A DESCRIPTIVE STUDY OF THE POLITICAL BROADCASTING POLICIES OF CERTAIN RADIO AND TELEVISION STATIONS IN OHIO AND MICHIGAN IN THE 1960 GENERAL ELECTION CAMPAIGN

A Thesis
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CHAPTER I

POLITICAL BROADCASTING--A MAJOR PROBLEM FOR
BROADCASTERS SINCE THE 1920'S

One major problem the broadcaster in the United States must
deal with periodically is that of providing time on the air to
campaigning political candidates. On the one hand the broadcaster
is in the happy situation of owning exclusive rights to a valuable
commodity--political broadcasting time. On the other hand, he is
subject to many conditions in regard to sale of time and program
content. This paradox stems from technical problems unforeseen by
those who first subscribed to the Bill of Rights.

It became obvious early in broadcasting history that there
must be some control over the technical aspects of radio broad-
casting. The government established controls when members of the
young industry found that they could not.¹ The legislative result

¹Charles Frederick Lindsley, Radio and Television Communica-

of the decision to regulate broadcasting was the Radio Act of 1927.
Two sections of this act had direct affect on political broadcasting.
One contained the "equal time" provisions of broadcasting law.
It read:

Sec. 18. If any licensee shall permit any person who
is a legally qualified candidate for any public office to
use a broadcasting station, he shall afford equal oppor-
tunities to all other such candidates for that office in
the use of such broadcasting station, and the licensing authority shall make rules and regulations to carry this provision into effect. Provided, That such licensee shall have no power of censorship over the material broadcast under the provisions of this paragraph. No obligation is hereby imposed upon any licensee to allow the use of its station by any such candidate.

This same section of the act was carried over as Section 315 in the Communications Act of 1934. The "equal time" law has been remarkable in its durability since it remained in its original form for more than twenty years.

A second section of the old Radio Act, also made a part of the Communications Act, has had direct affect on political broadcasting:

Sec. 29. No person within the jurisdiction of the United States shall utter obscene, indecent, or profane language by means of radio communication.

Section 29 was written as Section 326 in the Communications Act of 1934.

Despite a number of "clarifications" by the Federal Communications Commission and some important decisions by Federal Courts, to be considered in Chapters II and III, conflicts concerning political broadcasting have not been resolved.

There are two schools of thought on the matter. Simply, they are broadcaster - control versus government control in political programs. The conflict was raging anew at the writing of this paper.2

Until 1962, the writings dealing with political broadcasting were concerned with court decisions, Communications Commission regulations and rulings, laws passed by Congress, and theories on the control or non-control of political broadcasts. Practical applications of these regulations, rules and laws were not described.

If government regulatory officials assumed their rules were understood and were being carried out, they were in error. Nationwide research by Richard M. Mall in 1952 indicated a vast lack of understanding of the regulations on the part of broadcasters.  

3Richard M. Mall, "Some Aspects of Political Broadcast Policies of Radio and Television Station in the United States" (unpublished Dissertation, the Ohio State University, Columbus, 1952).

The Mall Study reported on replies to questionnaires sent to every radio and television station in the United States. The study concluded that broadcasters lacked a "clear set of standards for handling of political broadcasts" and "broadcasters are generally willing to carry political broadcasts, but they are concerned about the problems" involved in the program material.  

4Ibid., p. 266 and 268.

From the time of the Mall study in 1952 until 1960, this writer found no new survey conducted in the subject area despite a number of changes in rules and regulations concerning the broadcasting of political programs. The Federal Communications Commission, on the request of Congress, authorized a survey of political
broadcasting to be completed at the close of the 1960 campaign.\footnote{Broadcasting, loc. cit.} At

the time of this writing, results of the F.C.C. survey had not been published. It is suggested that any interested reader refer to this publication when it is available.

I. Need for More Information about Policies of

\underline{Commercial Broadcasters on Political Programs}

The concern over political broadcasting, though intense during campaigns, usually is dormant during periods between campaigns. This partially explains a lack of information on policies of local stations during campaigns. There seems to be nothing "dearer" than yesterday's election.

If political regulation is to be operative, governmental representatives should know what the local broadcaster does and has done in the area of political broadcasting. Policy information is doubly important during periods of revision in broadcasting law.

