they take it out."²⁸ In 1934 a series of talks on the "Causes of War" was broadcast by prominent speakers in different fields. The B. B. C. authorities objected to the manuscript submitted by J. B. S. Haldane on the ground that "it was not sufficiently dispassionate; whereupon the professor declined to speak at all. . . . The B. B. C. claims that Professor Haldane was engaged to speak as a biologist on the biological causes of war. A perusal of his talk . . . shows that he dealt with war purely from the economic and political angle."²⁹ H. G. Wells withdrew from the series as a protest.

Whatever the faults of the B. B. C., however, and however much it may be criticized, the debate in Parliament in 1936 on the renewal of the charter, as well as newspaper and magazine comment at that time, indicate substantial popular approval.

²⁷ Vol. 114, January 2, 1932, p. 11.

²⁸ *Official Report, Parliamentary Debates, House of Commons*, Fifth Series, Vol. 314, 940.

²⁹ *Christian World*, November 8, 1934, p. 10.

CHAPTER V

ORGANIZATION OF THE INDUSTRY

ORIGIN OF THE NETWORKS

AMERICAN broadcasting is, with only a few exceptions, carried on by companies which derive their revenue from the sale of time to advertisers.¹ A considerable proportion of these stations, particularly the more powerful, are affiliated with one or more of the national or regional networks in order to receive programs from sources outside their own communities.

Radio fans whose enthusiasm dates back to the early days of broadcasting will remember that even the largest stations broadcast only a few hours a day, and that each station had to provide all its own programs. For some stations, located in relatively small communities where talent was scarce, this proved to be a very serious problem. At first, to be sure, listening was such a novelty that few people cared whether the performer was a real artist in his field or little more than a bungler. But this could not last. The novelty gradually wore off, and it became evident that if the receiving-set industry was to flourish there must be programs which would interest the general public.

At first the advertising broadcast was simply that

¹ See Appendix A, pp. 202-3, for a brief account of the number of stations, equipment necessary, and cost of erecting a broadcasting station.

of the company operating the station. In August, 1922, WEAJ (New York) began to sell time for commercial advertising. But the advertisers wanted to reach a larger territory than even WEAJ could furnish at that time. And broadcasters in smaller communities were finding it both difficult and expensive to provide suitable programs. In 1924 WEAJ began to supply programs to a few stations in other cities. By 1926 it was evident that this relaying of programs from a single station in a great city to a group of other stations was a practical solution of the problem of securing programs in the smaller cities.

There are now about twenty-five small networks, usually serving the less powerful stations in a definite section of the country. The major networks permit the stations affiliated with them to broadcast programs from the smaller networks.

THE NATIONAL BROADCASTING COMPANY

On November 14, 1926, the Radio Corporation announced that in conjunction with the General Electric and Westinghouse companies it had organized the National Broadcasting Company. (N. B. C. is, of course, now wholly owned by the Radio Corporation of America.) The statement sent out by Owen D. Young, as chairman of the board of the Radio Corporation, said in part:

"The Radio Corporation of America is interested, just as the public is, in having the most adequate programs broadcast . . . [and] in having them comprehensive and free from discrimination.

"Any use of radio transmission which causes the public to feel that the quality of the program is not the highest, that the use of radio is not the broadest and best use in the public interest, that it is used for political advantage or selfish power, will be detrimental to the public interest in radio and therefore to the Radio Corporation of America. . . .

"The Radio Corporation of America . . . is seeking . . . to provide machinery which will insure a national distribution of national programs, and a wider distribution of the highest quality."²

The position of the Radio Corporation was amplified by Mr. Young in a speech at the first meeting of the Advisory Council of the National Broadcasting Company early in 1927. He said that it had become evident that if broadcasting was to become a "great public service," there would have to be "great chains of stations, tied together by telephone wires, . . . capable of picking up the best program material anywhere in America and rebroadcasting it everywhere." This was necessary "in order to render a public service, but it was also necessary if the market for radio receiving sets was to be extended and enlarged." The motive for organizing the company was "wholly selfish, if one calls the development of a business wholly selfish, it is nevertheless true that the objective sought is the greatest possible public service."³

² Quoted by Arnold, Frank A., *Broadcast Advertising: The Fourth Dimension*, pp. 14-15.

³ *Statements of Owen D. Young and Merlin H. Aylesworth, First Meeting, National Advisory Council, National Broadcasting Company, February 18, 1927*, pp. 7-8.

In June, 1938, there were 146 stations in the United States and 1 in Hawaii and 4 in Canada receiving N. B. C. programs. Both the N. B. C. and the Columbia Broadcasting System have tended toward complete control of some of the affiliated stations. At first N. B. C. controlled only three stations. N. B. C. owns and operates seven stations: WEAf, WJZ, WRC, WMAQ, WENR, WTAM, KPO; it leases WMAL; and manages the program service (but does not hold the license) for WGY, KOA, KGO, WBZ, WBZA, KDKA, and KYW. It owns but leases to other operators KEX, KJR, and KGA.⁴

The original theory of the Radio Corporation seems to have been that the National Broadcasting Company could hardly be expected to be a great money-making concern, but that the improvement of programs was necessary if the receiving-set industry was to flourish. In 1929, the N. B. C. more than covered its expenses for the first time. Today, the N. B. C. furnishes more than a third of the Radio Corporation's total income. For 1937, N. B. C.'s gross income was twelve per cent greater than in 1936, the net income \$3,700,000.⁵

The general policy of the National Broadcasting Company has been stated on many different occasions by M. H. Aylesworth, former president of the company. At the 1935 meeting of the Advisory Council he summarized it as follows:

"Our objectives have been to make available to the American people entertainment and educa-

⁴ *Broadcasting*, "Yearbook Number, 1938," p. 170.

⁵ *Broadcasting*, April 15, 1938, p. 22.

tional programs of the highest standard; to keep the people informed regarding their government, by providing an open forum for the presentation and free discussion of political and public questions and of government policies and administration; to cooperate with representative educational, religious, and cultural organizations; to effect better understandings of labor, agriculture, and industry in their relations with each other and with the public; to improve international understanding and friendship by arranging for an exchange of informative and entertainment programs.

"In the furtherance of these aims, N. B. C. has always maintained American standards of free speech on the air; of fair play for all people, regardless of race or creed, with decency and good taste." The company's facilities are available without cost to high public officials, and representatives of important organized groups "for the discussion of subjects of public interest, without endorsement or censorship for the views expressed, and with the understanding that in the discussion of controversial subjects, equal opportunity should be offered to both sides." He pointed out that the N. B. C. has refused to sell time for propaganda purposes "regardless of whether the purposes of the propaganda were good or bad" and has not permitted advertisers to discuss "pending legislation or government policies during their regular entertainment programs."⁶

⁶ *Advisory Council of the National Broadcasting Company, The President's Report and Résumé of Programs. Ninth Annual Meeting, May 27, 1935, pp. 8-11.*

The N. B. C. has a program policy committee, consisting of five officers of the company with the president as chairman. The advertising policy of the N. B. C. and the Columbia System will be discussed in the chapter on advertising.

THE COLUMBIA BROADCASTING SYSTEM

The Columbia Broadcasting System, N. B. C.'s most important rival, came into the field about a year later. While the N. B. C. is entirely owned by its parent company, the Columbia Broadcasting System now has its stock sold on the New York Stock Exchange. However, a controlling interest is held by William S. Paley, president of the company, and his family. Gross income was 24 per cent greater in 1937 than in 1936. The net income of the Columbia System during 1937 was \$4,297,566, which is equal to \$2.52 a share (par value \$2.50). Cash dividends of \$1.95 per share were paid during 1937.⁷ In June, 1938, 110 stations in the United States, 2 in Canada, and 2 in Hawaii were broadcasting its programs. Columbia formerly had more, though lower-powered, stations than N. B. C. Now, however, N. B. C. has the greater number, though this now includes many small stations which N. B. C. then considered too unimportant to include. Columbia's financial returns have increased even more rapidly than has N. B. C.'s in recent years. It is reported, however, that this amazing rate of gain will probably not be continued long, since the

⁷ *Broadcasting*, April 15, 1938, p. 24.

proportion of time sold is now so great that there is little opportunity for startling increases in income. Columbia owns and operates eight stations: WABC, WJSV, WBT, KMOX, KNX, WBBM, WKRC, and WCCO; it leases WEEI, and owns a 45 per cent interest in the company leasing WAPI, and has contracts, not yet ratified by the Communications Commission, to lease another and to buy a large interest in a second. During the last two or three years there has been keen competition for affiliated stations between Columbia and N. B. C. Prior to that time, there had been very few changes for several years. Broadly speaking, both Columbia and N. B. C. have discouraged, either by an unwritten understanding or by contract, their affiliated stations from taking programs from another national network. Both N. B. C. and Columbia include clauses in their contracts with affiliated stations permitting the latter to cancel network commercial programs for local or state programs of transcendent public interest.

THE MUTUAL BROADCASTING SYSTEM

The Mutual System, now also a national network, had seventy-five affiliated stations in the United States in January, 1938. It originated several years ago for the interchange of certain programs between WLW and three of the most important independent stations in the country, and has gradually expanded. It was originally owned by WLW, WGN, and WOR, but WLW recently sold its share to the other stations and now takes only a very few Mu-

tual programs. Mutual has likewise gained very rapidly since its inception as a national network, but is still far from being as powerful as the others. A larger proportion of its receipts from sales are passed on to its affiliates than is the case for Columbia and N. B. C.

RESULTS OF THE NETWORK SYSTEM

The network system has made it possible to broadcast a single program to virtually the entire country at one time. This is of real importance, especially for governmental purposes. But it has certain drawbacks. The possibility of an undue concentration of control of broadcasting is discussed in Chapter VI, pages 73-9. The programs are repeated in so many cities that it may be difficult for the listener to get anything else at a given time, particularly if the same type of program is being given over the two N. B. C. networks and over Columbia. Occasionally, for some very important speaker, as in the case of King Edward VIII's abdication address, or some very important government announcement, this may well be in "the public interest." However, there are many other times when the thoughtful listener may be doubtful. In the summer of 1937 both N. B. C. and Columbia broadcast a series of Shakespeare's plays at the same hour. Certainly, good broadcasts of great dramas are of great interest to many people, but it seems equally obvious that these would have been of more value at different hours. The people interested in great literature would then have had the

privilege of hearing both productions, and those who were not would have had a wider choice of program. The Radio Commission once issued a regulation forbidding the broadcasting of network programs by stations less than 300 miles apart. But this was opposed so vigorously that it never went into effect. The advertiser who is buying wide circulation does not want to omit an important city, even though the program can be heard there from an out-of-town station, for fear that listeners will tune in only on the local station and so miss his announcements. It has already been pointed out that the Communications Commission has begun an investigation of network broadcasting.

A study of the duplication of the programs broadcast by the two N. B. C. networks and Columbia in 1935, as they were heard in Syracuse, N. Y., revealed that "exact duplication" (for example, the broadcasting of three children's programs simultaneously) took place 10.7 per cent of the time. If to this were added the hours when two stations were broadcasting popular music and the third a variety program including popular music, and the hours when speakers were to be heard on all three, the figure becomes 22.9 per cent. It should be noted that this duplication was marked at certain hours particularly in the evening and from 8 to 10 A. M. Between 7:30 on Saturday evening and one o'clock Sunday morning there was no choice whatever.⁸

More recently, broadcasters have complained that

⁸ Hill, Frank E., *Listen and Learn*, p. 220.

"most network daytime programs" are so "loaded" with dramatic serials or "other all-talk programs," that "the daytime listener will have great difficulty in finding a worth-while musical program."⁹

On the other hand, it should be noted that the financial and technical resources of the great networks—and of the national advertisers sponsoring network programs—have made it possible to present leading musicians and actors to an extent which is impossible anywhere else in the world. Grand opera and first-rank symphony orchestras can now be heard during the season throughout the country. This is an impressive achievement of network broadcasting.

The cultural problem here presented is a fundamental one. How shall the resources of the industry concentrated in network systems be made available to the entire country, thus overcoming the physical isolation and retarded development of a vast number of communities, while at the same time the cultural elements indigenous to particular regions are adequately developed? Reference will be made to this problem in the Conclusions.

THE NATIONAL ASSOCIATION OF BROADCASTERS

The National Association of Broadcasters is the trade organization of the broadcasting industry, with offices in Washington, D. C. In January, 1938, there were 408 active members, including the key stations of the networks but not the networks, as

⁹ Quinn, Frank, "The Step-Children of Radio." *Broadcasting*, March 15, 1938, p. 40; see also *Variety*, May 25, 1938, p. 25.

such, and eight associate members (stations owned by nonprofit agencies without the right to vote).

In 1929 the Association adopted a code of ethics, which was revised in 1935. The new code, which is very similar to the earlier one, declares that stations should prevent the broadcasting of anything "which would commonly be regarded as offensive" in character, should ascertain the financial standing of clients in order that "no dishonest, fraudulent, or dangerous person" should be allowed to broadcast, that no matter barred from the mails or advertisement of products "injurious to health" should be broadcast, that a record should be kept of current rates, and that no "cost per inquiry" business should be accepted.¹⁰ The provisions dealing strictly with advertising forbid the broadcasting of "false, deceptive, or grossly exaggerated claims," defamation of competitors, and claims as to possible services which cannot be substantiated. The board of directors is authorized to investigate charges that the code has been violated.

The Association was reorganized at its meeting in February, 1938. The active membership is divided into 17 districts, according to the areas in which they have their main studios. Active members pay dues according to their net receipts for the sale of time during the previous calendar year. There is one director for each district and six additional directors-at-large. The executive officer (president) is paid and acts as the spokesman for

¹⁰ *Broadcasting*, Vol. 9, July 15, 1935, p. 12.

the industry. He has more power, subject to veto by the board, than has hitherto been given to the executive.

BROADCASTING AS A BUSINESS

For a few years during the depression, broadcasting stations as a whole lost money. The stronger stations made some profit even then, but the losses of the others more than offset them. In 1933 business began to improve and by 1936 it was reported that all but the "outer fringe" of the stations were making money. Some, indeed, were making substantial profits on their investments. WJR, one of the few stations in the country to sell stock, paid \$3 per share (par value \$5) in 1937,¹¹ a dividend of 60 per cent in a single year. In 1938 the Communications Commission made its first official analysis of station and network operations. It found that in 1937, the "peak year" for the industry, the 629 commercial stations of the country, as a whole, earned a net income of \$18,086,284 on a total revenue of \$114,222,906. About a third of gross revenues were paid for talent and programs. It is not expected that net income will be as high in 1938 as in 1937.¹²

The market for radio licenses (whether sale or lease) seems to ignore the short term for which the license runs. In the hearings before the House Appropriations Committee early in 1937 it was brought out that there have been 30 separate transactions

¹¹ *Variety*, December 15, 1937.

¹² *Broadcasting*, June 15, 1938, pp. 7-8.

of \$50,000 or more. Four stations in the Southwest were sold for a total price of \$446,000, although their replacement value was only \$127,800. A 500-watt station in the Middle West was sold three times. The final price was more than fifty per cent higher than that paid in the first sale. The Columbia Broadcasting System leased WEEI in 1936 for seven years for \$219,000 annually.¹³ Its replacement value was \$463,234.¹⁴ Perhaps the most striking instance is that of a one hundred-watt station in Indiana which was leased for 99 years for \$16,000 in stock. The significant thing is not, of course, the price, but the length of the lease. In such a transaction, the thing of value is obviously the license and not the physical property.

Every sale or lease of a station is subject to approval by the Commission. In 1936 the Federal Communications Commission approved the sale of KNX (Los Angeles) to the Columbia System for \$1,250,000, although the actual value of the property and the equipment was much less, on the basis of the "earning power of such an investment," and of the desirability of making Columbia programs available in that area.¹⁵ Even the broadcasting industry was startled at so frank a recognition of the money value of "good will." A few months later, however, the Commission had changed its mind and

¹³ U. S. House of Representatives, Committee on Appropriations. 75th Congress, 1st Session. *Independent Offices Appropriation Bill for 1938; hearings before the subcommittee of the Committee on Appropriations*. Chart opposite page 377.

¹⁴ *Broadcasting*, February 15, 1937, p. 79.

¹⁵ *Broadcasting*, September 1, 1936, p. 12.

refused to approve Columbia's purchase of WOAI (San Antonio) on the ground that the sale price of \$825,000 included the sale of the franchise itself, which was illegal, and that the sale price could cover only the "actual worth" of the physical properties with no consideration of potential earnings.¹⁶ This is reported to be the first transaction of the sort which the Commission refused to approve. Many of those referred to above would not have taken place under the later ruling. Whether or not the Commission has any power to determine the basis at which such properties shall be valued has not been determined by the courts.

¹⁶ *Variety*, January 6, 1937, p. 140.

CHAPTER VI

THE QUESTION OF MONOPOLY

THE fear of a monopoly of broadcasting has caused much public concern almost from the beginning. At first the great question was over the possibility of a monopoly of the receiving-set business. The sudden large demand for receiving sets which developed in the early 1920's was a great boon to the Radio Corporation. Before that its chief business had been point-to-point communication from ship-to-shore or with foreign countries. By 1924 the situation had changed so radically that in that year 92.5 per cent of the Corporation's business came from the sale of radio apparatus, chiefly receiving sets. In 1922 it had sold about twenty per cent of the radio apparatus (patented and unpatented) bought by the public. The rest was shared by hundreds of other manufacturers. But the Radio Corporation claimed that receiving sets could not be made without infringing its patents. Even after certain very important patents had expired it maintained that the circuit as a whole still required the use of its patents.

The methods used by the Corporation in its attempt to control the industry attracted attention, since the public was suddenly interested in everything pertaining to broadcasting. The fear arose that the Radio Corporation might also seek to con-

trol broadcasting, as it already controlled trans-oceanic wireless communication and was trying to control the receiving-set trade. Transmitting sets were then sold by Western Electric (a subsidiary of the American Telephone and Telegraph Company) under agreements with the Radio Corporation. The fact that broadcasters who constructed their own sets were required to take out a license from Western Electric on the ground that such a set could not be built without infringing their patents, and that the American Telephone and Telegraph Company then owned WEAf, already a prominent station, gave color to this fear.

It is not strange, then, that the problem of monopoly control aroused much attention in Congress as soon as proposals for the regulation of broadcasting were introduced. In 1923 the House of Representatives asked the Federal Trade Commission to provide it facts and data to aid in "determining whether . . . the antitrust statutes of the United States have been or now are being violated."¹

In 1924 the Federal Trade Commission began a series of hearings on alleged monopoly practices of the Radio Corporation and its associated companies. But after these had been carried on for nearly five years the case was finally dismissed.

John Lord O'Brian, assistant to the U. S. Attorney General in charge of the antitrust division, explained in a letter to Senator James Couzens, dated

¹ House Resolution, 548, 67th Congress, 4th session. The report is: Federal Trade Commission, *Radio Industry*, Washington, D. C., Government Printing Office, 1924.

February 3, 1930, that this order was issued "substantially on the ground that the Commission was without jurisdiction to investigate violations of the Sherman Antitrust Act." This was in reply to a request by Senator Couzens that the Senate Committee on Interstate Commerce "be informed of the present status of the investigation in this department of the complaints against the Radio Corporation of America and affiliated companies."² Mr. O'Brien commented further that the government had created a monopoly by issuing patents to the Radio Corporation. At the same time it was also subject to the antitrust laws which had been enacted to prevent monopoly.

If the Radio Corporation struggled to maintain a monopoly, the independent manufacturers fought for their existence—though with far less financial power. The independent tube manufacturers were particularly troubled by a clause in the contract which the Radio Corporation made with the companies licensed to use its patents. This clause stipulated that all receiving sets made under R. C. A. licenses must be equipped with R. C. A. tubes. For a time the demand for receiving sets was so great that the Radio Corporation could not supply a sufficient number of the best types of tubes. This would have given the independent manufacturers a real opportunity, except for the clause which prevented the companies working under the R. C. A. license from using them.

² *Communications Commission, op. cit.*, pp. 2287-8.

TRADE PRACTICES OF THE R. C. A.

But the fear of the Radio Corporation as a monopoly was not due merely to its efforts to control the receiving-set industry and its virtual monopoly for some years of commercial wireless telegraphy. Rather, it was due to the methods used to maintain this control. The question of trade practices relates, of course, to the receiving-set industry and to wireless communication, not to broadcasting, with which we are here concerned. But it has been such a potent factor in stirring up fear of the Radio Corporation and, indirectly, of the National Broadcasting Company, that it cannot be entirely ignored. It may be summarized by saying that these trade practices have been similar to those used by other companies who were bent on securing or maintaining a monopoly—certainly, they were not the peculiar invention of the Radio Corporation. Two or three illustrations may be given. The DeForest Radio Company secured an injunction in 1926 against the Radio Corporation, restraining it from putting spies in the former's plant. The New Jersey Court of Errors and Appeals said in part:

"The radio company admits imposing its spies as employees on the complainant . . . to obtain information to prove and establish judicially that the complainant was infringing some of its patents. . . . I am impressed that it sought a line on all the complainant's activities and, certainly, its orders to the spies were not short of that. Their espionage was general . . . the case, as it stands, convicts the de-

fendant, by its own confession, of unlawful conduct by mean and reprehensible methods."³

The Radio Corporation insisted that receiving sets could not be made without infringing its patents and that no other patents were necessary. A prominent licensee told a Senate Committee that although his company believed that its circuit did not infringe the R. C. A. patents, it took out a license because "the radio combine had so terrorized the industry and had so intimidated the dealers and jobbers everywhere that they were afraid to handle . . . 'unlicensed' sets. Our bankers said they would not finance us unless we took out a license. They said they would not finance a patent fight against such a monopoly, and there was nothing left for us to do but sign the license agreement. . . . The merits of the patents had nothing to do with the case."⁴

In general, the Radio Corporation has refused to sell transmitters to be used for wireless telegraphy, "intended for the purpose of setting up a competing radio communications service under our own patents."⁵ Such transmitters are usually leased.

LEGAL ACTION AGAINST R. C. A.

In 1928 the independent manufacturers succeeded in getting an injunction, made permanent a year later, against the Radio Corporation, which forbade them to enforce the tube clause in the con-

³ DeForest Radio Company *v.* Radio Corporation of America 99 N. J. Equity Reports, 456.

⁴ B. J. Grigsby, *Communications Commission, op. cit.*, p. 1770.

⁵ David Sarnoff, *Ibid.*, p. 1300.

tract. The court declared that the effect of this clause was to " 'substantially lessen competition . . . in' the commerce in such *radio vacuum tubes for radio broadcast receivers*,"⁶ and violated the Clayton Act. The question was then raised whether or not the Radio Corporation had been "finally adjudged guilty of unlawfully monopolizing . . . radio communication directly or indirectly" within the meaning of the Radio Act. A prominent broadcasting station soon applied for a frequency used by one of the National Broadcasting Company stations. A hearing was held on the renewal of all the licenses held by subsidiaries of the Radio Corporation, at which all the members of the Radio Commission were present—in contrast to the usual system of having an examiner hold a hearing and report his findings to the Commission. The Commission decided, by a vote of three to two, that the court had not found "a monopoly in radio communication" since there was no reference in any of the court decisions in the case to radio communication, or any finding that "the contract . . . created . . . a monopoly in radio communication" within the meaning of the law, and no claim that the monopoly of tubes was "of such magnitude as to stifle communication or even to affect it."⁷ An appeal was filed with the Court of Appeals, but the case was withdrawn before it came to trial.

⁶ 35 F. (2d) 962.

⁷ Transcript of Record. Court of Appeals of the District of Columbia, April Term, 1931, No. 5448, Special Calendar, *Journal Company vs. Federal Radio Commission*, pp. 184-6.

It may be pointed out that the Standing Committee on Radio Law of the American Bar Association had previously said that if the Radio Corporation of America should be "finally adjudged guilty" of monopoly under the Radio Act, "then almost the entire wireless foreign communication system of the United States" would be "rendered inoperative overnight."⁸

The next legal step was the government's suit against the Corporation, which resulted in the consent decree of November 21, 1932. The General Electric and Westinghouse companies were ordered to divest themselves of their holdings in R. C. A. stock. The three companies were forbidden to have interlocking directorates, to treat as exclusive the licenses for the use of patents between the different companies, or to make new agreements limiting the freedom of any of the defendants to grant licenses for the use of patents in the radio field.

THE PRESENT STATUS OF THE RADIO CORPORATION

Even before the consent decree was filed there had been many changes in the Radio Corporation. In the earlier years its main functions had been selling radio apparatus and licensing other companies to use its patents. Since the reorganization of 1930 and the changes brought about as a result of the consent decree it has become a holding company engaged in co-ordinating its varied interests in all

⁸ American Bar Association, *Report of the Standing Committee on Radio Law to the meeting at Memphis, Tenn., October 23-25, 1929*, p. 79.

fields of radio development, in supervising its subsidiaries and protecting their legal rights, in administering patent licenses, in carrying on research, and in collecting royalties. It is said that its financial position has been greatly improved by the arrangements made under the consent decree, since its current indebtedness to the electric companies was liquidated.

The Radio Corporation now owns completely six subsidiaries of which R. C. A. Manufacturing Company, Inc., in the manufacturing fields; R.C.A. Communications, Inc., and Radiomarine Corporation in the wireless telegraph field; and the National Broadcasting Company are the most important. It had formerly large interests in the Radio-Keith-Orpheum Corporation, and in Electrical and Musical Industries, Ltd., which manufactures and sells radios, phonographs and records in Great Britain and other countries. All the stock of the latter has been sold as well as half that of R. K. O. and an option has been given on the remainder. R. C. A. now licenses about fifty manufacturers of receiving sets and thirteen manufacturers of tubes. In 1937, about 36 per cent of R. C. A.'s gross income and 40 per cent of net income came from the N.B.C.⁹

The Radio Corporation of America has done pioneer work in many fields: the creation of a worldwide system of communications providing direct circuits between the United States and forty-three

⁹ *Broadcasting*, April 15, 1938, p. 22.

foreign countries, and with ships at sea, the creation of the National Broadcasting Company, the creation of essential instruments for radio transmission and reception of sound, of the reproduction of facsimile, of code messages, and for recording and reproducing sound or motion-picture films and records, as well as radio devices indispensable in many fields of endeavor.

A MONOPOLY OF BROADCASTING?

Within recent years the concern over a possible monopoly in the receiving-set industry has died down. But the fear of a monopoly¹⁰ of broadcasting is perhaps quite as great as it ever was. The emphasis, however, has shifted. Indeed, today, it is feared that three quite different types of power over broadcasting may result in an undue concentration of control. The first, and most often mentioned, is the power of the great networks. Early in 1938, the two major systems—National Broadcasting Company and the Columbia Broadcasting System—were affiliated with 248 of the stations of the country—721 operating or under construction on January 1, 1938. This is, of course, not a very large proportion of the total number. But nearly all the stations of 5,000 watts or more, to say nothing of many smaller ones, are affiliated with one of the three national systems. (N. B. C. has, of course, two

¹⁰ As evidenced in the decision of the Federal Communications Commission in 1938 to investigate the question of monopoly in broadcasting and the renewed efforts in both the Senate and the House to secure a Congressional investigation in the closing weeks of the session in 1938.

networks, the Red and the Blue.) To be sure, affiliation affects only those hours when the station broadcasts network programs, and leaves the station completely free for other periods. Nevertheless, it does mean that during a considerable part of the day many of the powerful stations of the country are broadcasting either an N. B. C. or a Columbia program.

It is very difficult to secure precise data on the wattage controlled by the networks at any given time. Owing to the frequent shifts of stations from one network to the other and the many construction permits for increased power granted by the Communications Commission, it is almost impossible to have all the necessary figures at any one time. It has been estimated that N. B. C., Columbia, and Mutual control 2,447,600 watts, and independent stations only 186,000.¹¹ This figure is not quite as overwhelming as it seems, however, for WLW, the one 500,000-watt station in the country, accounts for more than a fifth of network wattage. The Mutual Broadcasting System is owned by the companies owning WGN and WOR. WLW, originally a third partner, recently sold its share to the other two stations. Obviously, WLW, which still takes a few Mutual programs, is not controlled by the Mutual System. And were it controlled by N. B. C., it is obvious that it would never have gone into the Mutual System, let alone continuing to take its programs. Furthermore, 15 of the 75 Mutual stations

¹¹ Hill, Frank Ernest, *Listen and Learn*, p. 59.

(January, 1938) are also affiliated with N. B. C., and 4 are affiliated with Columbia (January, 1938).¹²

The very fact that a station is affiliated with a network has some influence upon its policy. How strong this is, or to what extent it is deliberately exercised, it is impossible to state. Affiliated stations are under contract to take commercial network programs for a certain number of hours on which the network has an option, if they are requested to do so, and the networks agree to furnish a minimum number of hours of program service. Stations are not under obligation to take sustaining programs. This gives the station more freedom in planning its own programs. But it also means that the networks cannot guarantee that educational broadcasts, for instance, will be broadcast over as wide an area as commercial programs. This is one of the difficulties that have greatly troubled educators in planning national programs. But if the networks do get this power over their affiliated stations, it means a much greater degree of control over broadcasting as a whole, and increases the danger of a concentration of control. In so far as monopoly in the strict sense of the term is concerned, the question is perhaps more one of what this concentration of stations in the great networks may mean in the future than of actual control at present.

It has already been pointed out that the networks own or manage certain stations. N. B. C. owns and operates seven stations, leases one, manages the pro-

¹² *Broadcasting*, "Year Book Number, 1938," pp. 165, 176.

gram service of seven for other companies, and owns but does not operate three others. Columbia owns eight and leases one.

There is still another way in which the power of the networks might become monopolistic. If "clear-channel" stations are allowed to increase their power to five hundred kilowatts, some observers fear the major networks will secure "a virtual monopoly on radio broadcasting in the United States," because they already own or control so many "clear-channel" stations which would be the ones permitted to effect a great increase in power. While some of the independently owned "clear-channel" stations might be able to continue broadcasting, there is a danger that "even their position in the industry . . . would be greatly weakened" because the "economic power of the N. B. C. and the C. B. S. would be greatly increased over the strongest units in the industry" with the "geographical distribution given them" by their own stations and the control they already exercise over national programs.¹³

Other observers take a less serious view of the situation. Granting superpower to a few strategically located stations would improve the reception available to rural listeners in certain parts of the country, but "the smaller communities might . . . lose their media for local self-expression by radio by reason of the economic effect of high power." There

¹³ *Report of James W. Baldwin, Managing Director of the National Association of Broadcasters, for the period ending February 14, 1938, pp. 10-11.*

is also the "possibility . . . of having granted to a few people, from natural resources of the federal government, the control of a system of mass communication having untold possibilities of being utilized to influence public opinion." Therefore the Engineering Department of the Communications Commission, in its *Report on Social and Economic Data*, recommends "considerable caution . . . in granting such powerful media."¹⁴

In the summer of 1938 the Federal Communications Commission held a series of hearings on the question of permitting greatly increased power over the clear-channel stations. On June 3, 1938, the United States Senate adopted a resolution by a unanimous vote declaring that it was the "sense of the Senate" that the use of more than fifty kilowatts of power should not be permitted in the broadcast band. It was made clear, however, that this would not affect "existing facilities." The renewal of WLW's license to use five hundred kilowatts was under consideration by the Commission as a part of the hearings on superpower.

Another aspect of the whole problem is the power over the stations exercised by advertisers. When a sponsor buys time for a commercial program, he or his advertising agency, and not the network or station, determines what type of program will be broadcast. A well-managed, reasonably prosperous station or network will refuse to take certain types of advertising and will not permit the broadcasting.

¹⁴ Engineering Department of the Federal Communications Commission. *Report on Social and Economic Data*, pp. 122-5.

of statements in advertising or the use of program material which seem to them objectionable.

But, in so far as commercial programs are concerned, the decision as to the character of the program, within those limits, rests with the sponsor and not with the networks or stations. The public may, of course, bring pressure to bear either by refusing to buy the product or by complaints. This direct control of many hours of radio entertainment today raises serious questions.

The third aspect of the problem is the ownership of broadcasting stations by newspapers, or companies owning newspapers. In addition to being a great source of entertainment, broadcasting is a very powerful rival of the newspaper as a purveyor of the news. For some years newspapers tried to prevent the broadcasting of news, or to prescribe how much might be broadcast. Gradually, however, they have come to realize the shortsightedness of this policy. Now, it appears that more stations are controlled by newspapers than by any other single interest. According to the "Yearbook Number" of *Broadcasting*, on January 1, 1938, there were 178 stations in the United States owned "in whole, majority, or equal parts by newspaper interests" and 30 in which newspapers held a minority interest. There were then also 17 others on which newspapers had options but the Communications Commission had not yet approved the transfer.¹⁵

In a case decided by the Communications Com-

¹⁵ *Broadcasting*, "Yearbook Number, 1938," p. 205.

mission on March 4, 1938, the ruling was made that when a newspaper and another applicant compete for facilities, the award should be made to the latter in order to preserve competition. However, on March 16, in a case in which the issue of newspaper ownership was a minor factor, the U. S. Court of Appeals for the District of Columbia said: "We know of no provision of statute or rule of law, and are cited to none, which forbids broadcasting by the owner of a newspaper."¹⁶

Hearst interests own,¹⁷ or control, the largest single group—ten stations in different parts of the country. More than a fourth of all the stations in the country, then, are controlled by newspapers or by companies holding them, and newspapers have some financial interest in nearly one third of all the stations. This is a recent development—more than half of them have been acquired since January 1, 1934. This means that in certain communities the radio stations and the newspapers are all run by the same company. And whatever the newspaper, this is likely to mean that the main supply of news for the community is affected by the bias—perhaps unconscious—of the management.

¹⁶ *Tri-State Broadcasting Co. v. Federal Communications Commission* 96 F. (2d) 564.

¹⁷ It was announced in March, 1938, that all but one of these would be sold. At the time of going to press one station had been sold and negotiations were almost completed for the sale of five others.

CHAPTER VII

ADVERTISING

RADIO stations have, it is evident, become valuable property in the last few years. And this value is due to the enormous business of advertising which has been built up. It seems a far cry now to the early days of broadcasting when stores and other business concerns operated stations for the sake of publicity to be gained by the mere announcement of station ownership. To be sure, this did not last long, for broadcasting proved to be far too expensive for such use. In August, 1922, WEAJ announced that it would sell time to advertisers. Thus, the development of broadcasting as a medium for advertising has been even more rapid than that of broadcasting itself. There are now only 37 stations (including one under construction in January, 1938) which broadcast no commercial advertising.¹

For some years the major networks did not allow any mention of prices. But by 1932 they found it necessary for business reasons to relax their rules. Even before that the pressure for sales made it difficult to keep the advertising "plug" within desired limits in proportion to the program. ✓

The public seems to have accepted the fact that broadcasting is supported by advertising even as magazines and newspapers are. Criticism of advertising in general has frequently been caustic in the

¹ *Broadcasting*, "Yearbook Number, 1938," p. 351.

last few years. Yet no one would recommend government ownership of the press in order to avoid advertising, while many have urged it for radio.

The tradition of a "free press" is undoubtedly the major factor. The principle of free radio has been slower in gaining recognition. But there are other factors. Broadcast advertising does differ from that of newspapers and magazines in striking ways. Radio is "the only form of advertising in which the advertiser provides both the editorial material, that is, the program, and the sales message."² Another point which must be considered is the "particularly great" degree of "isolation" from other advertising which can be secured for the selling message in radio broadcasting.³

But there are still other factors. Suppose, for instance, that the *Saturday Evening Post* were to publish a story by a famous writer, introducing it with a paragraph advertising cigarettes, and closing it with the announcement that "this story was published by the courtesy of ————— Tobacco Company." This company would, of course, choose the story on the basis of its suitability for the sale of cigarettes and would work in frequent references to them throughout the story, or it might introduce a paragraph or two of pure advertising in the midst of a chapter. The magazine reader has no doubt whether he is reading a story or an advertisement, and need not look at the latter unless it holds his

² Hettinger, Herman S., and Neff, Walter J., *Practical Radio Advertising*, p. 5.

³ *Ibid.*, p. 7.

attention. It would be very difficult, if not impossible, to avoid the advertising in a broadcast program. Besides, the magazine advertisement may be so attractive artistically that the reader is really interested for the moment. Charles F. Gannon, chairman of the National Radio Council of the American Association of Advertising Agencies, has declared that a large proportion of broadcast advertising is "badly conceived, badly projected, obtrusive, inharmonious, braying of wares, deficient in grace."⁴

Another disturbing consideration is the possible effect on radio artists of appearing on sponsored programs as adjuncts to commercial advertising. This is not to suggest that there is anything coarse or ignoble about business as such. But to link an artist's reputation for excellence to the alleged superiority of some commercial product over its rivals is to give the artistic performance itself a rather precarious status. Especially must this be true when he must himself talk about the product advertised.

Furthermore, it cannot escape a sensitive listener that the advertising of proprietary remedies with exaggerated claims may considerably offset the value of broadcast health education. Of course, this is all of a piece with all advertising of such remedies.

RADIO'S SHARE OF ADVERTISING

In spite of the great decline in revenues during the depression, radio's share of the total amounts

⁴ *Annals of the American Academy*, January, 1935, p. 161.

spent for advertising increased very rapidly during those years. In 1930, according to the Bureau of Advertising of the American Newspaper Publishers Association, broadcasting received 5.3 per cent of the money spent for national advertising. By 1934, however, it was 13.2 per cent. In 1937 it was 14.7 per cent, only a very slight change in spite of the tremendous increase in radio advertising. For the same year, however, the hundred leading advertisers spent just over a quarter of their total funds for radio advertising (network and non-network).⁵

What is advertised? There are probably few types of products or services which have not at some time been advertised by radio. Universities occasionally advertise their extension courses in that way. Governments anxious to draw tourists to their countries may buy time to describe their special charm. At one time the University of Wisconsin broadcast advertisements of the patents it controls for the irradiation of food products in order to create a demand from consumers.⁶ A manufacturer of noninflammable mattresses made an arrangement with a station that it would sponsor all news items dealing with fire.

During 1937 the largest expenditures for the purchase of time over national networks were for foods and beverages, while drug and toilet articles were second. The automotive industry was third and tobacco fourth.⁷ In 1937 the first three items ac-

⁵ *Variety*, May 4, 1938, p. 34.

⁶ *Variety*, October 30, 1935, p. 43.

⁷ *Broadcasting*, "Yearbook Number, 1938," p. 12.

counted for more than two thirds of the total income from sales of time.⁸ In 1937, 19 advertisers spent more than one million dollars each for time on the air.⁹ According to the analysis of the fiscal operations of stations and networks made by the Communications Commission in 1938, the total gross revenue of the industry during 1937 was \$114,222,906. Early in 1938 it was estimated by Herman S. Hettinger, of Wharton School, University of Pennsylvania,¹⁰ that 48.9 per cent of gross sales went to the national networks and their affiliated stations, although there were gains all along the line. Naturally, the national networks serve the companies which advertise on a nation-wide basis. In 1936 the advertising of foods (including beverages and confections), drugs and toilet articles, automobiles and accessories, and tobacco provided 79.5 per cent of the national network volume of advertising, 71.5 per cent of the national nonnetwork advertising, and 74.9 per cent of the regional network advertising. However, these classes of goods accounted for only 34.1 per cent of the advertising over local stations, and clothing, household equipment and soaps, retail establishments, and miscellaneous advertisers accounted for 58.7 per cent.¹¹

THE LISTENER PAYS

The fundamental argument for the broadcast ad-

⁸ *Ibid.*

⁹ *Variety*, May 4, 1938, p. 34.

¹⁰ *Broadcasting*, "Yearbook Number, 1938," p. 11.

¹¹ Hettinger, Herman S., and Neff, Walter J., *op. cit.*, p. 311.

vertising is that it is preferable to a government monopoly of broadcasting. In countries where the latter exists the listener pays a license fee for his receiving set and, perhaps, a tax on new radio tubes. Here the listener pays directly only for his own machine and its upkeep. Nevertheless, he pays, indirectly but none the less genuinely, the cost of broadcasting. This, of course, is perfectly obvious and was recognized by M. H. Aylesworth, former president of N. B. C., when he said: ". . . The listener pays. He does not pay directly . . . but by his response to the . . . advertising of American industries, he is today paying for the entertainment he receives over the air."¹² At the same time it must not be overlooked that if it were not for similar subsidies on a vast scale through advertising, we should be without our great daily newspapers and most of our magazines.

TYPES OF ADVERTISING

The term "advertising"—especially in regard to broadcast advertising—includes everything from the brief dignified announcement that "this program comes to you through the courtesy of Blank Company" to the reading of long testimonials and listing of stores where a product may be purchased. Thanks to the activities of the Federal Trade Commission and the Communications Commission and to greater care on the part of the networks, the latter are heard much less frequently now.

¹² "Who Pays for Broadcasting?" *Little Books on Broadcasting*, No. 5, p. 9.

Two illustrations representing the period now past may be cited as a reminder of the low point reached during the depression years. On a single day in 1931 the program of WCHI, a small station then licensed to the People's Pulpit Association, included an advertisement for a tonic which described the symptoms of gall stones as "headache, constipation and 'run down condition'"; a fortuneteller who "knows the unknown, sees the unseen and tells the untold"; a reducing remedy by which the individual might lose fifteen pounds in thirty days; and other similar items.¹³ Certainly, network broadcasting was never so crude as this. On one occasion, however, the "plug" for Fleischmann's yeast went so far that *Variety*, trade journal of the amusement industry, described it editorially as "unquestionably one of the worst examples of a commercial plug yet to hit the air. . . . It was so far out of line [as] to leave the question as to how many listeners this may cost the program in the future. It also consummated a direct affront to the theory that any radio program is a guest in the home."¹⁴

That real improvement has been made since then is made evident by the fact that for the year 1936-37 the Federal Trade Commission found far fewer infringements in broadcast advertising than in printed matter in proportion to the total number studied.¹⁵

¹³ Federal Radio Commission, Examiner's Report No. 186, docket No. 1108, submitted June 12, 1931.

¹⁴ March 6, 1935, p. 41.

¹⁵ Federal Trade Commission. *Annual Report*, 1937, pp. 102-3.

LIQUOR ADVERTISING

Many people are much concerned over the possible advertising of liquor over the air. Whatever one may think of sumptuary laws, subjecting children to lengthy recitals of the virtues of gin and whisky is, to put it mildly, questionable. The avalanche of liquor advertising, which has been greatly feared, has not materialized.

About the time of the repeal of the Eighteenth Amendment the Radio Commission issued a vague statement threatening to call stations for hearings if they broadcast such advertising, but not forbidding it. Apparently, the threat was never carried out. The Columbia Broadcasting System had previously announced on November 1, 1933, that it would not carry advertisements of any "hard liquors," but it would broadcast advertisements of wines "with extremely careful scrutiny of the nature of both the entertainment and the advertising content." The N. B. C. and most of the leading broadcasters have also adhered to this general policy. A few "hard-liquor" programs, and more advertising beer and wine have appeared from time to time. In April, 1938, Martin Codel, publisher of *Broadcasting*, reported that there were "practically no stations carrying whisky or even wine accounts," but that "beer business" was "quite plentiful." In March, 1938, a beer program, sponsored by the Brewers' Radio Show Association, was begun over thirty-six stations of the Columbia System. During 1937 the System carried no such advertising, but

there were two such programs at different times over a small group of N. B. C. stations. Mr. Codel assumed that the chief reason why "hard-liquor" accounts were not carried was the fact that "in most cases . . . they are against station policy."¹⁰ An analysis of station policies, as reported in *Variety Radio Directory, 1937-38*, indicates that approximately 38 per cent will accept accounts advertising beer—most often both beer and wine—but refuse "hard-liquor" advertising; that about 20 per cent will broadcast such advertising, at least, in the late evening hours, with restrictions on the way the advertising message is presented; and that about 6 per cent will take no advertising of alcoholic beverages. Mr. Codel comments that "even our local clergy . . . are not complaining" about the beer broadcasts. Individual stations are not likely to continue long broadcasting any program if the public opinion of the community is clearly against it. In his report for 1937 the Federal Alcohol Administrator urged Congress to forbid the broadcasting of liquor advertisements. Bills were introduced into Congress in March, 1938, to prohibit radio advertising of alcoholic drinks, and, also, any lottery or gift enterprise scheme. No action was taken on these proposals, however.