There were, in this writer's opinion, three major revisions in political broadcast law, or interpretation of such laws, in the period from 1952 to 1960. The Federal Communications Commission and the Congress have not revealed they had any adequate knowledge of how these policies are being implemented in many of the more than four thousand stations in the United States.
McFarland Act. One revision, an amendment to Section 315 in 1952, concerned the charges to candidates for political broadcasts. It was popularly called the McFarland Act because of its sponsor, Senator McFarland. The purpose of the amendment was to keep charges for political broadcasts the same as charged regular advertisers.

The WDAY Decision. In 1959, the Supreme Court ruled Section 315 granted legal immunity to broadcasters where candidates make libelous statements. The intent of the ruling was to settle the problem which plagued broadcasters since the Act was written in 1927. Essentially the conflict was between the part of Section 315 which denies the broadcaster right to censor political scripts, and the libel laws of various states which make the station liable for content of programs. The effect of the ruling was expected to give candidates opportunities for greater broadcasting "exposure."

The "Lar Daly" Amendment. Also in 1959, several kinds of appearances by candidates on radio and television stations were removed from the "equal time" restrictions in an amendment to Section 315. The amendment came about after applications by a number of fringe candidates for "equal time" after appearances by candidates on news programs or as participants in special events. The strict enforcement of Section 315 prior to the amendment was
forcing broadcasters to avoid reporting events where candidates for office appeared.

Each of the rulings or interpretations should affect political broadcast policies of stations. At this writing there has been no nationally published information concerning the impact of the three changes on local broadcasters.

Due to a paucity of nationally-publicized information on how these and other rulings are implemented locally, broadcasters must use other means of comparing notes. State trade associations and "clarifications" by government and national trade groups help, as do magazines of the broadcasting trade. However, local broadcasters act in highly individual ways. Until the post-campaign 1960 survey authorized by the Federal government, the Communications Commission and Congress depend on pressure groups and individual complaints to discover policies of broadcasters. There has been no way of determining the policies of broadcasters as they are actually practiced.

A survey of the policies of local broadcasters in the light of a number of new regulations, including the three noted above, would be of value to broadcasters and government alike.

II. Scope of the Study of Political Policies of Radio and Television Stations

This study will consider the political broadcasting policies for radio and television stations in two midwestern states during
the 1960 Presidential campaign. The questionnaire, sent to the
two hundred and twelve radio and television stations in Ohio and
Michigan sought to clarify policies in several specific areas of
broadcast regulation.

Ohio and Michigan are similar in a number of ways over and
above their geographical proximity. Ohio had an estimated
population of 9,515,100 in 1959 in contrast to 8,006,400 for
Michigan.7 Metropolitan areas over 40,000 as reported by Standard

7"SRDS Consumer Market Data Summary," Spot Radio Rates and

Rate and Data Service, Inc., totaled ten for Michigan and twelve for
Ohio. Retail sales for each household were estimated at 4,049 dollars
in Ohio and 4,183 dollars in Michigan from mid-1958 to mid-1959.8

8Ibid.

A total of eighty-six radio stations were on the air in Ohio
at the time of this survey, as compared to ninety-four in Michigan.
Ohio had eighteen television stations transmitting as compared to
fourteen in Michigan.

Questions submitted to the stations covered general policies
for political programs or spot announcements. The study sought to
discover the existence of such policies, how they were formulated,
and who administered them.
Other questions were concerned with some methods broadcasters employ in limiting political broadcasting. These involve: station examination of legal qualifications of a candidate, selling practices for political broadcasts, limitations placed on the time of day programs are scheduled, pre-examination of political scripts, and the limits set on form and length of programs.

In addition, the study considered station policies in the light of the so-called "Lar Daly" amendment which affects the broadcasts of political news. (The amendment will be discussed in detail in Chapter II.)

Ohio and Michigan, though somewhat similar in geographical and economic aspects, were dissimilar in political activity during the 1960 election campaign. Michigan voters were involved in a number of campaigns for state office, including a contest for the governorship. Ohio was concerned only with the election of a state auditor and thus, the state election contest lacked the usual interest stirred up by a gubernatorial or senatorial contest.

In a manner of speaking, this study was designed to compare conditions wherein an active contest existed and, on the other hand, where interest in the state campaign was rather restrained.

III. Method of Presenting the Study

Inasmuch as this study concerns itself with the effects of changes in rules and regulations of the federal government and its agencies, Chapters II and III are devoted to a review of the
highlights of these changes and their implications in the field of broadcasting. Chapter II will deal with three major revisions in regulation of political broadcasting and will review an amendment which was temporarily enacted for the 1960 campaign. Chapter III will review a number of revisions in regulations which could have important results in the policies of local broadcasters.

Chapter IV reports the study including a detailed description of the sample, and an outline of the questions which comprised the survey. Findings of the study are listed in Chapter V, including those responses which seem significant according to market size, and network affiliation. The final chapter summarizes the results of the survey and discusses their importance to broadcasting political policies.
CHAPTER II

FOUR SIGNIFICANT REVISIONS IN POLITICAL BROADCASTING

RULES AND REGULATIONS—1952 THROUGH 1960

From 1952 through 1960 the Congress and the Federal Courts re-examined several recurring problems in political broadcasting. An amendment in Section 315, the first in more than twenty years to this part of the Communications Act, heralded a series of changes in political broadcasting regulation.

The amendment, adopted in 1962, restricted charges for political broadcast time on the air. The rate restriction amendment was enacted to stop inequities in charges. It was expected to make time more available to political candidates. However, no matter what the cost of time, the "equal time" law remained. Any relaxation of rate policies for one candidate was applicable to other candidates for the same office. As the cost of time on television and radio stations increased, the Congress was again faced with the dilemma of time allocations for political broadcasts. Broadcasters said, "Kill equal time and we'll give free time periods to candidates."

In 1960, the Congress conducted an experiment in relaxation of the equal time law. Section 315 was eased to allow broadcasters immunity from equal time requirements for Presidential and Vice Presidential candidates in the 1960 campaign. The most
publicized result of the immunity were four debates between Presidential candidates, Senator Kennedy and Vice President Nixon. Under the temporary law, free time for the debates and other broadcast appearances of the Presidential and Vice Presidential candidates were conducted without the necessity of providing equal time to fringe candidates.

The result of the law's relaxation was limited because only Presidential and Vice Presidential candidates were exempt. Local and regional stations in small markets were not affected by the amendment as were those stations in large markets and the networks. Exemption of equal time for state and local candidates would have been of more immediate concern to small stations.

A third ruling on political broadcasting came out of a Federal Court decision. The court upheld a North Dakota decision that a broadcaster may be freed from liability for statements uttered by candidates broadcasting under the provisions of Section 315.

The fourth important change to laws concerning broadcasts by candidates became known as the "Lar Daly" amendment to Section 315. It exempts certain appearances on the air from the provisions of equal time.

Summing up eight years of law revision, broadcasters were released from some burdens of the Act. However, during this same period tighter restrictions were implemented, particularly in the
area of rates charged for political broadcasts. The first section of this chapter will review the matter of rate regulation by the Federal Communication Commission.

I. Congress Regulates Rates Charged for Political Broadcasting

Several writers have pointed out the conflicts in laws governing political broadcasting. Chester and Garrison, in their 1950 radio-television textbook, note that the ban against censorship, which conflicts with the state libel laws, and the cost of political time were "two problems which have arisen in connection with" Section 315 of the 1934 Federal Communications Act.¹


The first of these two problems to be attacked by legal action was rates for political broadcasts. After a number of committee hearings in several Congressional sessions, a second paragraph was added to Section 315 of the Communications Act by the eighty-second Congress. Because of the efforts of Senator McFarland to have the Communications Act of 1934 amended, the wholesale re-examination of the Act became known as the McFarland Bill.²


The section of the McFarland Bill which particularly affected political
broadcasting was paragraph (b) of Section 315. As it was enacted it read:

The charges made for the use of any broadcasting station for any of the purposes set forth in this section shall not exceed the charges made for comparable use of such a station for other purposes.³

³Public Law No. 82-554, 2 (July 16, 1952).