EFFORTS AT REFORM WITHIN THE INDUSTRY

By 1933 it became evident that the public was beginning to rebel against the avalanche of adver-

¹⁰ "Radio Holds Its Own in Business Slump." *Broadcasting*, April 15, 1938, p. 12.

tising with exaggerated claims which could not possibly be substantiated. The result was the introduction of the Tugwell bill to regulate all advertising of foods and drugs. Since these are the greatest source of revenue for networks, it struck fear into the hearts of station managers as well as advertisers.

In the spring of 1935 both N. B. C. and the Columbia System announced that they would not broadcast advertisements of laxatives—N. B. C. had announced in December, 1933, that it would take no new accounts of this type, but this had not appreciably diminished the broadcasts though it probably prevented an increase. Within a few months a very considerable improvement in the character of the advertising was evident.

In 1936 a survey of the stations in regard to policies showed that of 210 stations replying 147 limited the number of minutes permitted in advertising, others, the number of words which might be used in announcements, while about 14 per cent prescribed no limits. The requirement most frequently reported was that advertising could not take more than 10 per cent of program time at night for quarter- or half-hour programs. A substantial proportion reported that they did not broadcast advertisements of depilatories, deodorants, laxatives, "hard liquor," or wine. Nearly all of them refuse astrologers, fortunetellers, faith-healers, etc.¹⁷ About 4 per cent of the stations announce that they will not

¹⁷ Herring, J. M., "A Survey of Station Programming Policies." *Broadcasting*, March 1, 1936, p. 16.

broadcast any patent medicine advertising whatever.¹⁸

GOVERNMENT ACTION

Much has been accomplished by voluntary action, stimulated, of course, by government agencies which suddenly discovered a responsibility for broadcast advertising and by the fear of more rigid control unless evidence of definite improvement were given. In 1934 the Federal Trade Commission requested broadcasting stations to send in copies of all advertising broadcast. The mere request resulted in considerable improvement. Since then the Commission has ordered a number of prominent radio advertisers to modify their claims. The record for the year 1936-37 has already been noted. The Federal Trade Commission has hitherto had power to act only in cases of "unfair competition." In March, 1938, however, Congress passed a law empowering it to act in cases of deceptive advertising of foods, drugs, cosmetics, and health devices, if necessary to protect the public. Later in the 1938 session Congress adopted the Food, Drug, and Cosmetic Act, which subjects cosmetics to much the same regulations as those affecting foods and drugs and provides for a stricter regulation of the latter. These new laws will, of course, affect radio advertising only as they affect all advertising of these articles.

Early in 1935, after a change in personnel, the

¹⁸ Analysis made from statements of policies given in *Variety Radio Directory, 1937-38*.

Federal Communications Commission began to take an interest in the problem of advertising. More than one hundred stations were cited for hearings because of objectionable programs. After the stations had agreed to cease broadcasting the programs criticized, the licenses of most of them were renewed. Some of these had been broadcasting Doctor Brinkley's advertisements. (It will be recalled that Doctor Brinkley lost his station license in 1931 because of the character of his programs.) In recent programs over his Mexican station—widely heard in the United States—Doctor Brinkley offered a "medical examination chart for self-diagnosis at only forty-five cents." It is said that there is a great deal of sex in these programs and that he has "no fears and no limits."¹⁹ Among the other products to which the Communications Commission took exception was Marmola, a fat-reducing preparation containing thyroid extract. Some years ago the Post Office issued an order forbidding the dissemination of its advertising through the mails. Afterward it began using radio advertising, instead of newspapers. The Federal Trade Commission issued a "cease-and-desist" order against Marmola in 1929, but the court refused to sustain the Commission on the ground that unfair competition had not been proved. In 1937 a new order was issued by the Commission and accepted by the manufacturer.

¹⁹ *Variety*, September 15, 1937, p. 36.

CHAPTER VIII

RADIO ENTERTAINMENT

THE crux of the problems connected with radio is, after all, the nature of the programs broadcast. Many different methods have been used to determine the most popular type of programs, such as "fan mail, surveys of listeners, newspaper comment, the criticisms of interested and disinterested pressure groups," but "neither singly nor together" did they give "completely definite clues for the adoption of policies to govern broadcasting."¹ There have been many studies of the relative popularity of different types of programs. The late Dr. Frederick H. Lumley, of Ohio State University, concluded in 1934, after an exhaustive study of all the material available in the field, that the different surveys indicated the following order of preferences: popular music, comedy, dramatic programs, sports, classical music, talks in general, religious programs, news and market reports, educational programs, children's programs, special features, women's programs.² If a similar study were made today it is probable that news would be given a higher rating.

Late in June, 1938, the Communications Commission issued the results of a survey of programs during the week of March 6, 1938. The following

¹ Denison, Merrill, "Educational Policies of Broadcasting Companies." *Public Opinion Quarterly*, January, 1937, p. 71.

² Lumley, Frederick H., *Measurement in Radio*, p. 276.

table gives the percentage of time devoted to each type of program for the country as a whole.

TYPES OF PROGRAM BROADCAST

TYPE OF PROGRAM	PER CENT OF TOTAL TIME
I. Music	
Serious	6.48
Light	9.95
Popular	32.27
Other	3.75
Total I.....	52.45
II. Dramatic	
General Drama.....	6.50
Comedy Scripts.....	.98
Children's Drama.....	1.63
Total II.....	9.11
III. Variety	8.84
IV. Talks and Dialogues	
Social and Economic.....	2.33
Literature, History, and General Cultural.....	2.34
Household and Others of Special Interest to Women	2.68
Farm Management and Others of Special Interest to Farmers.....	1.67
Political31
Others	2.08
Total IV.....	11.41
V. News	
News Reports.....	6.56
Sport Flashes.....	.96
Market, Crop and Weather Reports.....	1.03
Total V.....	8.55
VI. Religious and Devotional.....	5.15

VII. <i>Special events</i>	
Meetings and Occasions of Civic Interest.....	.77
Sports	1.21
Other23
	<hr/>
Total VII.....	2.21
VIII. <i>Miscellaneous</i>	2.28
	<hr/>
IX. <i>Grand Total</i>	100.00

Slightly more than half the total program time was devoted to music. "Talks and Dialogues," which include political talks and those on household topics, as well as educational programs accounted for 11.41 per cent of the total time; while news, including market and weather reports, took 8.55 per cent of the time. Dramatic and variety programs account for an almost equal length of time, 9.11 and 8.84 per cent respectively. There are decided differences among stations of different classes of power. Stations of 50,000 watts or more broadcasting unlimited time give 39.05 per cent of time to music, while "local" stations (less than 500-watts power) with unlimited time, give 57.9 per cent to music. Almost equally striking is the difference in time devoted to dramatic programs: 23 per cent for the 50,000-watt stations but 5.49 per cent for the local stations. Variety and talks and dialogues also appear more frequently on the high-powered stations, though the "spread" is much slighter, but news is given slightly more time on local stations (8.9 per cent as compared with 7.4 on the 50,000-watt stations) and religious and

devotional decidedly more (5.6 per cent as compared with 2.7).³

The policies of the broadcasting companies are, of course, affected by many factors. Notable among these are the desires of the radio audience in so far as these are known, the activities of pressure groups, the attitude of commercial sponsors, and the influence of the Federal Communications Commission. Special-interest groups may exert such strong pressure for or against the broadcasting of certain programs as to cause changes contrary to the wishes of the majority of the listeners.

Two portions of the audience may be in conflict with each other—as in the case of those who want “swing” music and those who want classical or semi-classical. But, by and large, as Dr. S. E. Frost, Jr., has pointed out, “both station owners and advertisers seek to discover the lowest common denominator of interest within the group to which their appeal is directed and to build their programs with this as a standard.”⁴ Since each advertiser strives to make his program more attractive than that of his rivals—in this case, any other company broadcasting at the same hour—he tries to secure the best entertainers available for the type of program selected. This means that many artists broadcast who could not otherwise be heard except in the large cities—and, in general, finer ones than ordinarily broadcast in other countries. But since there is frequently a great similarity in the type of pro-

³ *Broadcasting*, July 1, 1938, pp. 18, 19.

⁴ Frost, S. E., Jr., *Is American Radio Democratic?* p. 140.

gram offered over the different networks listeners who are not within the "lowest common denominator" of interest "find the air almost unserviceable to their desires."⁵

There has, however, been a great improvement in programs in this respect during the last few years. A comparison of the programs available to the New York audience in the first week in March, 1926, and those available for the same week in 1936 shows that listeners in the latter year had far greater choice of worth-while programs in both music and public affairs—to say nothing of the comedians available.⁶

The tremendous demand for program material means, of course, that it cannot all be on the same level of quality. Criticism of programs comes from many sources. Educators and journalists sometimes object to the picture of American civilization presented in broadcasting.⁷ A writer of educational scripts has complained that too large a proportion of programs are "unimaginative in conception, incompetent in direction, or slovenly in execution."⁸ Not all the criticism of broadcast programs comes from the educators and writers. *Variety*, trade paper of the amusement industry, said editorially

⁵ *Ibid.*, p. 142.

⁶ Tyson, Levering, "Ten Years of Educational Broadcasting." *Retrospect and Forecast in Radio Education*, pp. 8-12.

⁷ Compare Odum, Howard W., "The Implications of Radio as a Social and Educational Phenomenon," *Educational Broadcasting, 1936*, and the address by Raymond Gram Swing at the Chicago Conference in November, 1937.

⁸ Denison, Merrill H., Address at Second National Conference on Educational Broadcasting, Chicago, November 29, 1937.

on October 27, 1937: "Radio programs today are dull. . . . A handful of standouts almost all of them good entertainment, are so only because a star, or a star and writers in happy combination, know how, rather than the agency. Scarcely five advertising agencies in all have clear-cut right to call themselves showmen when it comes to radio production." Bad plays or moving pictures do not have a long run. "Agencies repeat the same blunders year after year. . . ."

At the same time a large portion of the public registers its approval of the programs broadcast by its purchase of the goods advertised. A number of broadcasters have expressed their vigorous disapproval of the serial programs which, at the time of going to press, are very common daytime programs. However, these serials are said to be very effective in selling goods. Naturally, then, the advertisers or their agencies who, as has already been pointed out, select the commercial programs tend to choose these or other program types that have proved to be good sales promoters. Under such circumstances it is probably too much to expect the commercial sponsors to be concerned about the balance of programs or the creative possibilities of radio. Roy S. Durstine, president of the national advertising agency, Batten, Barton, Durstine and Osborn, has commented that there is "a direct conflict between the desires of the listeners and the sponsors,"⁹ since the

⁹ "The Future of Radio Advertising in the United States." *Annals of the American Academy of Political and Social Science*, Vol. 177, January, 1935, p. 149.

listeners want entertainment and the sponsors are interested only in advertising. Something, to be sure, has been gained by the restrictions imposed by the networks. Several stations announced in late 1937 and early 1938 that henceforth they would exercise a greater degree of supervision over their programs than heretofore and would definitely strive to present more balanced programs. This has been widely hailed by those interested in broadcasting as a step in the right direction, though many doubt whether a single station can accomplish very much—both because of the pressure of advertisers to do what they please with the time they buy, and because a change in network programs may throw a very carefully selected station program out of balance.

According to the survey made by the Communications Commission, 65.45 per cent of all broadcasting was sustaining and 34.55 per cent was commercial during the week of March 6, 1938,¹⁰ while 67.3 per cent of national network programs were sustaining. These vary from the Toscanini concerts and the Philharmonic Orchestra to programs put on in the hope of attracting a sponsor. Among the sustaining programs are those of a public-service character designed to meet the requirement implicit in the Communications Act that broadcasting must be in accord with the "public interest, convenience,

¹⁰ *Broadcasting*, July 1, 1938, p. 18. "Commercial" programs are those for which the station sells time, whether to a business house advertising its products or to an organization or individual promoting a cause. "Sustaining" programs are those for which the station receives no payment for the use of its facilities.

and necessity." This obligation the broadcasters recognize. *Broadcasting*, trade paper of the industry, commented in 1935 that "favorable hours" must be "kept available for civic, educational, and other public-service programs of a nonprofit character," even though it means loss of income and even of audience, for "the public service stations render, as well as the entertainment they give, determines their right to hold radio frequencies."¹¹ The warning has been repeated from time to time.

If the best hours for advertisers are also the best hours for educational programs, how can the balance be maintained? To say, as radio executives sometimes do, that afternoon hours are available for education does not solve the problem. For even if the radios are in use, there are many who desire such programs who cannot possibly listen then. If special events are put on at hours for which entertainers are regularly scheduled, then their admirers lose the pleasure to which they had been looking forward. But the smaller audience which is interested in special educational or cultural programs may lose something much more important when their programs are omitted for the sake of a baseball game, or the programs are changed to a less convenient hour because an advertiser has been found for the original period. One of the sharpest criticisms by educators has been the way in which well-established programs which have been on the air for years have been dropped or had their time

¹¹ January 1, 1935, p. 20.

changed with little or no notice. In justice to the networks and stations it may be said that they are taking their responsibility in this respect more seriously of late and that there are fewer such changes.

CHILDREN'S PROGRAMS

Children's programs have become almost as much of a target for criticism as the movies. Among school children from ten to thirteen in the New York metropolitan area it was found that only "going to the movies, listening to an orchestra on the stage, and reading the 'funnies' " were of greater interest than listening to the radio. These children reported that they spent an average of six hours and 16 minutes per week listening to 6.99 programs.¹² The children with higher intelligence quotients listened a little more than those with lower. It is interesting to note that "the children make no distinction whatever between the so-called adult and juvenile programs. The time of broadcast determines whether or not a program will have a child audience."¹³ Doctor Eisenberg found that only a "small minority" of teachers made any effort to direct their pupils to the more serious types of program.

Children's programs are criticized from many points of view. The methods of advertising, aimed at persuading the children to insist that the products advertised be purchased by the family, are objectionable to many. The English is frequently bad, and the children learn "fresh" terms over the

¹² Eisenberg, Azriel L., *Children and Radio Programs*, pp. 184-5.

¹³ *Ibid.*, p. 186.

radio. More frequent is the complaint that "the children cannot be dragged away from the entrancing, if nerve-racking, 'doings of outlaws, gangsters, murderers, ghosts and phantom heroes.'"¹⁴ It seems to be true that children tend to like radio programs of which their parents disapprove—as is often true in the case of books and movies. Mrs. Sidonie Gruenberg, of the Child Study Association, believes that exciting episodes, even though they leave the child trembling, may provide "forms of vicarious adventure . . . that fulfill an inner need the child can neither express nor disregard."¹⁵ In 1935 the Columbia Broadcasting System issued a statement declaring that it would not broadcast children's programs of the following types: "exalting, as modern heroes, of gangsters, criminals, and racketeers"; encouraging "disrespect for . . . parental or other proper authority"; presenting "cruelty, greed, and selfishness . . . as worthy motivations"; arousing "harmful reactions in the child"; presenting as "laudable" "conceit, smugness, or an unwarranted sense of superiority over others"; falsely identifying "recklessness and abandon . . . with a healthy spirit of adventure"; making "unfair exploitation of others for personal gain . . . praiseworthy," and "dishonesty and deceit . . . appealing or attractive."¹⁶

¹⁴ New York *Herald Tribune*, October 28, 1937.

¹⁵ Gruenberg, Sidonie Matsner, "Radio and the Child." *Annals of the American Academy of Political and Social Science*, Vol. 177, January, 1935, p. 126.

¹⁶ Columbia Broadcasting System. *New Policies: A Statement to the Public, Advertisers, and Advertising Agencies*.

It is reported that there were fewer children's programs broadcast in the fall of 1937 than formerly. There seem to have been several reasons for this: complaints by the adult audience that there was nothing for them to listen to during the hours when children's programs were most common, complaints by parents in regard to the character of the programs, and, probably most important, the fact that the programs were less successful than formerly in selling goods.¹⁷

Roy S. Durstine commented in his speech before the Advertising Federation of America on June 15, 1938, that children's programs "are gradually finding that honest adventure and an interesting continued story . . . can build a greater and more resultful audience than horror."¹⁸

¹⁷ *Variety*, August 25, 1937, p. 39.

¹⁸ *Broadcasting*, June 15, 1938, p. 43.

CHAPTER IX

EDUCATION ON THE AIR

PERHAPS no problem connected with radio has caused so much acrimonious discussion as educational broadcasting. Indeed, the issues here reach far beyond questions of broadcasting, into the very heart of the fundamental disagreements in regard to educational theory. Can education include indoctrination, or must it promote freedom of opinion? The methods of presentation over the radio will be as different as they are in the classroom. What is the distinction between education and propaganda? To what extent shall the educative process be thought of as formal and to what extent informal? How shall subject matter be used in education? These are questions that are engaging the attention of the educational world, and they are highly controversial.

There are also questions that are peculiar to broadcasting, yet involve educational theory. Is the function of education on the air so specific as to call for setting aside certain times, or even certain frequencies, for specifically educational purposes? To the extent that such specific programs are to be provided, how much encouragement shall be given to local initiative as over against network initiative? In either case, how much responsibility should be placed upon educational authorities in preparing or supervising programs? Can good results education-

ally be expected from programs commercially sponsored or is education a function to be performed through sustaining programs? Fundamental disagreement over such questions as these has hindered the development of educational broadcasting in this country.

The position taken here is that education is in some sense and degree an aspect of all broadcasting. In the widest sense of the term, "all broadcasting is educational, . . . good, bad, or indifferent" because of the "importance and effect of anything that comes in on us day after day . . . as radio does."¹ In the great mass of programs there are some which may stimulate the listener's interests in new fields or provide valuable information.

Recognition of this aspect of all broadcasting is essential to any evaluation of it. Much of the criticism which is heard concerning entertainment programs and advertising is really based on the belief that in the cases complained of the educational effect is bad. Any sharp distinction between entertainment and education is arbitrary so far as social evaluation is concerned. Furthermore, while deliberate attempts to indoctrinate the listener on controversial issues are more and more discredited by educators as unfair and harmful to the individual, it is quite impossible to eliminate such efforts in a free system of broadcasting. The ideal to be aimed at in propagandist efforts would seem to require a

¹ Tyson, Levering, "Looking Ahead." *Education on the Air*, 1936, p. 66.

frank avowal of the purposes and interests represented when a broadcaster seeks to win support for his position; also an honest presentation of all the facts which the reader or listener has a right to know in order to form an intelligent judgment. So safeguarded, propaganda over the radio, as elsewhere, is a form of the normal effort of human beings to influence one another's attitudes. The bearing of this principle on the handling of controversial issues on the air will be considered in a later chapter.

Obviously, however, a distinction must be made for practical purposes between educational programs and entertainment programs in general. The only workable distinction would seem to be this, that those programs whose *primary* purpose is to make broadcasting bear its share of the task of education may be called educational programs. A program may have both educational and entertainment purposes. Where it is necessary for practical purposes to distinguish between them the crucial question is, Which is primary?

A European student of the problem, Mario Roques, professor at the Sorbonne and vice-chairman of the governing body of the French General Association of Wireless Listeners, would define education by wireless as "a means of enabling the whole country to share in the fruits of scientific research or in artistic development which it would not think of reaching alone." For this purpose "master 'vulgarizers' " in the best sense of the term are needed. "A concise and clear statement, given in really philosophical language, of scientific truths

and findings can be listened to by everybody with fruitful results." The knowledge of the listener cannot be taken for granted, nor can scientific teaching "be showered down from above." This task is "both extremely difficult and noble, and it is along these lines that the education of the masses should be conceived."²

The inference from these statements is that whatever educational purpose broadcasting may be expected to serve, it is, broadly speaking, an instrumentality of mass education and cannot be expected to serve, save exceptionally, the purposes of particular groups.

Many persons insist that no commercial program can possibly be educational. Yet some commercial programs may be more truly educational in the sense of developing new interest and providing cultural enrichment than some of those provided by educational institutions. Advertising in connection with the broadcasting of a symphony concert or the Metropolitan Opera is highly displeasing to many listeners, yet very few would deny that to make grand opera or symphony music available to listeners all over the country is to provide a genuine education in musical appreciation to many who otherwise could never hope to hear more than short excerpts from such works on phonograph records. Classical music may be, of course, at the same time recreation and education for the lover of such music, while for the student of music or the person who

² Roques, Mario, *Educational Rôle of Broadcasting*, pp. 174-7.

wishes to develop his ability to appreciate good music it is educational in a more specific sense.

Educational broadcasting, in the narrower sense of the term, includes stimulating interest, providing specific information, and teaching new skills. Many educators feel that the first is the task for which radio is best adapted and that the emphasis should be placed there. Others point to the success of the land-grant colleges in broadcasting information to farmers about improved methods and to the popularity among housewives of home economics talks. Still others point to the teaching of arithmetic by radio in the Cleveland schools, to the lessons in the playing of band and orchestral instruments broadcast for more than five years by Dr. Joseph E. Maddy, of the University of Michigan, and to other successful experiments in the teaching of specific skills as illustrations of the way in which educational broadcasting does much more than stimulate wider interests.

Some educators feel that the technique of the classroom lecture and that required for the microphone are so different that the broadcasting of classroom lectures cannot be successful. Others believe that the lecturer who is popular in the classroom is equally interesting to the radio audience, and that the hour or two-hour lecture is not too long for the listener who "really wants education." Early in 1937 Harvard University began to broadcast certain classroom lectures and other programs over WIXAL, a short-wave, noncommercial station. The experiment, the first attempt to broadcast classroom

lectures internationally, was so successful that it has been continued.

Naturally, commercial broadcasters are not enthusiastic about giving time for programs that will interest only minority groups. David Sarnoff, president of the Radio Corporation of America, spoke for the broadcasting industry when he said that radio programs may "inform the mind and elevate the spirit," but that any attempt to make them "also furnish mental training and discipline, . . . narrows their appeal and risks the dispersion of the invisible audience, thereby defeating the very purpose for which the program was prepared."³ The difficulty is not only the fact that a large proportion of listeners will tune out "heavy" lectures, but that they will fail to tune in again for later programs in which they would be interested. Thus, the station fears, it will lose its audience for commercial programs—and on that its income depends. Yet this problem is not one for commercial broadcasters alone, for an audience is essential in any case.