Two years later, the Commission revised the rules and regulations in conformance with this amendment, refining them to state that a candidate should not be charged more than if he were a "commercial advertiser whose advertising was directed to promoting its business within the same area as that encompassed by the particular office" the candidate is seeking.⁴ Discount privileges also are to be extended to candidates on equal terms, according to the amended section.

That same year the Commission also published an "interpretation" of the rulings.⁵ In addition to repeating the information

⁵Federal Communications Commission, Rates for Political Broadcasts, Docket Number 11092 (Sept. 7, 1955).
in the rules and regulations, the Commission spelled out its requirements that broadcasters not charge national card rates
for all political broadcasts, nor should they charge premium rates.

Some authors noted the inequity of the new law. Barnouw wrote that the amendment "has faults but has the advantage of being mechanical, and not depending on value judgements."\(^6\) He concluded, any alternate plan would raise its own problems." Both Barnouw and others joined Robert P. Bradford in asking, "Is the equal access principle of Section 315 to be read only in favor of the rich?"\(^7\)

Bradford and Barnouw agreed, however, that free time for candidates would raise a number of problems, including the costs to both networks and stations, and the overwhelming prospect of obliging commercial broadcasters "to provide a sort of free lunch for political office-seekers."\(^8\) The authors are referring to the number of "fringe candidates" which would seek use of the facilities of stations under the "equal time" provisions of Section 315. Neither author seems willing to believe that the broadcaster would, given the chance, act as a responsible guardian of public interest.


\(^8\)Ibid.
II. The Conflict of Liability for Broadcasters

Versus the Ban Against Political Script Censorship

From 1932 to 1958 the courts and regulations of federal agencies presented a conflicting set of rulings from broadcasters in the content of political programs, as pointed out by Chester and Garrison. The precedent case on immunity from libel was

Sorenson v. Wood in which a Nebraska station was ruled to be liable for remarks made by a candidate. Frank Thayer summed up the

problem of the broadcaster resulting from this ruling:

This Act The Radio Act which prohibits the censorship by radio stations means only that the licensee is prohibited from censoring words as to their political meaning; the station is not given any privilege to assist in the publication of a libel; it is not granted any immunity from the effect of such broadcasting of defamatory words by those who make use of the station's facilities.

Section 315 of the Communications Act specifically denied any regulation or condition which "shall interfere with the right of free speech by means of radio communication." The Federal
Communications Commission in 1948 gave the broadcaster an interpretation of censorship in which it stated that the broadcaster is not without power to prevent the broadcast of statements or utterances in violation of the provisions of the ... Act or any other Federal law.\footnote{12 Federal Communications Commission, Port Huron Decision Docket No. 6987, June 25, 1948.}

The Commissioners, however, again in 1951 reiterated their stand against censoring libelous material:

We do not see how Congress could have made it any clearer than it did in the proviso of Sect. 315, that a licensee may not censor the broadcast of a legally qualified candidate for public office.\footnote{13 Federal Communications Commission, WDSU Broadcasting Corp., File No. B.R. 448 (1951).}

In 1958 an application for the construction of a station in Amsterdam, New York, was denied after suspicions of censorship of a political speech were raised before the Commission.\footnote{14 Federal Communications Commission, Walter T. Gaines (WGAY), (undated).}

A U. S. District Court in Tennessee gave an early opinion which showed the way toward relief for the broadcaster. In a libel suit against a primary senatorial candidate in 1958, the plaintiff included two Nashville stations in his complaint. The
court rules that they were not liable for defamatory remarks made
by a candidate during a political broadcast.  

15 Lamb v. Sutton, U. S. District Court, W. D. Tenn., July 29,
1958, Civil Actions No. 1925, 1936.

The court decision which seems to have done the most towards
immunizing the broadcaster against political broadcast liability was
handed down in 1959. It involved a suit by the Farmer's Union of
America against a Fargo, North Dakota, television station. In the

16 Farmer's Educational and Cooperative Union of America,
North Dakota Division v. WDAY, Inc., U. S. Supreme Court, June 29,
1959, 360 U. S. ________.

Supreme Court decision, with a majority of five to four, Justice
Black wrote the majority opinion: It said in part:

Agreeing with the state courts of North Dakota that Sect. 315
grants a licensee an immunity from liability for
libelous material it broadcasts, we merely read Sect. 315
in accordance with what we believe to be its underlying
purpose.