In 1932 Herman S. Hettinger, of the Wharton School, University of Pennsylvania, undertook to discover how much of specified types of educational broadcasting was being done by the N. B. C. networks and the Columbia System. He defined as "adult educational" "primarily . . . short talks on interesting subjects," and "children's educational" as "primarily . . . presentations such as those of the American School of the Air." On this basis 4.4

³"Broadcasting in the American Democracy." *Educational Broadcasting, 1936*, p. 149.

per cent of the programs were educational. If one includes farm programs, international rebroadcasts, and special features of public interest, the total was 9.3 per cent. In addition 4.9 per cent was classical music.⁴ In 1934 the National Association of Broadcasters gathered data for presentation to the Federal Communications Commission at the hearings on the proposal to allocate certain frequencies definitely to educational and other nonprofit agencies. It was found that during the first six months of that year 269 stations had devoted 16.7 per cent of their total time to "educational and informative" broadcasts.⁵ The precise definition of the term, however, varied with the station. It is probable that it included much "informative" material, such as weather forecasts and stock and market reports which are "educational" only in a very broad sense. The National Broadcasting Company estimates that in 1936 22 per cent of its time was devoted to programs which were "educational in the strictest sense."⁶ "Educational" programs were not reported on separately in the Commission's survey for the week of March 6, 1938. "Talks and dialogues," including "social and economic," "literature, history, and general culture," "household and others of special interest to women," farm management, political, and "other," accounted for 11.41 per cent of total broadcasting time.⁷

⁴ Hettinger, Herman S., *A Decade of Radio Advertising*, p. 218.

⁵ Testimony of H. A. Bellows, *Hearings*, Federal Communications Commission, 1934, R. 676-7.

⁶ New York *Herald Tribune*, October 10, 1937.

⁷ *Broadcasting*, July 1, 1938, p. 18.

It is evident that those who are planning educational broadcasts must consider carefully both the audience they hope to reach and the purpose of the specific type of education planned.

SCHOOL BROADCASTS

School authorities in a few communities realized very early that broadcasting offered great possibilities especially in providing supplementary material for the teaching of history, geography, music appreciation, etc. In 1921 broadcasts of this type were begun in Oakland, California.⁸ Thus, school broadcasts were begun within a year after radio broadcasting had first captured public attention. In 1936 it was reported that 220 school systems were interested in broadcasting as a method of teaching.⁹ Perhaps the most striking use of broadcasting by the schools occurred during an infantile paralysis epidemic in Chicago in the fall of 1937. The schools remained closed for some days after the usual date for opening, but lessons were broadcast to the children in their homes. In 1935 twenty-five state departments of education were using radio, although only twelve were carrying on regular broadcasts. Schools of the Air were then being conducted by three states: Wisconsin, Ohio, and North Carolina.¹⁰

School broadcasts on a national scale are carried

⁸ Koon, Cline M., *Education on the Air, 1936*, p. 31.

⁹ Tyson, Levering, "Looking Ahead." *Education on the Air, 1936*, p. 67.

¹⁰ *Education on the Air, 1935*, p. 281.

on by N. B. C. and Columbia. Walter Damrosch's music appreciation course, broadcast over N. B. C. for a number of years, is, no doubt, the best-known single program for the schools. Columbia's American School of the Air was established in 1930. Before the programs were started Columbia had offered to "give its broadcasting facilities free to any established and qualified educational group prepared to present a well-conceived series of broadcasts for the classrooms of the nation. This offer was not accepted."¹¹ In 1937-38 the American School of the Air was broadcast for thirty minutes every school day by ninety stations affiliated with the Columbia System. During the same year the National Education Association, the Progressive Education Association, the National Council of Teachers of English, the National Council of Teachers of Geography, the National Vocational Guidance Association, and Junior Programs co-operated in the programs. Professor William C. Bagley, of Teachers College, Columbia University, is chairman of the Board of Consultants.

One difficulty which all school broadcasting, except that carried on by local school authorities, must face is the problem of integrating the programs broadcast with the work offered in the schools. Although the Ohio School of the Air is considered to be the most carefully developed system of state broadcasting for schools in the country, the school authorities of Cleveland broadcast their own pro-

¹¹ Columbia Broadcasting System, *Sixteen Hours a Day*, p. 9.

grams to the schools of that city, using commercial stations in Cleveland.

The problem involved was well stated by B. H. Darrow, then of the Ohio School of the Air, at the seventh Institute for Education by Radio in 1936: "Persons who attempt school broadcasts are confronted by two groups: one group wants work which accompanies and is collateral with teaching they have been doing. Another group is interested in progressive methods and concepts. The first group wants geography and history and such subjects straight. The other group wants . . . projects of quite another type."¹² Obviously, both groups cannot be satisfied at the same time.

John W. Studebaker, U. S. Commissioner of Education, believes that the potential uses of broadcasting in the public schools are so great that he urged the "reservation of a band of ultra-high frequencies for the exclusive use of local school systems and other educational agencies."¹³ On January 27, 1938, the Federal Communications Commission announced that a band of 25 ultra-high frequency channels in the 41 megacycle band had been allocated for educational stations on a strictly noncommercial basis.

It is estimated that fifteen hundred stations can be accommodated on these frequencies in the country as a whole. They will have a range of from three to fifteen miles, depending on the power of the trans-

¹² *Education on the Air, 1936*, p. 186.

¹³ "Radio in the Service of Education," *Educational Broadcasting, 1936*, pp. 32-3.

mitter and the height of the antenna. Thus, they can be used only for local and county broadcasts. There will be no limits on the number of hours these stations may be operated and on their use for adult education or public relations, as well as school broadcasts. On these frequencies there is no static and no interference, which makes them particularly valuable for the purpose.

The Communications Commission has formulated engineering requirements which school systems preparing to install stations must meet. A maximum of 1,000-watts power and a minimum of 100 watts are required, although the latter may be modified for schools which can show that lower power is better adapted to their needs.

Neither transmitters nor receiving sets for these ultra-high frequencies are on the market as yet. Until the frequencies are more generally used, schools installing stations will have to order equipment made to their specifications, which will be very expensive until a wider use has been developed.

ADULT EDUCATION

If broadcasts to the schools involve many problems, adult education programs raise still more. The question of the type of education to be given is still more of a problem in adult education. What balance shall be kept between "stimulus," the accumulation of information, and the development of a skill? Must broadcast education necessarily be a "show" in order to attract attention? Can commercial stations be expected to reserve evening

hours—when the largest audience is available for all types of programs—for educational programs when it means a loss of income if they refuse commercial programs? These are some of the problems which educators and broadcasters must face, and over which controversy has developed.

A few adult educators were early interested in the possibilities of broadcasts for adults of a remedial type, that is, compensating defects in earlier education. More, however, felt that broadcasting was "another gadget." Levering Tyson, director of the National Advisory Council on Radio in Education, has described his early enthusiasm and his disappointment when he found the faculty of Columbia University, for which he was then associate director of university extension, uninterested in the possibilities of broadcast education. He also points out that there was no "reasonable and logical presentation" of the case of education¹⁴ in the early conferences on the regulation of radio and the Congressional hearings before the Federal Radio Act was passed.

The question has already been raised: Of what shall adult education programs consist? This problem faces the educational stations as well as the commercial broadcasters, for they too must win an audience, even though they are content with a much smaller one than the broadcaster whose sales of time depend on the size of his audience. A German student of the problem, now resident in England, says:

¹⁴ "Looking Ahead," *Education on the Air*, 1936, p. 62.

"Wireless brings an entirely new element into the multifarious attempts at popular education, because for the first time it is not directed at the uneducated only, to raise them to the level of the educated, but is attempting to draw up a cultural program equally appropriate for uneducated and educated." The task of broadcasting is "to select from existing art what is simple enough to be felt by everyone . . . and to get down to the root-problems of the cultural life of the period." It should "lead from folk-art to the particular forms of individual creative artists, and from the puzzles and difficulties which beset each person in his own life to the great fundamental problems which occupy the philosopher." The problem is to bring "art and philosophy and the people into accord." Continuing, he says: "Wireless should not attempt to embrace the entire range of the life and interests of all its listeners. . . . In general, specialties are for the specialist. Wireless is only one instrument of dissemination among many."¹⁵

A few institutions have found it possible to give extension courses for credit, or to give credit provided students come to the university and pass an examination. Others feel that this is not feasible.

EDUCATIONAL STATIONS

From 1921 through 1936, 202 broadcast licenses were issued to 168 educational institutions. In January, 1937, there were 38 stations owned by educational institutions, and one short-wave educa-

¹⁵ Arnheim, Rudolf, *Radio*, pp. 248-51.

tional station which is not owned by an institution. To be sure, many of those no longer in existence were intended to give the students in technical subjects practical experience rather than to broadcast educational material for the public. Of the 164 broadcast licenses lost by educational stations 94 had been relinquished before the creation of the Federal Radio Commission. Only a third (55) of the institutions held their licenses for three years or more.¹⁶ A few of the 38 remaining take some advertising programs as well as the educational programs which are their main interest; 6¹⁷ are operated chiefly as commercial stations with some time reserved for institutional programs. Twenty are owned by state institutions. Of the entire number, 8 operate with 5,000-watts daytime power and 2 with 10,000 (one of these is a short-wave station and the other is operated as a commercial station).¹⁸ All the others operate with less than 5,000-watts power. Only two of those operated entirely as educational stations are permitted to operate on an "unlimited" time schedule, while most of them have very few evening hours, if any. Less than a third operate nine or more hours per day; some operate only five or six hours a week.¹⁹

¹⁶ Frost, S. E., Jr., *Education's Own Stations*, pp. 3-5.

¹⁷ At the time of going to press WCAD (St. Lawrence College) is under option to be leased for operation as a commercial station but the Federal Communications Commission has not yet authorized the transfer.

¹⁸ WWL (New Orleans), operated as a commercial station by Loyola University, was granted an increase in power from 10,000 watts to 50,000 early in January, 1938.

¹⁹ National Committee on Education by Radio. *Educational Stations*.

More controversy has centered in the question of educational stations than in almost any other aspect of broadcasting. When licenses were given to all applicants, many institutions secured licenses. But many made little or no use of their stations. As the pressure for facilities developed, even those educational institutions which were striving to make good use of their stations found themselves in difficulties. Their budgets were very small at best. To maintain equipment which would meet the standards set by the Radio Commission was difficult. The necessity for defending the license in hearings before the Commission was a drain which many stations could not meet. Gradually, many of these institutions either gave up their licenses or leased the stations to commercial companies.

One group of educators felt that the only hope for adequate educational programs was through a series of stations licensed to educational institutions. The National Committee on Education by Radio, which represented this point of view, advocated ardently the plan for the reservation of 15 per cent of all frequencies for educational and other non-profit agencies. For several years more attention was centered on this question than on any other problem concerned with educational broadcasting. In the fall of 1934 the Federal Communications Commission held a series of hearings on the question of allocating definite frequencies to educational stations, in accordance with a provision of the Federal Communications Act. The commercial broadcasters brought forward an impressive amount of

testimony to show that educators were not making use of the opportunities offered, while the National Committee could not prove any great public interest in its proposal.

All the educational stations which are operated on a noncommercial basis have very limited budgets. WHA in Wisconsin, which is described as "the largest of the educational stations in physical plant, one of the largest in transmission power, the richest in financial resources, and probably the most outstanding in the quality of its programs,"²⁰ had a budget of \$25,000 for 1937-38. Another had only \$3,500 yearly. To be sure, such stations can secure talent from faculty and students and do not have to meet certain other expenses which a commercial station must take into account. A student of the subject has recently characterized the whole group as follows: "A few of the educational stations are well equipped and moderately well supplied with funds, and . . . about half of them would be equipped to rival in professional ability commercial stations of modest resources serving limited areas."²¹ He comments also that "it would be difficult to find many commercial stations of such meager resources and small proficiency as the poorest third of the educational stations."

The station which broadcasts few or no evening hours is seriously limited in its effort to present adult educational programs, since it cannot reach

²⁰ Hill, Frank Ernest, *Listen and Learn*, p. 70.

²¹ *Ibid.*, p. 74.

the great majority of adults at times when they are free to listen.

CO-OPERATION BETWEEN EDUCATORS AND BROADCASTERS

While the educators affiliated with the National Committee on Education by Radio felt that programs of real educational value could not be presented over commercial stations, another group felt that the best solution was to work with the commercial broadcasters. In 1929 the Secretary of the Interior had appointed an Advisory Committee on Education by Radio including educators, broadcasters, manufacturers, and representatives of the public at large. This committee recommended that further study of the subject be made by the U. S. Office of Education, and that an effort be made to secure money sufficient to "bring to the microphone, for a period of two or three years, a high-grade program in certain formal school subjects and to check carefully the results obtained."²²

Shortly after this report was made public the controversy among the educators came to a head. Unfortunately, the National Committee on Education by Radio, referred to above, and the National Advisory Council on Radio in Education each considered itself the successor to the Advisory Committee. The bitterness between the two groups which resulted from this situation undoubtedly hindered

²² *Report of the Advisory Committee on Education by Radio*, pp. 75-6.

the development of educational broadcasting for several years.

The National Advisory Council on Radio in Education carried on its work actively from 1930 until the fall of 1937. It assembled data on educational broadcasting and arranged programs on a variety of subjects in co-operation with a number of other agencies. Best known of these was the *You and Your Government* series broadcast for four years over N. B. C. in co-operation with the American Political Science Association. At the end of that time (the spring of 1936) the National Broadcasting Company informed the Council that it could not continue broadcasting these programs.

After the Federal Communications Commission decided not to recommend the allocation of specific frequencies for educational stations, the Federal Radio Education Committee was set up in 1935 by the Commission to "eliminate controversy and misunderstanding" and to "promote co-operative arrangements between educators and broadcasters on national, regional, and local bases." John W. Studebaker, Commissioner of Education, is chairman. The committee includes prominent educators, religious and labor leaders, representatives of educational stations, and commercial broadcasters. With the appointment of this committee the importance of the problem was definitely recognized by the government. A series of studies which, it is estimated, will require two years for its completion at a total cost of \$250,000 has been approved. Educational foundations have promised two thirds of

the necessary funds, and, it is expected, the remainder will be contributed by the broadcasters. Among the projects for study are "a survey of successful efforts by local stations to secure co-operation with civic and other nonprofit groups in their respective communities," a study of teacher-training courses in the use of school radio programs, the creation of a clearinghouse of information on educational broadcasting, a study of methods of publicizing radio programs, a survey of "organized listening groups here and abroad," the development of techniques for evaluating radio programs (this is being carried on by Ohio State University on a grant from the General Education Board), a study of co-operation between local stations and local educational institutions, a survey of experience in network educational broadcasting, an analysis of public opinion in regard to educational broadcasting, and a study of radio listeners (this is being carried on by Princeton University on a grant from the Rockefeller Foundation).²³

Another project on a national co-operative basis is the Federal Radio Education Project conducted by the U. S. Office of Education on a grant from emergency relief funds. Three series of programs of varied duration have been broadcast over N. B. C. and five over the Columbia System. One of the latter was in collaboration with the United States

²³ Studebaker, John W., "Report of Progress of Federal Radio Education Committee." Address at the Second National Conference on Educational Broadcasting, Chicago, Ill., November 30, 1937.

Department of Commerce and the Federal Radio Education Project. Another was made available for educational stations and independent commercial stations. These programs aroused wide public interest. It is estimated that *Brave New World* alone attracted an audience of 7,200,000 persons in 1938.

While these are the outstanding illustrations of co-operation on a national basis it must not be forgotten that the networks have long co-operated with many national organizations to put on educational programs. Among these may be mentioned the National Education Association, the National Congress of Parents and Teachers, the General Federation of Women's Clubs, and the American Medical Association.

After it became evident that Congress would not order the Federal Communications Commission to allocate a definite proportion of frequencies to educational and other nonprofit institutions, the National Committee on Education by Radio turned to the development of a plan for co-operation between educational organizations and broadcasting stations on a regional basis. Under this plan "co-operative councils composed of representatives of co-operating agencies" would be formed in each region. An administrative organization and a technical staff would be set up to assist the co-operative organizations. It would prepare scripts, provide a transcription service, stimulate and guide the production of programs by the co-operating organizations, and assist in the interchange of valuable pro-

grams. Such councils have been organized in the Rocky Mountain region and in Texas. The Committee hopes that inter-regional and national co-operation can be developed later.²⁴

One of the most interesting developments in the local field is that of the University Broadcasting Council in Chicago, a nonprofit corporation under the laws of Illinois. Three universities—Chicago, DePaul, and Northwestern—each appoint two of its six trustees. Thus it functions essentially as the radio departments of the universities. It co-operates with five stations in the Chicago area, including the key stations of N. B. C., Columbia and Mutual. Nearly half its budget of \$56,500 for the year 1938 was met by contributions from the universities and the stations and the remainder is furnished by the Rockefeller Foundation.²⁵

The Council develops educational programs with faculty members as participants, except for occasional dramatized programs where trained actors are necessary. The stations discuss the ideas suggested and decide which of the programs they care to produce. In the year from October 1, 1936, to October 1, 1937, the Council had 256 hours of broadcasts of which 177 were of valuable time. During that year there was "no single instance of censorship" by station managers, although there were "some mild cases" during the first year and a half of the Coun-

²⁴ *Education by Radio*, November, 1937.

²⁵ Carnegie Corporation formerly contributed to the Council but has withdrawn its support. The Alfred Sloan Foundation makes a grant to the University of Chicago for use on their programs, particularly the *Round Table*.

cil's existence. Except for a single station which later withdrew from the Council there were only "two questionable cancellations" of programs and one shift in time.²⁶

Much, then, has already been accomplished in the field of educational broadcasting. If the stations realize that educational programs are a part of the service they should give the public, and the educators are, at last, awake to the opportunity, why, then, is there still tension between the two groups? The complaints of the educators have been summarized as follows:

"Broadcasters have shown much less enthusiasm than educators would like to see for experiments in establishing comprehensive schedules or long-sustained programs.

"They have tended to offer the poorer and less salable hours to education.

"When co-operating with educators in the production of programs designed to run for some time over networks, some broadcasters have not provided reliable lists of such stations as would use these programs in time for educators to send out effective publicity in advance.

"While offering the facilities of a network, they have delivered only a percentage of it.

"They have often given poor co-operation in the planning and production of programs."²⁷

It is evident that the problem of getting stations affiliated with the networks to broadcast the educa-

²⁶ *Education by Radio*, February, 1938, pp. 5-6.

²⁷ Hill, Frank E., *Listen and Learn*, p. 147.

tional programs sent out by the networks is difficult. The earlier series of Federal Radio Education programs, which were obviously popular, were broadcast by fewer than half of the N. B. C. stations, and a little more than half those of Columbia. Commissioner of Education Studebaker said at the 1937 Institute for Education by Radio:

"There is no socially sound reason why there should be adequate systematic, and sustained provision for an assured, regular, national coverage of merchandizing broadcasts, while at the same time there is no similar provision for the dissemination of knowledge, ideas, ideals, and inspiration which serve the sole purpose of lifting the general level of enlightenment and culture."²⁸ It has already been pointed out that the stations are under no obligation to broadcast sustaining programs—and that it is doubtful whether such an arrangement would be desirable. The networks cannot, therefore, guarantee to provide a certain number of stations for such programs, as they can for the commercial ones. They can, of course, see to it that their affiliated stations are fully informed in regard to such programs. It is evident that there has been considerable improvement in this and other respects since 1936.

Perhaps the most impressive statement of the charges of the educators is made in *Four Years of Network Broadcasting*, issued by the Committee on Civic Education of the National Advisory Council

²⁸ *Education on the Air, 1937*, p. 24.

on Radio in Education.²⁹ As a result of numerous changes in hours, the shift from one network to the other, cutting the time of the programs in half, failing to provide lists of the stations carrying the programs in time to send out publicity, and failure to keep the stations in line for the whole series of programs, the committee concluded by 1937 that "it is useless at this time to attempt systematic education by national network broadcasting at hours when it will be available to large adult audiences."³⁰ "Educational broadcasting," the committee complains, "has become the poor relation of commercial broadcasting, and the pauperization" of the former has "increased in direct proportion to the growing affluence" of the latter.³¹ The N. B. C. insists that the changes were always made at the end of a series, that the shortening of the period was jointly agreed upon and that the difficulty in booking stations was caused by the arrangements between the networks and the stations, and could not be prevented. It should be said that the programs of the Federal Radio Education Project were continued after the *You and Your Government* series was given up, that the *Town Hall of the Air* was again broadcast in 1937 and 1938, and that new features have been introduced by both N. B. C. and Columbia.

The great difficulty seems to be that "the commercial stations, whether independent or network, lack a unified and complete policy with regard to

²⁹ University of Chicago Press, 1937.

³⁰ *Ibid.*, p. 73.

³¹ *Ibid.*, p. 49.

education."³² It seems that both networks and stations may be becoming aware of the seriousness of the problem. In 1937 the N. B. C. appointed Dr. James W. Angell, president-emeritus of Yale University, as its educational counselor. In the same year WBEN of Buffalo appointed B. H. Darrow, well-known for his work in the Ohio School of the Air, as educational director.³³ It may be noted that since 1933 the position of educational director of the N. B. C. had been a subordinate one. For the first time a network has a really prominent educator formally appointed as counselor. Mr. Darrow is the first one appointed by an independently owned commercial station "exclusively for educating." On January 10, 1938, the Columbia System announced the appointment of an Adult Education Board of educators and publicists with Professor Lyman Bryson, of Teachers College, Columbia University, as chairman. The board is studying the scope and purpose of adult education over the air to meet the needs of a democracy, seeking to perfect techniques for this type of broadcasting. All educational series presented by the System's department of education are arranged with the counsel of the board. Late in July, 1938, the N. B. C. announced that an educational division would be established in the program department, in accordance with suggestions made by Doctor Angell.

³² Hill, Frank E., *op. cit.*, p. 155.

³³ *Variety*, September 1, 1937, p. 47.

CHAPTER X

RELIGIOUS BROADCASTING

IN most countries of the world religious programs are among those broadcast. In a very few—notably, Russia, Mexico, and Palestine—these are forbidden. In France it is permitted over the privately owned stations, and over the government station in Strasbourg (where the Concordat with the Vatican is still in force) and, as a result of a demonstration in its favor, over *Radio de Paris*. In general, the French government considers that the broadcasting of religious programs over government stations would violate the principle of the separation of Church and State. The time devoted to religious programs differs widely in the different countries. For the three-year period from September, 1932, to August, 1934, the average amount of time given to religion in the different European countries varied from less than 1 per cent in Belgium to about 8 per cent in Sweden, with about 2 to 3 per cent the most common figure. In Great Britain at that time it was about 5 per cent. By 1935, however, it had dropped to about 4 per cent.¹

In countries where there is a government monopoly of broadcasting there are definite restrictions as to what groups are allowed to broadcast. In some cases communions which represent a stated propor-

¹ Charts prepared from classification by the Union Internationale de Radiodiffusion. *B. B. C. Annuals*, 1935 and 1936.

tion of the population are allowed to share in the religious broadcasting. In others small minority groups are simply ruled out. The general policy of the British Broadcasting Corporation in regard to religious programs is described as follows: ". . . Facilities for broadcasting are given to ministers of all important denominations that can be said to be in the main stream of the Christian tradition; . . . no attempt is made to satisfy the need of every kind of listener in the same broadcast. . . ."² It is probable that the United States is the only country in the world in which any religious topic may be presented provided the speaker can persuade a station to sell him time. And it is probable that almost any person could find some small station willing to do so, if he hunted long enough. Also, there are very few other countries in which stations are actually operated by religious bodies.

THE EXTENT OF RELIGIOUS BROADCASTING IN THE UNITED STATES

How much time is devoted to religious broadcasting in the United States? Who pays for it? Are the programs arranged by the stations or networks, or is this responsibility turned over to some individual or organization? In order to answer these questions the Department of Research and Education prepared a questionnaire which was sent to 648 stations in operation in May, 1937, in the United States. Mr. James W. Baldwin, then executive director of

² *B. B. C. Annual, 1935*, p. 67.

the National Association of Broadcasters, kindly sent it with a covering memorandum to all the members of the Association. The Department sent the questionnaire to the stations that were not members of the Association. They were requested to list the religious programs broadcast during the week of May 23-29, 1937, giving the following information: length; whether planned by the station, a network, or a religious organization; whether sustaining or commercial; if the latter, whether it was paid for by a religious organization, an advertiser using religious themes in his program, or by other methods.

No attempt was made to define the term "religious broadcasting." We believe, however, that station managers would have accepted as a definition: programs having as a primary purpose the promotion of participation in religious worship and activity or knowledge concerning religious subjects and events. Replies which could be tabulated were received from 425 stations, or 65.5 per cent.

STATIONS REPLYING BY CLASS OF POWER

Classes of Stations by Power	Number Replying
50 w. to 499 w.	155
500 w. to 999 w.	85
1,000 w. to 4,999 w.	128
5 kw. to 9 kw.	29
50 kw. or more	28
	425

The median number of hours for the entire country is 4.25 hours. The *average* number of hours is 4.8. Just under three fifths of all the stations broad-

cast fewer than 5 hours of religious programs weekly. It should be noted that for each class of power except those of 50 kilowatts or more the median is from 4 hours for the 1-kilowatt stations to 4.75 hours for those of less than 500 watts, but for the most powerful stations the median is 3.375 hours. Of 35 stations which report that they broadcast 10 or more hours of religious programs in the week specified all but 4 were of less than 5-kilowatts power, and there were none in the highest-power group. At the other end of the scale the 10 stations which reported no religious programs were all of less than 5 kilowatts power. An analysis of the replies by geographical divisions indicates a median slightly higher than that for the country as a whole in the South Atlantic and East South Central states, and a slightly lower median in the Middle Atlantic and Pacific states.

Not all the stations gave the total number of hours broadcast as well as that of religious programs, so that the percentage could be determined. The median for 301 stations is 4 per cent, while the average is 5.42 per cent. If, however, the 3 church stations, broadcasting mainly religious or religious and educational programs, are omitted, the figure is 4.83 per cent. This figure corresponds very closely with that of the survey of the Communications Commission in 1938, which indicated that 5.15 per cent of total time was devoted to religious broadcasts. It is, however, much smaller than that secured in 1932 by Dr. W. J. DuBourdieu, then a graduate student at Northwestern University in the department of

religious education. He found that 8.35 per cent of all broadcasting time was given to religion. His study was based on replies to a questionnaire by 56 per cent of the then existing stations.³ Without a comparison of the lists of stations replying it is impossible to state whether the difference represents an actual shrinkage, or chiefly a difference in the stations replying.

The difference in the per cent of time devoted to religious broadcasting by class of power is similar to that for total time given to religious broadcasting. By classes of power the median percentages are as follows: local 4.6, 500 watts 4.25, 1 kilowatt 3.24, 5 to 15 kilowatts 3.75, 50 kilowatts 3.45. It should be noted that more than one third of the stations giving this information are of 250 watts power or less, and only 40 are of 5,000 watts or more. There seems to be a slighter difference between the different sections of the country than between the different classes of power. The classification of stations presented in the survey by the Communications Commission already referred to is somewhat different, so that a close comparison of the data cannot be presented. However, the figures for 500 watt, 1 kilowatt and 50 kilowatt stations are practically the same. The Commission's figure for the local stations (250 watts or less) is about 1 per cent higher.

Most stations broadcast some religious programs on a sustaining basis—that is, the station is not paid for the use of its facilities. The median amount of

³ *Religious Broadcasting in the United States*. From an unpublished manuscript.

time devoted to sustaining programs for 421 stations was 2.5 hours as compared with the $4\frac{1}{4}$ median for total time devoted to religious programs. The average is 2.91 hours. Indeed, 85.5 per cent of all the stations reporting broadcast fewer than five hours weekly on a sustaining basis. However, just over a quarter of the stations reporting broadcast religious programs only on a sustaining basis. The "spread" between the different classes of stations is smaller than for the number of hours of broadcast. The median for the local stations is 2.5 hours, 2.25 for those from 1 to 15 kilowatts, and 2 for the 500 watt and 50 kilowatt stations. There is a more striking geographic difference here than in regard to the total number of hours devoted to religious programs. The median number of sustaining hours for the New England stations is 4, for South Atlantic stations $3\frac{1}{4}$, while it is only $1\frac{3}{4}$ for the Pacific stations. Apparently there has been a slight increase in the proportion of commercial to sustaining religious programs in the last few years. Doctor DuBourdieu found that three out of four programs were sustaining, while our study indicates, as does the Commission's survey, that three out of five are sustaining.

RESPONSIBILITY FOR STATION PROGRAMS

What are the agencies responsible for the broadcasts? Unfortunately, it is difficult to get precise information on this point. It is evident, however, that many programs of religious music are station programs. It seems probable that the stations fre-

quently take the responsibility for devotional programs, selecting their own speakers. Occasionally, a more formal service is put on by a station with a speaker of its own selection. Thus, WLS in Chicago has the *Little Brown Church* with a minister in charge. WCSH (Portland, Me.) has the *First Radio Parish Church*.

TYPE OF PROGRAMS

A study of the programs reported makes it evident that the stations which broadcast local religious programs take very seriously the obligation to be non-sectarian. Some declare that every sect in the community has at some time used their facilities. It is perhaps worth noting in this connection that the one form of censorship which some of them will admit exercising is to forbid the different groups to talk about each other.

Programs of religious music are very popular. Perhaps the best proof of this, if any is needed, is the fact that such companies as General Mills and Procter and Gamble make the broadcasting of religious music an important part of their advertising ("Hymns of All Churches" and the "Gospel Singer"). The latter had long been a sustaining feature on N. B. C. before it was taken over by Procter and Gamble. Judging from the reports to our questionnaire, more than half the stations had at least one program of religious music sometime during the week for which they reported—and some had five or six. Nearly half the smaller stations had

regular devotional periods, but only 4 of the 28 stations of 50 kilowatts or more provided these. The latter, however, frequently broadcast only the religious programs provided by the network with which they are affiliated.

Most programs, aside from those which are entirely musical, include an address. There are, of course, certain programs which consist entirely of addresses—notably Father Coughlin's and Judge Rutherford's. Dramatic programs have been undertaken in recent years. Most notable of these is the *Living Dramas* of the Columbia Broadcasting System, in which a dramatized Biblical story was presented weekly in 1937. The Bible Foundation of Washington, D. C., organized to promote noncommercial religious broadcasting, originated a few transcriptions of similar dramatizations, but its activity seems to have been short-lived. *Sunday Players* is a commercial undertaking. The transcriptions are bought by local commercial organizations—frequently undertakers or cemeteries—who wish a program "suitable for the day." Perhaps the most widely disseminated dramatic programs are the *St. Anthony Hour* and *Ave Maria*, both sponsored by the Franciscan friars of the convent near Garrison, New York, as a part of their campaign for funds. (These two programs are sometimes commercial, sometimes sustaining.) They are broadcast over certain regional networks and are very widely distributed as transcriptions among other stations. At the time of writing it is announced that *Ave Maria* will be broadcast over about 150 stations.

POLICIES OF THE MAJOR NETWORKS

The two larger networks have interpreted their responsibility somewhat differently. N. B. C. has never sold time for religious broadcasts. From the beginning its religious programs have been planned in co-operation with church leaders. Since 1929 Protestant programs have been presented with the co-operation of the Federal Council of Churches and local federations.

The general policy has been to present prominent religious leaders weekly for a period of several months. The sermons are evangelical in quality, but nonsectarian. In the course of the years a number of ministers have served for varying lengths of time. For 1937-1938 the speakers were Dr. Harry Emerson Fosdick, Dr. Ralph W. Sockman, Dr. Lloyd E. Foster, Dr. John Sutherland Bonnell, Dr. William Thomson Hanzsche, Dr. Alfred Grant Walton, Dr. Leslie Bates Moss, Dr. George Stewart, Dr. Norman Vincent Peale, and Dr. Walter W. Van Kirk. The Federal Council's secretary for religious radio also assists in the planning of local programs when he is requested to do so.

These religious programs of N. B. C., because they provide a sustained radio ministry by some of the most distinguished and gifted American preachers, have won wide approval as attested by a voluminous mail response. The ministers serve without compensation and the music programs are maintained by funds raised for the most part by volunteer committees, but in part furnished by the company. The

programs are arranged by the Federal Council's Department of Religious Radio.

A Catholic program is broadcast over N. B. C. under the sponsorship of the National Council of Catholic Men. In 1936 about fifty stations carried it regularly. A Jewish program is also broadcast weekly.

For a time the Columbia Broadcasting System sold time for religious programs, just as for any other type of program, but later concluded that "there was danger that religious broadcasts would develop into a racket, because it was perfectly clear that if you did them effectively, you took in a lot of money."⁴ Now, it does not "under any circumstances sell time for programs of a religious nature," nor "countenance any programs which are devoted wholly or in part to attacks on the religious faith and convictions of any group of American citizens." Two half-hour periods for religious broadcasting, known as the *Church of the Air*, are allotted every Sunday, and are assigned to "the major established faiths": Protestant, Catholic, Jewish, Christian Science, and Mormon. "The outstanding denominations of the Protestant Church are included in this group."⁵ The System has a group of denominational representatives whom it consults, but final decision rests with the System. It has secured informal co-operation from Federal Council officials. There are also several musical programs of which the best known is the *Salt Lake City Tabernacle*

⁴ Bellows, H. A., in *Radio Broadcasting*, p. 165.

⁵ Statement issued by the Columbia Broadcasting System.

Choir. Wings over Jordan is a program of Negro spirituals and religious talks by Negro leaders and educators.

The Mutual System broadcasts no sustaining programs of the church-service type. It has, however, several sustaining religious musical programs.

LOCAL AND REGIONAL NETWORK PROGRAMS

With one or two exceptions Protestant sectarian messages as such are not carried over the national networks. But the situation is very different over the individual stations and some of the regional networks. Not all their religious programs are sectarian. Some sixty-six stations in the Department's survey reported local interdenominational programs under the auspices of the local ministerial alliance, council of churches, Y.M.C.A. or Sunday-school association. Probably there are many others. Most often, it seems, this is a devotional period. In 1934 the International Council of Religious Education reported that twenty-three organizations affiliated with the Council had broadcast over forty stations. Frequent broadcasts on the International Sunday-School Lesson are reported. Of course, these may or may not be sectarian, depending on the interpretation given by the speaker. Nevertheless, sectarianism is rampant in the broadcasts over many stations.

Local churches frequently broadcast programs, either an entire church service or a short portion of it. Some of these are sustaining, with the station bearing all, or most, of the costs, or semi-commercial, with the church paying a smaller fee than that

charged a commercial advertiser for the time used. In some cases the facilities are available without charge at certain hours, and are paid for at others. Some stations broadcast religious programs only on a sustaining basis; others only on a commercial basis. Some managers comment that they "never have believed in charging the church for its services and never will." Others say that they formerly donated several hours a week for religious programs but finally decided that the only way to "take care of everyone without offending anyone" was to charge a fixed rate for all religious broadcasts. An occasional station broadcasts only religious programs on Sunday.

WHO BROADCASTS?

In 1932 the late E. C. Cameron, then a graduate student at Union Theological Seminary, found 25 church bodies broadcasting over 83 stations.⁶ Our study revealed at least 40 such bodies which could be identified. Since it was impossible to identify fully the different denominations within such inclusive groups as Baptists, Methodists, Presbyterians, and Lutherans (and, indeed, within some of the smaller groups, as well), no attempt has been made to do so, unless the name was clearly stated. Furthermore, in many cases the schedules gave only "church service," or "———— Street Church," or the name of the individual in charge of the program. These figures are, therefore, to be regarded as *minimum*

⁶ Cameron, E. C., *The Radio and Religion*. From an unpublished manuscript.

figures, not as a precise count for the stations reporting. In the table given below the different bodies are ranked in accordance with the number of stations over which they broadcast. *N. B. C. and Columbia programs are not included*, but Mutual programs are.

DENOMINATIONAL PROGRAMS BY NUMBER OF STATIONS

More than 50 stations		Disciples	32
Baptist	89	5 to 24 stations	
Roman Catholic ⁷	86	Salvation Army	21
Watch Tower ⁸	70	Congregational	19
Christian Science	56	Seventh Day Adventists ¹¹	15
Holiness and Pentecostal ⁹	55	Protestant Episcopal	12
25 to 49 stations		Jewish	12
Methodist	48	Full Gospel ¹²	12
Gospel Tabernacle ¹⁰	45	Christian and Missionary	
Presbyterian	38	Alliance	7
Lutheran	35	Four Square Gospel	6

Scattered programs are broadcast by the following: Greek Catholic, Czech Catholic, Apostolic,

⁷ There are few *separate* Catholic programs. The overwhelming majority of this imposing number is accounted for by two dramatic programs, *St. Anthony Hour* and *Ave Maria*, both broadcast by the Franciscan Friars as regional network programs and as electrical transcriptions.

⁸ The Watch Tower, also known as Jehovah's Witnesses, also has its own station.

⁹ The Church of the Nazarene is included in this number, as are several other bodies which could not be clearly distinguished.

¹⁰ This includes local evangelistic associations which frequently call their churches "gospel tabernacles" and, where no further identification was possible, other organizations which also use the term.

¹¹ This number is certainly too small. There is at least one regional network program which is not fully accounted for here, and there may be others.

¹² A Pentecostal group included in Pentecostal Assemblies of the World. Compare Clark, Elmer, *The Small Sects in America*, p.139.

Christian Catholic Church of Zion, Mormon, Volunteers of America, Methodist Protestant, Metropolitan Church, Reformed, Christian Reformed, Unitarian, Universalist, United Brethren, Community churches, Evangelistic, Evangelical, Adventist, Mennonite, and Unity. The Pillar of Fire has two stations of its own, not included in the above table. In addition, there are other broadcasts, such as the "Bible Church," "Full Calvary Gospel," "Gospel Herald Society," "Fourfold Gospel," to say nothing of "The First Church of the Deliverance," "The First Church of the Fundamentals," "The People's Independent Church of Christ," the "Refuge Church of Christ," or "Anglo-Israel Truth." More recent programs of this type are *Psychiana* and that of the Rosicrucians, both broadcast over Western stations in 1938.

If, however, these bodies are arranged in order of the amount of time broadcast the results are different.

HOURS BROADCAST BY LEADING DENOMINATIONS

<i>Denomination</i>	<i>Total</i>	<i>Sustaining</i>	<i>Commercial</i>
Baptist	119.58	42.00	77.58
Gospel	77.66	24.25	53.41
Roman Catholic	63.74	44.16	19.58
Methodist	43.91	28.16	15.75
Holiness and Pentecostal	41.82	13.91	27.91
Presbyterian	37.34	23.42	13.92
Lutheran	29.96	19.55	10.41
Disciples	26.95	6.75	20.20
Christian Science	24.08	10.42	13.66
Watch Tower	24.11	.75	23.36
	<hr/> 489.15	<hr/> 213.37	<hr/> 275.78

Thus the Gospel Tabernacles, which are sixth in frequency of stations, are second in number of hours broadcast, while the Watch Tower and Christian Science, third and fourth in number of stations, are almost at the bottom in point of time. The explanation for this is that most of the programs for both bodies are quarter- or half-hour, while the others frequently broadcast entire church services. Nearly two thirds of the Roman Catholic time is accounted for by three programs: *Ave Maria*, *St. Anthony* (already mentioned), and Father Coughlin. The latter bought half of the commercial time used by Roman Catholics. Of the total time broadcast by these different bodies, 56.4 per cent was on a commercial or semicommercial basis, and 43.6 per cent on a sustaining basis. This figure is, of course, very much larger than the total proportion of commercial programs.

When a great number of definitely sectarian programs are broadcast by a single station, the student of the subject cannot help wondering what the effect is on the listener of hearing a succession of addresses by speakers of widely varying beliefs, each of which declares that "this is the truth," particularly if the program is followed by an ardent request for contributions. To take an extreme example, a low-powered Middle Western station reported that it broadcast regularly on Sundays Congregational, Reformed, Lutheran, Baptist, Salvation Army, Nazarene, Full Gospel, Watch Tower, People's Tabernacle, and Gospel Mission programs, in addition to

several which very possibly represented still other bodies.

LOCAL INTERDENOMINATIONAL PROGRAMS

In order to secure further information about the character of the interdenominational programs, a letter was sent to a minister in each community for which such programs were reported—except for a very few for which the name of a correspondent was not secured. Forty-two replies were received reporting 50 programs. One Council of Churches reported that it arranged programs regularly for 4 stations, another that the 3 stations in the community each broadcast a council of churches program every day in the year. Two of the ministerial associations and one of the councils of churches regularly had 2 different programs each. Nearly half of these were daily programs, some were Sunday only, while two or three were given only during alternate weeks. For the most part they were brief devotional periods with a short address and religious music. It is evident that the music is a serious problem in many communities. Frequently the minister officiating is accompanied by the choir or a soloist from his church. But this means that the music is of very uneven quality. As a result some stations insist on choosing the music to be used or on the use of recorded music only; occasionally music is entirely absent.

The number of denominations participating varied from four to "all in the community," including Jews, Roman Catholics, and Mormons. The

median number of participating bodies was ten. It is evident that in many communities an effort has been made to render these services representative of the entire community irrespective of race or creed. The method of selecting the ministers varied widely. Most often some system of rotation has been worked out—sometimes alphabetical, sometimes by seniority, sometimes by church membership. A single association reported that the ministers were selected after a test to show their suitability for broadcasting. Another said that one hundred and fifty different ministers broadcast during the year in the different programs of his association.

Most of the ministers reporting said that the stations were co-operative, although some of them complained that the only hour which the station could give them was so early that the audience was small. A few commented that the lower-powered stations were co-operative while the more powerful ones were not. In a few cases the initiative in establishing the program came from the station. Several believe that the program is bringing the churches closer together. Most of them believe that the programs are of real spiritual value to the community, although a few show concern for the quality of the services and are seeking ways to overcome the difficulties. Two reported that their programs are commercially sponsored, and made it evident that this arrangement does not meet with the wholehearted approval of the ministers of the community.

COMMERCIAL PROGRAMS

In general, it seems, church bodies putting on religious programs on a commercial basis take the financial responsibility themselves. Occasionally, however, some local business sponsors the program. There is something a bit distasteful to many people in having a coal company—or a drugstore—take commercial sponsorship for a religious program, especially one of the church-service type. It must be said, however, that much depends on the way the commercial announcements are handled. If the announcement is merely that “——company presents this broadcast,” then it may be less objectionable than a wordy request for contributions for some sectarian purpose.

What religious organizations buy time for their broadcasts? It seems to vary in different communities. All the major denominations have some sustaining programs and some commercial ones. In the late winter of 1938, sixty stations were broadcasting the Lutheran Hour, sponsored by the Missouri Synod.¹³ The smaller, frequently more aggressive, communions put on relatively more commercial than sustaining programs. Revival services are frequently broadcast. These are usually—not always—commercial, with the financial responsibility taken by the individual conducting them. To what extent these suggest that salvation is to be found only in a given communion it is impossible to say. One program in the New York area calls

¹³ *Variety*, March 2, 1938, p. 33.

weekly on its listeners to "lift up your hand tonight as a sign that you have decided for Christ"—but does not suggest that there is much more to be done. That particular program stresses entirely salvation for the life-to-come.

The two most widely known commercial programs are those of Father Coughlin and Judge Ruthenford. Father Coughlin speaks in person and arranges his own network, paying card rates. Shortly before the date of his first broadcast for the 1937-38 season, it became evident that Archbishop Mooney of Detroit would not approve the vigorous type of preaching on economic and political questions which his predecessor, Bishop Gallagher, had permitted Father Coughlin to make. On October 10, 1937, it was announced in the press that, rather than broadcast merely "platitudes," he would give up his plans for the current year. However, on January 9, 1938,¹⁴ he again began broadcasting with a network of fifty-eight stations, the largest he has ever had. In some cities the more powerful stations refused to broadcast his programs.

Father Coughlin does not make a practice of asking openly for contributions. Nevertheless, the Radio League of the Little Flower, as his organization is called, has received very considerable sums from his listeners. In 1934 the receipts from his public were estimated as frequently "considerably over \$20,000 a week."¹⁵

¹⁴ *Variety*, January 12, 1938, p. 20.

¹⁵ Childs, Marquis W., "Father Coughlin." *New Republic*, Vol. 78, May 2, 1934, p. 326.