The majority opinion continued to outline the purposes of the Congress
as the court considered it:

Certainly Congress knew the obvious—that if a licensee
could protect himself from liability in no other way but
by refusing to broadcast a candidate's speeches, the
necessary effect would be to hamper the congressional
plan to develop broadcasting as a political outlet rather
than to foster it.

This ruling by the North Dakota Supreme Court which was
upheld by the Supreme Court of the United States seems to help in
partial solution of the problem of liability for political broadcast slander for broadcasters.

III. Amendment Concerning "Equal Time"

Provisions of Section 315

From 1952 to 1960, Congress made great effort to clarify what is, and what is not, political use of broadcast facilities. During the summer of 1952 the Federal Communications Commission ruled that acceptance speeches by nominees to office, are, in fact, "speeches by candidates" and therefore subject to the "equal time" provisions of Section 315. Because of this ruling the acceptance speech for the Progressive Party candidate for President was read over the national networks.

The Commission Interpretation of Rules published in question-and-answer form in 1954 stressed that any appearance by a candidate on a radio or television broadcast is "use" of the station. Four years later the revised version of this notice carried an answer to a question which stated:
A. Yes. All appearances of a candidate, no matter how brief or perfunctory, are a "use" of a station's facilities with Section 315.19


The definite nature of this answer was misleading. Between 1954 and 1956 there were several exceptions to the rule. In November of 1956 President Eisenhower, at the time a candidate for re-election, spoke over the national networks concerning a crisis in foreign affairs. Network stations granted equal time to his major political opponent and to several of the more obscure candidates of minor parties. The Federal Communications Commission is quoted as deciding the President's speech was exempt from the "equal time" provision. 20


Another exception to the Commission rule was reported in 1957 when a Detroit candidate for judge, unwittingly appeared on a television news clip at a ceremony of the swearing-in of several members of the court. 21 In this case the Commission wrote:


The facts clearly showed that the candidate in no way directly or indirectly initiated either filming or presentation of the event, and that the broadcast was nothing
more than a routine news cast of the station in the exercise of its judgment as to newsworthy event.

The element of intent was introduced into the interpretation of "use," but only for a short time. A most drastic interpretation of the concept of "use" of broadcast facilities came in a Commission telegram to the Columbia Broadcasting System station in Chicago in 1959. News film clips of candidates filing petitions, of interviews, of the mayor (a candidate) briefly greeting foreign dignitaries and his appearance in a March of Dimes appeal, were ruled to be political "use" of a station by candidates and therefore subject to the "equal time" provisions of Section 315.\textsuperscript{22} The telegram with


this decision was sent February 19, 1959. Congressional hearings began shortly thereafter.

The Commission was considered to be interpreting Section 315 of the Communications Act too rigidly and a Senate committee reported as much:

Even the Federal Communications Commission recognizes that its present rigid interpretation of equal opportunity under Sect. 315 does constitute a deterrent to stations permitting the use of their facilities by legally qualified candidates.\textsuperscript{23}

A report from a House Committee on the same amendment sought to differentiate news programs and political programs, explaining:

The Committee realizes that it must initially be left to the sound and sophisticated "news judgment" of broadcasters, acting in good faith to distinguish between these two types of events. The committee . . . assumes that licensees . . . can be expected to meet the test of responsibility in terms of both professional competence and integrity.24

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As a result of the congressional hearings, newscasts, news interviews, news documentaries ("if the appearance of the candidate is incidental to the presentation of the subject or subjects covered . . .") or on-the-spot coverage of news events including political conventions, were exempted from Section 315 coverage. 25

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IV. "Equal Time" Suspension for Presidential and Vice Presidential Candidates

The "equal time" section of the Communications Act, contained in Section 315, is in some conflict with "Freedom of Speech" as it is interpreted for the press. Harold E. Fellows, representing the broadcaster's view, pointed out in 1955:

No one tells the publisher "you must give all points of view." The informed and experienced publisher makes every honest effort to do so, nonetheless he knows that prejudice begets enemies and enemies do not subscribe.26

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Section 315 was constructed to ensure balance of opportunity for candidates and a minimum of prejudice by licensees when it was written:

If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station . . .