Judge Rutherford of Jehovah's Witnesses (the name Watch Tower or People's Pulpit Association is used for broadcasting) sends out electrical transcriptions very widely, even to some privately owned stations in other countries. It is reported that he had arranged a special network of sixty stations for two addresses to be given in person in September, 1937, but that a number had refused to carry them because of the highly controversial character of his utterances. Judge Rutherford also does not ordinarily solicit funds over the microphone. His programs, like Father Coughlin's, have roused much controversy.

Certain other organizations either make it a policy not to ask directly for contributions or are not permitted by the stations to do so. In general, however, it seems that most of those which broadcast on a commercial basis do make such requests—sometimes very blatantly. For instance, a local federation secretary, when asked about this point, replied that one group in his community, which was not on friendly terms with the other churches, "asked for money for everything, even a trip to Palestine for the minister." Speakers sometimes offer to those who send a specified amount membership in the sponsoring organization, their sermons for the month, a miniature gold cross, or a medal. One speaker on an Eastern regional network used to announce that he would "personally open every envelope"—even when he was to speak in a different city every day in the week. *Variety* recently reported that in a religious program dramatizing the lives of

the saints one third of the total time was given to the commercial announcement. It is credibly reported that stations were offered recordings from "God's Bible School" which they were to sell to listeners for one dollar and retain forty cents for themselves.¹⁶

How far a church may sometimes go is indicated by the report in *Variety*¹⁷ that a Church of God service broadcast over a Southern station included a string band, Hawaiian guitar selections, quartet, and announcements such as: "Young man, come down here, and next morning you won't need Alka Seltzer or an aspirin to straighten you up."

RELIGIOUS PROGRAMS AS ADVERTISING

It has already been pointed out that two large advertisers over the air—General Mills and Procter and Gamble—use programs of religious music as a part of their commercial broadcasting. Both of these are also sent out as electrical transcriptions to stations not on the networks broadcasting them. *Hymns of all Churches* broadcasts Catholic and Jewish music as well as hymns mainly associated with Protestant churches. The *Gospel Singer*, on the other hand, uses chiefly what are known as "Gospel hymns." Occasionally an advertiser uses a brief inspirational talk by a minister. Local advertisers, particularly cemeteries and undertakers, often present musical programs. Mention has already been made of the *Sunday Players*. An occasional church

¹⁶ *Broadcasting*, May 15, 1937, p. 67.

¹⁷ December 2, 1936, p. 51.

service, devotional period, or short program of talks and music is put on by a business house. Without more definite knowledge of the individual situation it is hard to say whether this is part of a general advertising campaign, an "institutional" program to secure the good will of the community without a special effort to make sales, or a contribution to the cause the program represents.

RELIGIOUS STATIONS

Formerly a large number of stations were licensed to local churches or religious bodies. On January 1, 1938, fourteen church bodies, local churches, or religious educational institutions still held their licenses. Several broadcast only a few hours a week of religious, musical, or educational programs. Three are operated chiefly as commercial stations, but certain hours are reserved for church programs. In some cases the license was voluntarily transferred to a commercial station, and the church was given in exchange a guarantee of certain hours for religious programs. Still others have lost their licenses entirely, either as a result of contests before the Commission, or because of complaints about the programs broadcast. The most famous of the latter, and probably for a time the most widely known church station, was that of the Rev. Bob Shuler, of Los Angeles, who lost his license in 1931. The Radio Commission gave as one reason for refusing to renew the license the attacks made by Doctor Shuler on "a religious organization and members thereof, thus serving to promote religious strife and

antagonism." The religious organization was, of course, the Roman Catholic Church. It is perhaps pertinent to note here that Doctor Shuler admitted making some very strong statements in regard to the Roman Catholic Church—though probably no worse than those made over WHAP while it was operated by Franklin Ford, or those still made in the Watch Tower programs. However, no Roman Catholic or Jew as such appeared at the hearings to complain of the broadcasts. It was widely believed that Doctor Shuler's vigorous condemnation of those with whom he disagreed politically was a factor in the Commission's decision.

CHAPTER XI

THE BROADCASTING OF CONTROVERSIAL ISSUES

CERTAIN problems in relation to broadcasting, like those connected with advertising, are of special concern to Americans. Others are fundamental wherever broadcasting is carried on. This is particularly true of the discussion of controversial issues in democratic countries. The United States with its privately owned stations must face certain aspects of the question which are unimportant in Great Britain, where the B. B. C. has a monopoly. The problems of free speech, unbiased news reporting, the fair presentation of all points of view on important questions, the determination of what topics may or may not be discussed over the air, confront every administrator of broadcasting in a democratic country.

Genuinely free speech is far more difficult to achieve over the air than in public meetings or the press. Anyone with a small amount of money can hire a hall for a "protest" meeting or print a pamphlet. But free speech in broadcasting rests on a very different basis. The technical limitations on the number of stations which can be allowed to broadcast, to say nothing of the cost of operating a broadcasting station, mean that minority groups can seldom own stations. And even if they could, unavoidable differences in power and in the tech-

nical advantages of certain frequencies over others, as well as the fact that most adults can be reached for only a few hours in the evening, mean that there is probably no way at present by which all shades of opinion can possibly be represented with equal adequacy on every topic. The station manager, whoever he may be, must select the items he will broadcast from a great variety of possible materials. And in this selection certain groups are inevitably denied the opportunity to broadcast—at least at a time when they can reach the audience they want and on a frequency which can be widely heard. How much free speech, then, is actually possible? And how free is broadcasting at the present time?

In the discussion of any public question free speech, and, indeed, the “public interest,” demand the presentation of different points of view. How far is this possible? If several points of view are presented in immediate succession, then there is danger that people will not listen to so long a program. If they are given at different times, then the connection is broken for many listeners. There is grave danger too, as a German student of the problem has pointed out, that, although “very comprehensive information” is given in such a program, the “culturally untrained listener” will be bewildered and will soon “no longer know what to believe, what to reject, and what to praise, or what to deplore.”¹

Are broadcast political talks to be regarded as

¹ Arnheim, Rudolf, *Radio*, pp. 243-7.

civic education, or as pure propaganda? What is the effect of such talks on the listener? What changes is broadcasting likely to make in our political life? How is the station manager to determine what proportion of time is to be given to the discussion of controversial issues? What is he to do about the broadcasting of programs of special interest to minority—or underprivileged—groups? Must he broadcast unpopular opinions in the face of vocal community disapproval? To what extent does the analogy often drawn between the broadcasting station and the press represent the facts in the case? Is the station's responsibility greater, or less, than the periodical's in case of libel? What essential differences, if any, are there in the function of the station as a disseminator of news and that of the newspaper?

These are some of the problems which arise in connection with the broadcasting of controversial questions. Answers cannot be given to all of them, but certain factors will be presented which are of importance in their consideration.

RADIO AND THE NEWS

Newspapers have given up the fight to prevent the broadcasting of news, which has become a very important commodity. Lowell Thomas, Boake Carter, and H. V. Kaltenborn, to mention only three prominent commentators, are almost as widely known as Jack Benny and Rudy Vallee. And certain national advertisers find news bulletins a valuable form of advertisement. WCPO in Cincinnati, for

instance, broadcast in 1937 14 news periods daily—about three hours in all—of which all but two were commercial.² For the week of March 6, 1938, the Communications Commission found that 8.55 per cent of total broadcasting time was devoted to news and that about three out of eight news programs were commercially sponsored.³

But the broadcasting station, unlike the newspaper, can ordinarily give only very brief reports on fewer topics than the newspaper covers. Selection, while essential, may become censorship as a result of station policy in regard to certain types of news or of a desire to avoid reports displeasing to the sponsoring company. But even if the choice of items involves no unfair weighting, the manner in which the script is read to the audience may modify radically the effect of the news itself.

The position of the commentator, like that of the newspaper columnist, may be one of great power. But as Arthur N. Holcombe, professor of government, Harvard University, has pointed out, his dependence on the advertiser employing him "affords a precarious security against improper influences. Under the circumstances the character and achievements of the outstanding radio commentators reflect much credit upon the public spirit of their financial sponsors, but since news interpretation is, or should be, a kind of public institution, the commentator's freedom of speech cannot be regarded as satisfac-

² *Variety*, June 23, 1937, p. 47.

³ *Broadcasting*, July 1, 1938, pp. 18-19.

torily secured."⁴ Even if he does have complete freedom, there are still questions to be faced.

LABOR AND OTHER SOCIAL ISSUES

Many, if not most, of the topics which a commentator must discuss are highly controversial. If a person already prominent is engaged to present brief talks on current events, his comments naturally reflect his point of view. Others, who have become widely known through their radio talks, have come gradually to express vigorous opinions on certain aspects of current problems. Notable among these in 1937 and early 1938 was Boake Carter and W. J. Cameron. (Mr. Carter has been a prominent commentator for some years and Mr. Cameron, of the Ford Company, gives a brief talk in connection with the Ford Symphony Hour.) Both of them have given much attention to presenting their points of view in regard to labor problems and have drawn sharp criticism. Opinion studies by the Columbia Broadcasting System in 1936 and by *Fortune* in 1938 indicated that the Carter program was a favorite among the highest-income class.⁵ Such a situation raises serious problems for the broadcasting company.

The networks are awake to the difficulties involved. At the 1938 Ohio Institute for Education by Radio a question was raised about these programs in a section on the broadcasting of controver-

⁴ *Educational Broadcasting, 1936*, p. 120.

⁵ Columbia Broadcasting System. *The Very Rich*; also *Fortune*, January, 1938, p. 91.

sial questions. F. A. Willis, assistant to the president of the Columbia System, replied that the questions involved in such broadcasts as those of Boake Carter and W. J. Cameron were not to be regarded as "settled," that they were "matters for discussion—and negotiation." Lenox R. Lohr, president of the National Broadcasting Company, pointed out in an address before the Round Table Conference on "New Issues in Transportation and Communication," Washington, D. C., May 4, 1938, that "with the news composed largely of open issues, . . . the commentator has edged over into the field of opinion." He added that in one case where a union was attacked in an address over N. B. C., "sustaining time was immediately offered to the head of that union to make such answer as he desired," and that in another case N. B. C. "arranged with the commercial sponsor to invite the critic to take the regular period the following week to make answer." Major Lohr thinks that, "In the future it may not be necessary to limit the discussion of controversial issues to sustaining periods."⁶

What, then, are broadcasters to do about such questions as strikes, the Supreme Court issue, and a host of other matters that perplex the country? If they sedulously avoid these questions as was generally done in the early days of broadcasting, then they are certainly not contributing to the civic education of the people. If they sell time for these discussions, then the group with the most money is

⁶ Lohr, Lenox R., *Some Social and Political Aspects of Broadcasting*, pp. 15-16.

heard most widely, and the discussions become, in all probability, pure propaganda. If sustaining programs only are presented, how are the different points of view to be balanced?

The three major networks do not sell time for the discussion of controversial issues. But this alone does not solve the problem. Controversy was rife early in 1937 over the President's proposal to enlarge the Supreme Court. The Columbia System and N. B. C. both divided the time between its proponents and its opponents very evenly. Nevertheless, there were bitter accusations of partisanship. In any case, other networks and individual stations do sell time for such purposes, or they may accept sustaining programs from organizations, such as the National Manufacturers' Association, which has had *American Family Robinson* on more than two hundred stations continuously for more than three years.⁷ In the spring of 1937 the National Committee to Uphold the Constitution offered transcriptions of speeches opposing the President's plan to enlarge the Supreme Court "without charge" to stations.⁸ Sustaining programs sent out in this way do not necessarily contain any statement identifying the group responsible for them.

The most serious problems of this sort confronting stations today are probably those connected with local labor disputes. Should a station permit the "picketing" of an employer by broadcasting announcements that he is unfair, and should it sell

⁷ *Broadcasting*, June 15, 1938, p. 10.

⁸ *Variety*, April 7, 1937, p. 46.

time for programs to stimulate union organization? A few stations have succeeded in broadcasting both sides of the case in labor disputes with fair satisfaction to all concerned. If, however, the rates for political speeches (frequently higher than for ordinary programs) are charged, the employer usually—though not always—has the advantage of greater resources. In July, 1937, thirty-four stations were taking commercial programs from A. F. of L., C. I. O., or both.⁹ Many more stations refuse to broadcast labor programs. During the General Motors strike, it is reported, Detroit stations refused to carry C. I. O. programs. Some other stations agreed to take C. I. O. programs but later either canceled the speeches or insisted on conditions unacceptable to the speakers. Later in 1937, the C. I. O. bought time for a series of speeches (broadcast from electrical transcriptions) on some fourteen stations in sections of the country where it was especially active.¹⁰ The Automobile Workers' Union was reported in 1937 to have a year's contract with a Michigan station for daily talks, but speeches affecting Ford plants were subject to approval by the station.¹¹ In February, 1938, an American Federation of Labor program was begun on a Washington, D. C., station, with the expectation that it would be carried over fifty-five stations by transcriptions.¹²

The attitude of station managers toward other

⁹ *Variety*, July 21, 1937, p. 35.

¹⁰ *Ibid.*, September 1, 1937, p. 34.

¹¹ *Ibid.*, June 9, 1937, p. 34.

¹² *Ibid.*, March 2, 1938, p. 29.

social questions has varied widely. The long continued taboo on any discussion of venereal disease, no matter how authoritative the speaker or how carefully the subject was handled, has been broken down to some extent. A few stations have done real community service in exposing political or social evils in their communities.

POLITICAL BROADCASTING

In an address before the Educational Broadcasting Conference in December, 1936, Arthur N. Holcombe declared that broadcasting has "apparently superseded both the public meeting and the press as the favorite instrument of popular participation in the process of government by discussion."¹³ He pointed out, however, that in the 1936 campaign the Republican National Committee bought 91½ hours from the national networks while the Democratic National Committee bought only 57¼. Consequently, he concluded that there is "absolutely no relationship between the amount of time used in nation-wide broadcasts and the distribution of votes between the parties at the election."¹⁴ It will be recalled, however, that during the Congressional debate in 1935 over the ratification of the World Court protocol, certain broadcasts bitterly attacking it stirred up so much public feeling that they were generally regarded as an important factor in its defeat. Broadcasting has "virtually transformed the American people, for campaign purposes, into

¹³ *Educational Broadcasting, 1936*, p. 122.

¹⁴ *Ibid.*, p. 111.

one vast audience." But the many political speeches broadcast by candidates for state and local offices became "an almost intolerable nuisance to all but the most voracious consumers of radio oratory long before the end of the campaign. . . . The radio is too valuable a utility and the patience of the public is too limited to permit candidates for minor offices to clutter up the air with their generally trivial chatter."¹⁵

Professor Holcombe believes that since the speaker over the radio must assume that his audience includes those opposing him as well as his adherents, he must address his speech to "the common quality of the audience. . . . Hence the more rational tone of political controversy over the radio and the subordination of impetuous appeals to passion and prejudice in the interest of sobriety of thought and argumentation." The radio listener, he finds, "has discovered a new desire to think for himself. . . . It is a great gain in the struggle for popular government."¹⁶ If this observation is correct, it indicates an achievement of radio that is of the utmost importance for democracy.

It is, however, possible that broadcasting is introducing less salutary factors through the exploitation of radio by political campaign managers.

Stations may refuse to broadcast any political talks, but, according to the Federal Communications Act, they are forbidden to sell time to one candidate and refuse it to another. This issue was

¹⁵ *Ibid.*, p. 112.

¹⁶ *Ibid.*, p. 113.

raised during the 1936 campaign when certain stations refused to permit Earl Browder, Communist candidate for President, to broadcast. At least one of them accepted certain speeches by Browder after the Communications Commission had ordered it to explain the refusal.¹⁷ It may be noted that in a few communities mobs prevented broadcasts by Communist candidates, and in one case did considerable damage to the station.¹⁸ The station is itself in such cases the victim of censorship in an ominous form.

On July 5, 1938, the Commission announced rules elaborating this section of the Act. Stations must charge the same rates to all candidates for the same office without rebates, direct or indirect. "Legally qualified candidates" are those who have "met the requirements prescribed by local, state, and federal law." Stations must also keep a record, open to the public, of requests for broadcast time. This must show what was done in each case and the rates charged if the request was granted.¹⁹

The Communications Act also forbids stations to censor the speeches of candidates. This puts the stations in a quandary, for the courts of some states have held the station responsible for broadcasting defamatory statements, even when the speech was broadcast from a public meeting or in case of a short deviation from a manuscript.²⁰ In 1937 a law was enacted in Iowa freeing the stations of that state

¹⁷ *New York Times*, September 21, 1936.

¹⁸ *Broadcasting*, November 1, 1936, p. 9.

¹⁹ *New York Times*, July 6, 1938.

²⁰ McDonald, J. A., and Grimshaw, I. L., "Libel and Slander—How They Affect Radio." *Broadcasting*, September 15, 1937, p. 13.

from responsibility for defamatory statements if they are uttered by persons not directly connected with the stations. Suit can still be brought in the federal courts, however.²¹ It is not surprising that some stations require candidates to whom they sell time to sign a waiver of liability and that others threaten to cut a speaker off at once in case of the slightest deviation from the manuscript. Some stations, indeed, frankly state that they censor all programs to the extent of keeping them within the provisions of the libel laws, or, less often, within the "public interest."

CENSORSHIP OF BROADCASTING

Except for speeches by candidates for office, there are no legal restrictions on the right of the stations and networks to censor the programs presented. Selection, it has already been pointed out, is inevitable, but it is at the same time a form of indirect censorship. Direct censorship, that is, forcing the speaker to omit portions of the address prepared or cutting him off in the middle of the speech, or deadening it for a short time, is far more rare than refusing to sell time for an unpopular topic—and apparently much less frequent today than a few years ago. It does, however, occur from time to time, though it is more frequent over the independent stations and the smaller networks. So far as the policy of N. B. C. and Columbia is concerned, it may be said that direct censorship does not "exist in the sense of asking that the views of a speaker agree with those of

²¹ *Variety*, May 12, 1937, p. 42.

any member of the company's editorial staff."²² There are, however, editorial taboos. "Many of these are legal proscriptions and are clear and unequivocal. The only one concerning which there is any ambiguity is that dealing with 'good taste.'"²³

The most famous case of censorship under the "good taste" rule is that of Doctor Parran, who was scheduled to speak over the Columbia System on November 19, 1934, in one of the series sponsored by the National Advisory Council on Radio in Education. The System insisted that the section on venereal disease be deleted or rephrased. Doctor Parran finally declined to broadcast. Late in 1937 General Hugh Johnson planned to discuss venereal disease during one of his regular periods as a commentator. N. B. C. refused to allow him to speak on the subject but, later, allowed Doctor Parran to broadcast during the former's regular period. This was the first time that a national network had broadcast such a program. Since then the topic has also been discussed over the Columbia System. Such exercise of censorship, however, arising out of concern over public taste, is in no way equivalent in moral or social consequences to censorship arising out of pressure by economic or political interests. Where age-old taboos have to be considered the broadcasting administrator is himself a custodian of social tradition and the most that can be expected

²² Willis, Frederick A., address before the Institute of Public Affairs, University of Virginia, July 16, 1936. Quoted by Denison, Merrill, "Educational Policies of Broadcasting Companies." *Public Opinion Quarterly*, January, 1937, p. 79.

²³ Denison, Merrill, *Ibid.*

of him is that he shall not be too slow in "laying the old aside."

Morris Ernst and Roger Baldwin, two of the leading advocates of free speech, said in a broadcast on civil liberties on January 27, 1934, that they had had "no lack of free speech" on that occasion but that it was owing to the fact that they were "reasonably respectable members of the middle class." Communists, Negroes, striking farmers, or workers would, they said, be "lucky to get near a microphone." Communists, however, had more opportunities to speak during the 1936 campaign than formerly, and it would appear that the trend is toward more democratic practice.

William S. Paley, president of the Columbia Broadcasting System, defined "freedom of the air" in a speech before the Second National Broadcasting Conference, Chicago, 1937, as "the right of a speaker to express any views he may hold on any question of general interest. He must be guarded, and he is guarded in that right, regardless of how the operators of network or station may themselves feel about the thing he discusses. If he is not libelous or otherwise unlawful, if he is not obscene, if he does not seek to provoke racial or religious hatred, he may say whatever he pleases over the air."

What, then, are the things most often forbidden? Profanity is forbidden by the Communications Act. Sex questions are ordinarily taboo, though the change of attitude in regard to venereal disease may possibly mean a modification in regard to other aspects of the question also. Radi-

cal statements on economic and social questions, pacifism, civil liberties, anti-Fascist or anti-Jewish programs—in short, almost anything that is likely to cause sharp criticism by organized pressure groups may be banned by the stations. H. A. Bellows, formerly a vice-president of the Columbia Broadcasting System, believes that the only way to solve the question of censorship by station managers is to be found in “a fuller recognition by the broadcasters and the public of the vast responsibility which the possession of such arbitrary power entails, and the replacement of such executives as see in radio simply a means for making money by persons with a truer sense of their obligations to society.”²⁴

The general position taken by the Commission in regard to program service is discussed in Chapter III, pp. 26-7.

Four famous cases have arisen in which the license was refused because of the character of the programs broadcast: that of the Rev. Bob Shuler in California with his bitter denunciation of those with whom he disagreed, whether on political, social, or religious grounds; that of Doctor Brinkley in Kansas with his advertisements of his “goat-gland” hospital and his medicines; that of Norman Baker in Iowa and his “cancer cure”; and the Schaeffer case in Oregon, where a defeated candidate was allowed to carry on “a program of vilification denouncing in most violent terms those whom he

²⁴ *Harpers Magazine*, November, 1935, p. 709.

believed responsible for his defeat."²⁵ In the Brinkley and Shuler cases the Court of Appeals of the District of Columbia ruled that the decision was not censorship but "the application of the regulatory power of Congress in a field within the scope of its legislative authority."²⁶

Clearly, greater freedom on the air for the discussion of controversial issues is needed. Representative Byron Scott, of California, and Senator Schwellenbach, of Washington, have introduced in Congress several bills prepared by the Radio Committee of the American Civil Liberties Union to make this possible. These would require that each station set aside regular periods "at desirable times of the day and evening for uncensored discussion on a nonprofit basis of public, social, political, and economic problems and for educational purposes"; that stations presenting a controversial issue broadcast at least one opposing point of view; would release stations, but not speakers, from liability for libel in such cases; and would require stations to keep careful records, open to the public, of applications for time, "indicating which are granted and which refused."²⁷ The latter proposal, as has already been pointed out, is incorporated in the rules to regulate political broadcasting, announced by the Commission on July 5, 1938.

²⁵ Decision of the Commission cited by Frost, S. E., *Is American Radio Democratic?* p. 44.

²⁶ *Trinity Methodist Church, South, v. Federal Radio Commission* 62 F. (2d) 851.

²⁷ Kassner, Minna F., and Zacharaoff, Lucien, *Radio Is Censored*, p. 4.

CHAPTER XII

INTERNATIONAL ASPECTS OF BROADCASTING

IF the discussion of controversial issues in domestic policy raises serious problems for broadcasters, those involving foreign policy are still more serious—especially in Europe where a person with a reasonably good receiving set can usually hear programs from several different countries. This is a question which so far has not seriously affected Americans. Our unbroken friendship with Canada and the relatively slow development of broadcasting in Latin America have spared us most of the problems in connection with international propaganda so familiar in Europe. Some short-wave broadcast propaganda reaches this country, but it is relatively slight as compared with that heard in Europe.

BROADCAST PROPAGANDA

“And nation shall speak unto nation” was formerly the motto of the British Broadcasting Corporation. But even the B. B. C. has found it impossible to avoid occasional difficulties over programs on international affairs. Few other countries have made any great effort to do so. The broadcasting of propaganda from one country to another began in the very early days of European broadcasting, and has become a new weapon in diplomacy. There are very few countries which, at some time or an-

other, have not indulged in it. In the early days Russia was the most conspicuous—though certainly not the only—user of this method. France has broadcast in German from the Strasbourg station for the benefit of the German-speaking people of Alsace-Lorraine. But, of course, this station can be as easily heard across the Rhine in the near-by sections of Germany. Since the Italo-Ethiopian War there has been a very great increase in the amount of this type of broadcasting. Italy now broadcasts in some fourteen languages in order to get her message across to the rest of the world; Russia uses nine or ten.

As an illustration of the use of broadcasting as a diplomatic weapon, the inflammatory broadcasts in Arabic from the powerful Italian station at Bari, apparently intended to arouse Arabian sentiment against Great Britain, may be cited. The location of the Bari station, almost on the "heel" of the Italian "boot" at a point peculiarly fitted for broadcasting to the Balkans and the Near East but seemingly a poor choice for reception in the rest of Italy, would indicate that the possibility of broadcasting to these other countries was a factor in its selection. But whether or not that is true, its facilities have certainly been used in this way, especially since the beginning of the Italo-Ethiopian affair. From 1935 to 1938 bitter attacks on British policy were broadcast from time to time in Arabic from this station for the benefit of Egypt and Palestine. On one occasion in the fall of 1935, for instance, the announcer at the Bari station advised "every Arab to understand how to get rid of the British incubus, which

is spread particularly over Egypt and Palestine. . . . Britain is planning to add Ethiopia to her territories and so, for this purpose, her present position is on the side of Ethiopia."¹ These attacks ceased when negotiations were begun early in 1938, looking toward a better understanding between Italy and Great Britain. It is, perhaps, not necessary to dwell on the problems created by broadcasts of this type. Coming from a state-controlled station there can be no doubt that they represent official policy.

Nazi Germany has stringent laws forbidding her citizens to listen to foreign—especially Russian—programs, and in some cases individuals have lost their jobs, or even been sentenced to prison for this offense. In Spain during the civil war Loyalists and Rebels have vied with one another, each struggling to create sufficient interference to block the other's broadcasts and to get its own message out to the world at large. A novel method of broadcast propaganda, apparently used at times by both sides in the Spanish conflict, was to broadcast with a loud speaker from the front lines inviting the soldiers of the opponents to desert.

But broadcast propaganda is not necessarily so frank as this. It may consist of "news" in the language of the country for which the broadcast is intended, with, of course, a "slant" representing the interest of the country from which it comes. Even musical programs or foreign-language lessons may cloak propaganda. Selecting the type of music most

¹ *New York Times*, June 4, 1936.

likely to appeal to the groups for which the broadcast is intended is sometimes an important factor in "radio war."

When the German troops marched into the demilitarized Rhineland in March, 1936, the news was broadcast to the world by the German short-wave transmitters while it was happening. But the French reply was delayed only a few hours. On the following day Premier Sarraut broadcast a statement of the French position, and this was later rebroadcast from every station in France: in English from the northern and western stations, in Italian from the southern and eastern, in Spanish from the western and southern, and in German from the northern and eastern stations. At the very time when his speech was being delivered, German stations were "describing the wild enthusiasm of the Rhineland people at the marching of the German troops."²

Short-wave broadcasts lend themselves particularly to international propaganda, since the short waves are especially useful for broadcasts over great distances. They may, of course, be intended for the overseas possessions of a country, as in the case of the British "Empire" broadcasts. They are, however, available to all those within the area reached. German broadcasts are theoretically directed at Germans living overseas. But the fact that seven languages are used in the German short-wave broadcasts which are continuous twenty-four hours a day makes it evident that this is not their only purpose.

² *Geneva*, Vol. 9, March, 1936, p. 159.

News is broadcast in English from Berlin directed toward North America at the same time as the British Empire program on almost the same frequency. The power used is considerably greater so that, in Newfoundland for instance, it is very difficult to hear the British program.³ Italy has a powerful short-wave system which emits "a fairly steady stream of Fascist propaganda."⁴ Great Britain had confined her broadcasts to the English language. However, in 1936 the Ullswater committee on broadcasting recommended the use of other languages in these programs "in the interest of British prestige and influence in world affairs."⁵ These were begun in January, 1938, in Arabic. Spanish and Portuguese were added later. The N. B. C. is establishing an American short-wave service in six languages. American interest in short-wave broadcasts to Latin America increased greatly in 1937 and early 1938. In February, 1938, President Roosevelt announced the creation of an Interdepartmental Committee to Study International Broadcasting, of which Chairman Frank McNinch, of the Communications Commission, is chairman. This committee had not yet reported at the time of going to press (August, 1938). Several bills were introduced in Congress in 1937 and 1938 to provide for a government short-wave station to promote "good will" in Latin America and combat propaganda broadcast from Europe.

³ *Herald Tribune*, August 22, 1937.

⁴ Saerchinger, César, "Radio as a Political Instrument," *Foreign Affairs*, Vol. 16, January, 1938, pp. 244-59.

⁵ *Report of the Broadcasting Committee, 1935*, p. 37.

These proposals were vigorously opposed by the broadcasting industry, which regarded them as an "entering wedge" for government ownership. No action was taken at the 1938 session of Congress.

As yet few countries have attempted to prevent their inhabitants from listening to short-wave programs. Japan has forbidden the ownership of short-wave receiving sets without a special license, which it is said cannot be secured. It is reported that a foreigner was arrested for the possession of such a set, and the set was confiscated.⁶

Vigorous methods are sometimes used to prevent the reception of unwelcome broadcasts. In addition to diplomatic representations, it is sometimes possible to broadcast on approximately the same frequency with higher power. In the fall of 1937 an unidentified "private" station on the same frequency with Moscow played the same tune over and over again very rapidly in order to drown out Moscow.⁷ Or it may be done by merely sending out signals without any program so that the other program cannot be heard. This has been tried by many different countries. In 1933 and early 1934 Germany "bombarded" Austria with propaganda intended to promote an uprising in favor of Germany. Austria retaliated by "jamming" the Munich station from which much of the German propaganda came, so that it could not be heard in Austria. In Manchuria the Japanese were disturbed because the Chinese listened to the powerful Kuomintang sta-

⁶ *Variety*, March 3, 1937, p. 35.

⁷ *World Radio*, September 15, 1937, p. 6.

tion in Nanking. Even after a powerful station was erected in Manchuria, the Chinese continued to listen to the other station. Consequently, in 1934 a device was installed to blot out all broadcasts from China. The only difficulty was that it also blotted out the Japanese station. During the evenings when this device was in use nothing whatever could be heard in Manchuria.⁸ Or the jamming may occur for a single program. During the Italo-Ethiopian War on several occasions there were short-wave broadcasts in English from Ethiopia intended chiefly for British listeners. But interference—which sometimes consisted of a “string of unintelligible numbers” in the Morse code—made it almost impossible to hear the speeches.⁹ “Jamming,” however, is feasible only over a relatively limited area.

These illustrations make it evident that broadcasting, through which, indeed, each nation might “speak peace unto nation,” has become a new weapon in diplomacy and in war. Nevertheless, without some degree of international control broadcasting could not exist at all on a continent like Europe, where each country must have its own frequencies regardless of the size of the area to be covered.

INTERNATIONAL CONTROL

But the problem of allocating frequencies is far more difficult in Europe than it is in the United

⁸ Wang, George T. K., “Undeclared Ether War in Manchuria.” *China Weekly Review*, Vol. 71, January 26, 1935, pp. 300-1.

⁹ *New York Times*, May 10, 1936.

States. Several efforts have been made to solve the problem at international conferences. At the first of these, the International Radiotelegraph Conference at Washington in 1927, the limitation of the broadcast band to the frequencies between 550 and 1,500 was agreed upon. The Madrid Conference in 1932 decided that this might be modified by regional agreements. Such an agreement was finally reached at Lucerne, Switzerland, and was put into effect in January, 1934. Under this scheme, known as the Lucerne Plan, the broadcast band was widened to provide for 130 frequencies instead of 96, the number then available in this hemisphere. In order to provide for a greater number of stations, frequencies are separated by only 9 kilocycles instead of 10, as in this country. This means a greater degree of interference between stations than occurs here, but conditions are said to be greatly improved.

To be sure, of twenty-seven countries (Europe, part of North Africa and Asia Minor) whose representatives at Lucerne signed the agreement, only sixteen have ratified it. Seven refused even to sign it and nine of the signatory governments have permitted broadcasting stations to operate on frequencies other than those assigned to them by the Lucerne plan.¹⁰

There are about twice as many stations in the United States as there are in Europe, but Europe has far more stations of very high power.

¹⁰ Stewart, Irvin B., "Some Administrative Aspects of International Broadcasting." Address before the American Society of International Law, April 29, 1938.

The following table shows the development in this respect in Europe. WLW (Cincinnati) with 500 kilowatts is still the only station of more than 50 kilowatts in the United States.

EUROPEAN BROADCASTING STATIONS INCLUDING¹¹
U.S.S.R. AS FAR AS THE URAL MOUNTAINS
(150-1,500 KC ONLY)

	1926	1929	1934	Begin- ning of 1937	Fore- cast for 1938
<i>Number of stations:</i>					
Not including U. S. S. R.	119	189	207	292	300
In U. S. S. R.	4	11	46	50	50
Total	123	200	253	342	350
<i>Power of stations (Kw. in the antenna):</i>					
Total power in kw.	116	420	4,500	7,020	8,000
Number of stations of 15 to 49 kw.	1	7	65	93	100
Number of stations of 50 to 99 kw.	0	0	37	53	67
Number of stations of 100 kw. and more	0	0	15	31	48
Maximum power in kw.	16	40	500	500	500
Average power in kw.	1	2.1	18	20.5	23

The theory is that the power used should not exceed that needed for efficient service within a given country. But there is no way of determining just what that is for any given country. The difficulty is primarily political, since a powerful station seems to be a mark of a country's importance, even for small poor countries, and since no country can accept the idea that it does not need as high power as its neigh-

¹¹ *Propositions pour la Conference International des Radiocommunications du Caire, 1938.*

bor. The broadcast band may, of course, be widened again. But it can only be done by cutting down the facilities available for other purposes. And, in any case, if the different countries continue to increase both the power used and the number of stations using high power, continual widening of the broadcast band is at best only a palliative.

The International Bureau of the Telegraph Union at Berne gathers data and registers frequencies used by each country and the power of the stations. Any country using short-wave frequencies is supposed to register them at Berne. But no attempt has been made as yet to allocate them to the different countries. With the great increase in short-wave broadcasting, however, this will soon be as necessary as it was for ordinary broadcasting.

The International Broadcasting Union at Geneva is the international organization of the national broadcasting associations. It exists to "study all the international problems arising from the development of broadcasting," to provide opportunity for the exchange of ideas on problems which are not strictly international, and to "defend the interests of broadcasters."¹² It acts as a clearinghouse of information for broadcasters. The technical headquarters of the Union are at Brussels, where it studies the field strengths of the different stations and other technical matters. It carried on the studies needed for the Lucerne Conference in 1933 on the allocation of European stations.

¹² Burrows, A. R., "The International Organization of Broadcasting." *B. B. C. Yearbook, 1934*, p. 288.

The United States, as the largest and most powerful country in this hemisphere, has so far been able to keep the "lion's share" of frequencies for its own use. The division of frequencies between the United States and Canada is regulated by a "gentlemen's agreement" originally reached in the early days of broadcasting and modified since then in accordance with changing conditions. Mexico and Cuba had never been included in such an agreement, largely because broadcasting developed late in both countries and the low power used did not cause serious interference with American broadcasting. In 1933, after several very powerful stations had been erected along the Mexican border, a conference was held in Mexico City, but no agreement could be reached. However, an effort was made in Mexico to put the powerful stations on frequencies which would not interfere with American broadcasting—although some of them have caused trouble in Canada. Certain of those stations, run by Americans who had lost their licenses because of the character of the programs broadcast, were carrying programs of questionable character. American broadcasters greatly feared the competition for advertising of these powerful stations. But, apparently, this did not prove as serious as had been feared, probably because they could not provide programs which would hold an audience. In 1937 Mexico demanded that it be definitely allotted certain frequencies and threatened to carry on a deliberate campaign of interference with American stations if its demands were not granted. Since

several of the border stations are more powerful than any in the United States except WLW, it would be possible for these Mexican stations to ruin the reception of almost any of the Middle-Western stations beyond a very limited distance from the transmitter. The Inter-American Radio Conference meeting at Havana in December, 1937, reached an agreement on the allocation of frequencies which is apparently satisfactory to Mexico.

THE BROADCASTING CONVENTION

Is it possible to secure any greater degree of international control over broadcasting than the agreement in regard to the frequencies to be used? In 1931 the Assembly of the League of Nations expressed its desire that broadcasting should be used to promote peace, and asked the Institute of Intellectual Co-operation to study the question. In 1933 the Institute was requested to prepare a preliminary draft convention on the use of broadcasting to further peace. This draft was later submitted to the different governments for their comments and considered by the League Assembly at its September, 1935, meeting. Since the majority of the replies of the different governments were favorable, a conference to conclude a convention on "the use of broadcasting in the cause of peace" was called by the League of Nations in September, 1936. Thirty-seven countries sent plenipotentiaries. The convention as submitted to the different countries for ratification declares in the Preamble that broadcasting should "never be used in a manner preju-

dicial to good international understanding."¹³ Direct appeals to the inhabitants of other countries than the one broadcasting are "prohibited in so far as they incite to acts incompatible with the internal peace or security of the territory of another party." Messages intended primarily for a country's nationals are not affected "save in so far as they constitute an incitement to war or provocative activities likely to lead to war." The different countries are bound to "prohibit any broadcast likely to prejudice good international understanding by statements, the incorrectness of which is, or ought to be known to the persons responsible for the broadcast" and to rectify at once any such statements which may be made. The governments must insure, "especially in times of crisis," the accuracy of the information concerning international relations broadcast within their respective territories. They must also provide for the application of the convention by their broadcasting agencies. Provision is also made for the exchange of programs intended to promote a better knowledge of the different countries. A procedure for arbitration and conciliation in case of disputes is provided. Twenty-two states signed the convention, but only six countries have ratified it.

The conference also adopted a Final Act which recommends that the contracting governments "take into account the influence that may be exercised by

¹³ The material for this section is taken from *The Monthly Summary of the League of Nations*, Vol. 16, September, 1936, pp. 269-70.

transmissions calculated to harm the interests or offend the national, political, religious, or social sentiments of other peoples; . . . show particular vigilance in regard to transmissions intended for foreign listeners in a language other than that employed for the listeners of the country of transmission; . . . reserve a place in their broadcasting programs for items calculated to promote a better knowledge of the civilization and conditions of life of other peoples; . . . take concerted action at times of international tension to broadcast appropriate transmissions calculated to lessen the strain and to restore a peaceful atmosphere; . . . lend one another support, if occasion arises, in detecting and abolishing clandestine stations." This was signed by twenty-eight nations.

CHAPTER XIII

CONCLUSIONS

THIS report is addressed primarily to the membership of the Protestant churches. The study on which it is based was undertaken pursuant to a long-continued policy in this Department of inquiring into some of the major social problems of contemporary American life. It may appropriately be called a case study in social ethics, resting on assumptions and ideals that are implicit in Christianity. In particular, it has been the purpose of the study to reveal the difficult process of building up social controls in the form of law and usage for the governance of a private enterprise which seeks to utilize discoveries and inventions in which the community has much at stake. It is hoped that the report itself and the conclusions here offered will be of value as case material as well as in specific reference to the social control of broadcasting.

Students of society recognize that what is called the "material culture" tends to develop through the multiplication of inventions and the improvement of mechanical processes much more rapidly than does the "adaptive culture"—the means by which society domesticates its new tools and its new toys, making them serve its considered purposes and conserve its higher values. Perhaps no better illustration could be found of the problem thus created than the radio. A close parallel is the motion pic-

ture. One reason for this "lag" in cultural development is the difficulty inherent in the task. Another is the fact that the perfection of material equipment and of mechanical processes is pushed along at high speed by the promise of financial reward, while the building of social controls for the physical, mental, and moral good of the community has no such financial motivation. This is not to say that those who have an economic stake in an enterprise are without a sense of social responsibility. But it is simple realism to recognize that the ethical controls which prevent an industry from becoming exploitive are not built wholly from within. They have to be initiated and perfected under broad social auspices, sometimes public and official, sometimes private and voluntary. The most that can be expected from the enterprise in question is a willing and active co-operation in making broadly conceived safeguards effective in practice.

The process of developing these controls is an experimental one, involving trial and error. Laws regulating business practices are sometimes quickly framed and eagerly passed, only to be found inadequate or impossible of administration. Sometimes administrative authorities remain long in the dark as to the extent of their authority and must wait until the exact meaning of the mandates under which they operate has been clarified by the courts. The Federal Communications Commission is in such a situation now with reference to the radio industry. It is under an ambiguous mandate to conserve the public welfare in the licensing of fre-

quencies for broadcasting while the main factor in such welfare—the quality of the programs furnished—is not specifically included in its jurisdiction. It has been forced to do administratively what it has no clear legal mandate to do. It is under fire from many quarters, in large part because it is the focus of one of those efforts of which we have spoken to evolve a system of regulation for a rapidly growing industry about which society has not fully made up its mind. The issue of such efforts in part registers and in part determines the popular verdict upon democratic process. Many of our citizens weary of such experimentation, for it puts large demands upon their patience and public spirit.

The point from which we take our departure is the principle recognized in law and public policy as the “public interest.” It has long been held that certain industries so greatly concern the general welfare as to be characterized by the term “affected with a public interest.” The applicability of this legal concept to the broadcasting industry is still a matter of dispute. For the purposes of this discussion, however, the significance of the term is clear. We believe that progress in solving the radio problem requires a sharper definition of the term “public interest” as used in the Federal Communications Act. What aspects of public welfare are to be considered by the Federal Communications Commission in administering the law? Clearly, the question of monopoly is one aspect of the problem. Advertising is another. More important than anything else is the quality of programs offered to the public.

At this point, however, an acute problem arises. Control in any degree over the quality of programs, through authority to give or withhold a license, is a power to be used most cautiously and to be vested in a federal commission only under the strictest safeguards. The American people have never been willing to let the government have control of the cultural activities of the nation. We have, for instance, kept education as free as possible from all interference by the national government. Nothing is more important than that broadcasting should be free from political domination.

We believe that the problem of control which the radio industry today presents requires a policy somewhere between unregulated competitive enterprise and arbitrary control by government. Political domination is especially to be avoided. In a social order such as ours where controls need to be developed for cultural activities, the function of government is to facilitate co-operation by all groups and agencies involved, including the particular enterprise in question, in developing standards in the general interest; to give public sanction to them when duly formulated; and to protect all individual and group interests involved in the conduct of the enterprise.

The principle of regulation by codes co-operatively formulated, with the sanction of government, has been found to be fruitful. We believe that it might well be used, under federal auspices, in the radio industry. A prime requirement, of course, is that the building of codes shall be a process in

which every agency capable of representing a valid social concern shall participate. On the side of the industry this means owners of stations and networks, management, labor, and the commercial sponsors. On behalf of the community it means the schools, the churches, the libraries, and voluntary cultural associations of all types that can represent a "consumer" interest.

This would seem to be the most promising approach to problems arising out of economic centralization. They cannot be solved in radio or anywhere else by the enforced preservation of competition. In a mass-production economy where large aggregations of capital automatically bring about centralized control, the welfare of the community should be safeguarded not by intensifying competitive strife but by the progressive development of co-operative procedures under definite legal sanctions.

Moreover, a trade practice code arrived at and administered by the industry under federal sanction would seem to be the most promising approach to the problem of radio advertising, of which many complaints are heard, prompted both by concern for good health and by considerations of good taste. Further, it offers a method by which the evaluation of program standards can be furthered and the desirable restraints can be exercised without official censorship.

With reference to program quality the present situation, as already noted, is anomalous. Congress carefully refrained from giving to the Federal Com-

munications Commission any powers of censorship over programs. It specifically enjoined the Commission from any interference with "free speech." The law has been interpreted as expressly denying any such powers to the Commission. When, however, in the two cases specifically involving the character of programs which have been carried to the courts the Commission, pursuant to its mandate to conserve the public interest, refused to renew the license on the ground of the objectionable character of past programs, the Court of Appeals of the District of Columbia sustained the Commission. The situation needs clarifying. We believe that the Commission should consider the quality of the programs offered in the past by an applicant for renewal of a license, as a prime factor in evaluating his claim to the use of a radio frequency. Whether this would require a change in the law or not depends on how the courts may interpret it as new cases arise. In any case, we believe the Commission should be in position to give due weight to what is the major consideration of public interest—the quality of radio programs. Furthermore, this procedure would implement the process now going on within the industry of developing program standards. When a broadcasting license is up for renewal, it would become the responsibility of the Commission to evaluate the claim of an applicant for a license in terms of the trade practice codes and on the basis of his demonstrated capacity and willingness to serve the public interest. This would require that

the license period of six months should be materially lengthened, which is possible under the law.

The procedures here suggested are to be sharply distinguished from censorship. The restraint imposed by the law on the Commission in this respect is sound and necessary. In a democracy freedom of speech is a priceless possession. No administrative government agency is wise enough to be entrusted with power to determine what people shall hear. Freedom of radio is almost if not quite as important as freedom of the press. If either is curtailed, our political and religious liberties are imperiled. For this reason we believe any attempt to regulate utterances over the radio by an administrative government agency, except within canons of decency, propriety, and public safety clearly defined by statute, is dangerous and contrary to public policy. Any threat of nonrenewal of a license on the basis of programs not yet broadcast, we would regard as a form of censorship, and therefore a practice to be avoided.

In order to preserve this principle and at the same time to protect the right of a community to have the best service that can be provided through radio channels which are limited in number and therefore constitute a natural monopoly, a form of social control that is not political is needed. The community itself should have ways of seeing that the broadcasting privilege is exercised by agencies that have the greatest proved capacity and willingness to serve the public "interest, convenience, and necessity." Granted a willingness on the part of the industry to

respond to public demand—and ultimately this is what determines the course of a commercial enterprise—it is of the utmost importance that that demand shall be made articulate through the most authentic spokesmen of community interest. We cannot fairly demand that the industry be responsive to public need without making provision for the intelligent and considered expression of that need. We believe the most effective way to achieve equity and to maintain liberty is to provide for co-operative action on the part of disinterested groups of educators, social workers, religious leaders, and other cultural associations looking toward the enrichment of radio programs through the assignment of frequencies to those applicants who are most responsive to public opinion and most sensitive to social needs. This would seem to be the most effective means of securing nonpartisan, uncorrupted control. Unprejudiced testimony, well documented, publicly given as a matter of right and made a matter of public record, furnishes, we believe, the best basis for responsible democratic administration of the law in the assignment of broadcasting rights. By such means the administrative process of granting and renewing licenses may become, not an arbitrary procedure, but an important means of selection among factors seeking to mold American culture.

This, we believe, would be the best approach in a democracy to the building of standards. The continual evolution of standards that reflect the intellectual, esthetic, and moral judgment of the com-

munity and bear testimony to a will on the part of the industry to be responsive to the demands of the community—this is the heart of the problem of social control in a nation which deliberately rejects an unlimited concentration of power in the hands of government.

If it be objected that such procedure opens the door to abuse by pressure groups seeking to support the claim of this or that applicant, the answer would seem to be clear. The door is wider open to abuse when the public interest is not defined in terms inclusive of program quality. Political intrigue almost inevitably intrudes itself. The speedy elimination of such influence is one of the ends we seek. It is grossly unfair to the Communications Commission that it should be subject to partisan pressures in the interest of this or that applicant for a broadcasting license when there are in the communities served established and recognized groups that have come to be regarded as the authentic expression of legitimate business, labor, professional and cultural interests. It is through such voluntary groups that a functionally organized society can perfect its standards and insure social progress. It is doubtful whether so important a function as the licensing of broadcasting stations can be satisfactorily performed except with the full, regularized co-operation of those groups which are the authentic expression of the various forms of community life.

What we are proposing is not a quick panacea. The methods of democratic control are evolved slowly. The initiative must rest with the organized

forces of American community life. Our proposal requires the assumption of responsibility on the part of these forces for an educational task. It will not be sufficient that self-appointed or arbitrarily selected spokesmen of various community interests shall undertake to appear at occasional hearings. There is already too much of irresponsible and unconvincing utterance on the part of individuals who fancy that they speak for large constituencies.

What is needed is that the permanent associations representing business, labor, and professional life and other permanent bodies of citizens having a cultural purpose shall regard it as one of their functions to evaluate broadcasting as a community service. There should be continual interchange of opinion between official, intelligent, and public-spirited representatives of such groups and the broadcasters themselves.

Such interchange would in itself go far to effect progressive improvement of programs without regard to the functioning of the Federal Communications Commission. Yet it should, we believe, be the responsibility of the Commission to weigh carefully representations made to it from time to time by these agencies representing community interests.

At the present time the renewal of licenses is largely a *pro forma* matter. Program quality is considered only in extreme cases. This might be satisfactory were there an unlimited number of broadcasting channels, so that those most competent and public-spirited could find their opportunity. But the right of the community to the best service that

can be provided them with these limited natural facilities is paramount. Mere regard for the requirements of decency is not enough. The radio, inestimably important as it is to public welfare, should be kept at the highest standard that the entire store of intelligence and good will in the community can make possible.

This process of democratic functioning is laborious and yields results slowly. But we believe it is vastly better than the alternative of continually growing concentration of power to regulate a cultural activity in the hands of government.

While constitutional and statutory guarantees of freedom are indispensable, it must not be forgotten that freedom may be frittered away through irresponsibility as truly as it may be invaded by government. In its proper jealous regard for freedom of radio the industry will be well advised if it recognizes that the community itself is the ultimate custodian of liberty. Arbitrary power is dangerous anywhere. Decisions unsupported by community sanctions, authentically expressed, constitute a precarious policy. In particular radio must grant that liberty to others in which it seeks itself to be secure. A prime consideration in determining fitness for the holding of a license should be the observance of free speech in the administration of broadcasting. We believe these opinions are held by many within the industry.

In addition to such co-operative relationships, individual listeners have their part to play. They can exercise large influence by making complaints

and suggestions to station managers or advertisers in regard to inferior programs. Refusal to purchase goods advertised is a weapon always available, and we think its use is ethically justifiable. In serious cases complaints may be made directly to the Federal Communications Commission, to be taken account of in the exercise of its functions, within the definite safeguards that we have indicated. It would be the part of wisdom, however, to commend the good as well as to criticize the bad.

A perplexing question arises with reference to possible fixed time allotments for specific kinds of broadcasting. We believe the effort to have set aside certain frequencies for "educational" broadcasts is, in general, abortive because it rests on a wholly artificial definition of education. This does not apply to the assignment of certain frequencies now made to schools in order to make possible particular educational procedures, a policy that seems highly commendable. But under our system of commercial broadcasting the interests of education in general, as a cultural concern of the community as a whole, are best served when the schools, colleges, and universities and the voluntary educational associations are active in creating a demand for educational programs, to which the industry will be responsive. Given such a demand, there is no reason why commercial sponsors should not put on programs that have definite educational as well as entertainment value. To some extent this is now being done. Educational agencies and groups need also to be alert to see that the entertainment fur-

nished the public is not miseducative. We think that spokesmen for enterprises furnishing entertainment who plead that their product shall be judged solely as entertainment are mistaken, for a program that has no direct educational purpose may yet be *miseducative* because of the purveyance of antisocial ideas and the creation of antisocial attitudes. This is not a hypothetical matter; illustrations are supplied in the body of this report.

Religion, like education, is a sphere of interest hard to delimit in formal terms. Much of the current broadcasting which carries no religious label has definitely religious values. Yet the term "religious broadcasting" has a more definite signification than educational broadcasting because religious programs are so largely formal and so directly addressed to the religious community. They are generally regarded as an extension of the function of the churches. Here again we have the basis of what we have called a democratic system of control. While the networks and stations must be, as they are, free to serve the religious needs of their public in their own way, co-operation by local churches and by national, state, and local church federations has already demonstrated its efficacy. The religious programs broadcast by the great networks in recent years give much evidence that the co-operation developed between church federations and radio networks has had a very salutary effect on the quality of the programs. The development by the National Broadcasting Company of a continuous radio ministry on the part of outstanding religious leaders

may be fairly regarded as the most impressive single achievement in religious broadcasting in America. Such co-operation between the churches and the industry should, of course, be available to any broadcasting agency that may seek it in planning its programs. In recognizing the distinctive contribution of the National Broadcasting Company's programs in offering a continued ministry on the part of eminent religious leaders, we are not unmindful of the fact that the Columbia Broadcasting System has rendered a valuable service through its *Church of the Air*.

Much of the current religious broadcasting from individual stations is still of inferior quality and could be greatly improved by active participation on the part of representative groups of local church leaders. Equally careful attention should be given to the possibility of bringing wholesome influence to bear on the indirect religious implications of programs that have no formal religious character.

Another important phase of the problem is the discussion of controversial issues. We believe it would be in the public interest if provision were made regularly, on all stations, for the presentation of at least two points of view on all controversial questions that are discussed over the air. The effective operation of such a plan would be facilitated if records, open to the public, were kept of all applications for the use of time under this arrangement. The policy of the major networks and some individual stations not to sell time for the discussion of controversial issues is admirable. It must be recog-

nized, however, that if news commentators take sides vigorously in their talks, or if such discussion is included in the advertising, a new situation arises. The rule that any person attacked shall be given an opportunity to state his side of the case is a valuable safeguard. But it is not adequate to meet a changing situation in which controversial discussion is injected into news commentaries or advertising. Lesser networks and many individual stations are frequently quite willing to sell time for controversial broadcasts. This is likely to mean that the group with the most money to spend has the greatest opportunity to broadcast its side of a given controversy.

Broadcasting in America presents a varied picture. There is need for much improvement, especially in local broadcasting. Yet the perfection of this great instrument of communication—particularly with television in the offing—will require constant vigilance and patient co-operation. If we have seen our way to recommend no drastic change in the system of control, this is because we put our confidence in voluntary group action on a local and a national scale, to make high standards operative in the industry.

This brings us to a concluding word of appeal to the people of the churches we represent. We have said that the continual development of standards is the central problem of social control and that this is a process in which the various community groups having a legitimate interest in the industry should co-operate. This is what the func-

tional organization of society means, in its ethical phase. In this process the churches have not only a legitimate but an essential function. It is not primarily one of constituting pressure groups or of exercising direct political influence, although every bona fide social group may at times be called upon to participate in political action. The function to which we are calling attention is one of Christian social education. The Church should help every one of its members to translate the moral principles of Christianity into effective vocational action. The owner or manager of an industry, the worker employed in it, the legal counsel that serves it, the social workers, educators, and other public servants whose vocation compels them to concern themselves with the industry's product, with its standards of employment and its public relations—all these vocational groups include persons who are members of Christian churches. If the religion they find fostered there is vital, it will have a message relevant to their vocations. If an adequate program of adult Christian education is being carried on, they will be continually challenged to think through the implications of their religion for every vocational duty and opportunity.

It is in these ways that the Christian churches can contribute most effectively to vitalizing democratic processes. An outstanding need of our time is for educational procedures that will implement moral convictions with respect to relationships in the world of affairs. The many and diverse interests and functions that have to be brought into balance in the

management for the social good of such an industry as radio broadcasting can be properly represented and served only as the individuals concerned in them bring to their tasks an enlightened moral judgment. To equip its members thus to exercise their "Christian vocation" is a prime responsibility of the Church.

APPENDIX A

GLOSSARY

Broadcast band is the section of the radio spectrum from 550 to 1,500 kc., used for broadcasting in this country. To this have been added the portion from 1,500 to 1,600 kc. but not all of these are in use for broadcasting as yet. There will then be 106 frequencies available for all North America. By the North American Regional Agreement 94 are assigned for use in the United States.

Broadcasting of programs is a part of wireless telephony. Its transmission, like that of wireless telegraphy, depends upon the propagation into space of electro-magnetic waves. The number of "crests" of these waves per second can be counted and the distance between the peaks measured.

Channel is the space in the radio spectrum used by each transmitter of electro-magnetic waves. For broadcasting in this country, it is ten kilocycles. The frequencies used are 550 kc., 560kc., and so on up to 1,600. For the allocation of broadcasting licenses the frequencies are grouped into four classes: "clear channels" on which, in theory at least, only one station operates at night; "high-power regional" channels on which only one station operates at night over an area comprising several states; "regional" channels on which only one station operates at night over a somewhat smaller area; "local" channels over which only one station operates in a

much more restricted area. The power permitted at night on each type of channel is as follows: clear, more than 5,000 watts; high-power regional, 2,500 to 5,000; regional, 500 to 2,500; local, 250 watts or less. The classes of channels will probably be increased to six, as a result of the North American Regional Agreement, signed at the Inter-American Radio Conference at Havana, Cuba, on December 13, 1937. This provides for two types of clear-channel stations, one operating on 50 kw. or more without objectionable interference from other stations within the entire country, the other operating on ten to 50 kw. power with its primary service area "free from objectionable interference," but with another station on the same channel at a considerable distance. It also provides for an additional class of "secondary" stations operating with power of from 2,500 w. to 50 kw.

Frequency refers to the number of "crests" appearing per second. It is stated in terms of "cycles." An instrument which is producing electro-magnetic waves so that 700,000 cycles appear each second is said to be operating on a "frequency" of 700,000 cycles, usually expressed as 700 kilocycles and the word is abbreviated to "kc." Thus, WLW is allocated the 700 kc. frequency. The ultra-high frequencies are expressed in megacycles, that is, a million cycles per second.

Interference occurs when the signal from one station makes difficult or impossible the reception of signals from another station. It may occur if the transmission from one station is not carefully con-

trolled so that the waves are all of the same frequency, or if the channel separating the two frequencies is not sufficiently wide, or if two stations operating on the same frequency or two adjoining frequencies are too near together geographically. Interference may occur over a much wider area than that in which programs are heard. Other types of electrical apparatus may also cause trouble.

Kilocycle. The number of electro-magnetic waves produced per second in radio transmission is stated in cycles. A kilocycle is 1,000 cycles.

Megacycle. A million cycles per second. The ultra-high frequencies are expressed in megacycles.

Radio spectrum is the range of frequencies from 10 kc. to 3,000,000, those which are, or may later become, useful in different types of radio work.

Short waves are, roughly speaking, all those above the broadcast band. Those from 6,000 to 22,000 kc. are used for international broadcasting, particularly across great bodies of water, because they carry further than do the longer waves used for domestic broadcasting. The short-wave frequencies up to 30,000 are used for different types of service, such as marine service, domestic wireless telegraphy, government service, aircraft, amateur work, short-wave broadcasting, television, etc. A plan of allocation of frequencies from 30,000 to 50,000 kc. has been announced but very few permits to construct stations have been issued as yet.

Transmitter is a machine producing electro-magnetic waves. These must be spaced widely enough

apart in the radio spectrum so that the signal from each transmitter is clear and distinct.

Watt. The electric power used in broadcasting is expressed in terms of watts. A kilowatt is 1,000 watts.

Wave-length is the distance in meters between the peak points of the "crests." The term is seldom used in this country with reference to broadcasting but is still used in England instead of "frequency."

BROADCASTING STATIONS

The number of broadcasting stations in operation in the United States is constantly changing. New stations, now usually of very low power, come into existence, others surrender their licenses, voluntarily or at the order of the Communications Commission. On January 1, 1938, there were 721 stations in operation or under construction.

All these stations, even the 100-watt local stations which serve only the immediate community, require elaborate and expensive equipment, varying of course with the volume of power used in broadcasting. There must be a transmitter so equipped that the broadcasting will not vary much from the frequency to which it is assigned; high towers, called antennae, to transmit the electro-magnetic waves directly into space; studios which will reproduce the sound waves properly; and further apparatus to control the volume of sound and connect the studio with the transmitter. When programs such as the Metropolitan Opera are broadcast from outside the studio, there must be "remote control" telephone

wires connecting the studio with the place from which the program is to come. Such wires are usually not permanent but are installed whenever they are needed. Then if a station receives programs from one of the networks, there must be other telephone wires, known as "land lines," connecting that station with the studio of the key station.

To erect a 1,000-watt station (relatively low-power) required in 1935 a capital investment of about \$30,000. This does not include the cost of the land or buildings, or the equipment of studios and offices. The capital investment for a 50,000-watt station was estimated in 1935 at \$224,000.¹ Estimates in 1938 were slightly lower. The cost of equipment for a 500-kilowatt station has been estimated at about \$300,000, but, for an entirely new installation, such a station might cost from \$430,000 to \$470,000, according to data submitted at the hearings before the Communications Commission on June 7-9, 1938.² In 1937 the total investment for the country as a whole was \$46,240,128, not including the value of network plant and buildings, and yearly expenses including taxes (but not federal income taxes) were \$60,323,392, according to a survey by the Federal Communications Commission.³

About fifty stations are owned by nonprofit organizations—educational, religious, labor, municipi-

¹ *Present and Impending Applications to Education of Radio and Allied Arts*. New York, National Advisory Council on Radio and Education, 1936, p. 77.

² *Broadcasting*, June 15, 1938, pp. 57-9.

³ *Ibid.*, June 15, 1938, pp. 7-8.

pal, etc. Most of these are of very low power. There has been a tendency recently to increase the power permitted for all types of stations, which has affected these nonprofit stations also to some extent. The situation changes so rapidly in the broadcasting field that it is impossible to ascertain at any given date just how many of these stations are actually being operated by the institutions which hold the license. Such organizations sometimes lease the station to a commercial company, reserving certain hours for themselves.

APPENDIX B

SUMMARY OF THE COMMUNICATIONS ACT

RADIO in this country is governed by the Federal Communications Act passed in 1934, which superseded the Radio Act passed in 1927. The right of Congress to enact laws for the regulation of radio rests on its power to regulate interstate commerce. In the Chicago case,¹ the only one in which the U. S. Supreme Court has rendered a decision in the radio field, the court upheld this right.

Licenses granted by the Commission are required for the use of any apparatus for the transmission of energy or signals by radio—even for purely local purposes. The United States is divided into five zones: 1. New England, New York, New Jersey, Delaware, Maryland, and the District of Columbia; 2. Pennsylvania, Virginia, West Virginia, Ohio, Michigan and Kentucky; 3. the remaining South Atlantic and South Central states; 4. the North Central states except those in the second zone; 5. the Mountain and Pacific Coast states. It is obvious that this division was made entirely without relation to the size of the zones, the topography, population, or any of the special characteristics of broadcast transmission. The Radio Act specified that the commissioners be selected to represent the different zones, but this provision was dropped from the Communica-

¹ 289 U. S. 266.

tions Act. In 1928 the Davis Amendment to the Radio Act provided the Commission should "as nearly as possible make and maintain an equal allocation" of licenses, frequencies, hours of operation and power between the zones and between the states in each zone. This resulted in a relative equality of facilities for *transmission*, but reception depends on many other factors, such as the nature of the terrain where the station is located, and the frequency itself, to say nothing of the quality of the receiving set. In the Chicago case, previously referred to, the Supreme Court declared that the quota system for the allocation of radio facilities under this Amendment was constitutional. It is interesting to note that in this case the Commission reversed the decision of its examiner, the Court of Appeals of the District of Columbia reversed the decision of the Commission, and the Supreme Court reversed the decision of the Court of Appeals and upheld the original decision of the Commission. In 1936 this section of the law was repealed, and the law now requires merely an "equitable" distribution of facilities.

The Commission has power to issue licenses, to assign frequencies, and in general to regulate the operation of stations in order to prevent interference between stations, although a public hearing must be granted to any station before changes are made without its consent in the terms of the license. The Commission has, however, no right of censorship over the programs broadcast and may not make any regulations which interfere with free speech.

No indecent, obscene, or profane language may be uttered in broadcasting. The permission of the Commission must be secured if a license is transferred.

The only test prescribed in the law for the issuance of licenses is defined in the phrase so familiar in public utility legislation: "public convenience, interest, or necessity." But the Commission is given no help in defining more precisely what is or is not "public interest." Licenses may not be granted for broadcasting for more than three years. Actually, they have never been granted for more than six months, although the stations have long urged that longer licenses be granted. Written application is required and the Commission may prescribe the data required from the applicant. There are elaborate provisions to prevent control of any radio station (for broadcasting or point-to-point communication) by aliens or by any foreign government. This section prohibits the issuance of a license to a company controlled directly or indirectly by a holding corporation of which an officer or director is an alien or more than one fourth of the capital stock is owned or voted by aliens, "if the Commission finds that the public interest will be served by the refusal . . . of such license."

The law authorizes the Commission to refuse a license to any person "finally adjudged guilty by a federal court of unlawfully monopolizing or attempting unlawfully to monopolize radio communication directly or indirectly through the control of the manufacture or sale of radio apparatus,

through exclusive traffic arrangements," or of using unfair methods of competition. (The original Radio Act *ordered* the Commission to refuse a license in such a case.) The court may, at its discretion, order a license revoked if a licensee is found guilty of restraint of trade in radio apparatus. Other provisions guard against the possibility of monopoly control of both cables and radio communication by any one party.

The Commission may revoke a station license under certain circumstances. The licensee is entitled to a hearing if he requests it. Opportunity for an appeal to the Court of Appeals of the District of Columbia is offered to applicants for a construction permit, a station license, or its renewal or modification, if this is denied by the Commission. Any person who feels that his interests have been injured by a decision of the Commission may also appeal or may file a brief as intervener in case of an appeal. But the court's review must be limited to questions of law, and the findings of the Commission must be sustained unless they are "arbitrary or capricious." Originally, the law permitted the Court of Appeals of the District of Columbia to review the whole question. But this was amended after the U. S. Supreme Court refused to review the WGY case. The Supreme Court held that the lower court became "a superior and revising agency in the same field," and that the Supreme Court cannot "exercise or participate in the exercise of functions which are essentially legislative or administrative."²

² F. R. C. v. Gen. Electric Co., 281 U. S. 464-70.

There are only a few restrictions in regard to the programs broadcast. If a candidate for public office is permitted to broadcast a speech, then other candidates for the same office must be afforded equal opportunities to do so. Such speeches may not be censored by the broadcasting station. Beyond this, the law is not concerned with the question of censorship by the stations. Announcements of lotteries may not be broadcast. This provision brings broadcasting in line with postal regulations. Any matter which a station is paid to broadcast must be announced as such. No program may be rebroadcast by another station without the consent of the station from which it originates. Programs may not be relayed from studios in the United States to broadcasting stations in other countries without the permission of the Commission.

The President has power to close any radio station or to take it over for government use in case of war, public peril, national emergency, or in order to "preserve the neutrality of the United States."

While the proceedings of the Commission must be made public at the request of any interested party, it may withhold records "containing secret information affecting the national defense." No criteria are set up by which "secret information" is to be determined, nor is it stated who shall have power to decide such a question.

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