In addition, the section provides that the broadcaster shall have "no power of censorship" over programs covered by the act.

Under the "equal opportunities" provisions of the Communications Act, a number of interpretations were developed. In 1952 William A. Schneider, who announced he was a Republican primary candidate, was awarded the benefits of "equal time" by order of the Federal Communications Commission.\(^{27}\) In 1956, the Commission turned down another man who said he was a primary candidate—Lar Daly of Chicago.\(^{28}\)


The "equal time" law was no respecter of party size and importance. The broadcaster was faced with a dilemma. To serve the public interest by presenting political programs over his facilities, he would allow candidates of major parties the opportunity to present
their qualifications and views. On the other hand, he had to protect his commercial broadcast time from invasion by myriads of splinter party candidates.

There was one viewpoint that the listener or viewer would be best served if opposing candidates would appear, town meeting fashion, on the same broadcast to state their views and to question each other.  

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This prophetic, if rather optimistic, plan presented a number of practical problems because of the provisions for equal time. Leo Bogart in The Age of Television observed that:

The practical effect of this equal opportunity is to restrict political broadcasts to those actually paid for by parties, and to virtually eliminate direct face-to-face debate over campaign issues.

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In 1960 after considerable discussion, the House of Representatives and the Senate passed a joint resolution which ordered stations to suspend the equal time provisions of Section 315 for the "1960 Presidential and Vice-Presidential campaigns with respect to nominees for the offices of President and Vice President..."

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The four television and radio debates between the two major party presidential candidates in the 1960 campaign were the result of that resolution.
V. Summary of Chapter

A number of major problems have been addressed by various political bodies in efforts to solve conflicts of interest which seem inherent in governmental control in "Freedom of Speech." Chafee says that private enterprise is not reliable in the task of keeping "open the channels of communication."31 In effect, the


Congress has given over this task to the broadcaster in the field of news and special events. Chafee also warns that "affirmative intervention" by the government in communications is a serious risk.33 The period immediately prior to the enactment of the "Lar

33 Ibid.

Daly" Act demonstrates that particular risk.

The four areas of political broadcast law covered in this chapter seem to indicate that the governmental agencies may be aware of this risk of intervention and are, in fact, following a trend reported by Barnouw in 1956; "The emphasis is increasingly on freedom from prior restraint, plus clearly defined responsibilities."34

34 Barnouw, op. cit., p. 194.

There are a number of other less clearly defined responsibilities that will be considered in the following chapter.
CHAPTER III

MORE POLITICAL BROADCASTING RULES AND REGULATIONS THAT WERE REVISED IN YEARS 1952 THROUGH 1960

The four major changes in broadcasting law, reviewed in the previous chapter, are definitive in their nature, but not in their application. Other areas of political broadcast rules and regulations do not have such clear intent, yet many are as important to broadcasters.

In the analysis of the following opinions by the Federal Communications Commission, it would save a considerable amount of effort had the Commission simply listed policies guiding the broadcaster to operations in the public interest, necessity and convenience. The Commission has refrained from this, because in telling a station owner what to do, the agency would, in effect, tell him what not to do and this would be a kind of censorship, denied the Commission in its enabling act.

From time to time, the Commission has set a policy of "prior restraint" and, in each case where it is tested, the courts have ruled against the Commission. Both the Congress and the courts are committed against a policy of prior restraint.

The Commission, for this reason, is prone to rule on a program matter after it has become a fact. At times this can be a burden on a broadcaster, who seeks interpretation of a rule before he schedules a program of questionable content.
This post-program ruling tends to make broadcasters conservative. In political broadcasting, a licensee may refuse to carry a program rather than chance a rebuff from the Commission.

There is little confusion about the obligation to carry candidates' programs, but many broadcasters are uncertain of the status of non-candidates.

I. The Obligation to Carry Political Programs

The Congress, in empowering the Federal Communications Commission with the regulation of broadcasting stations, as a general rule has avoided any direct orders realizing, as do the courts, that:

It would be difficult, if not impossible to formulate a precise and comprehensive definition of the term "public interest," convenience, or necessity," and it has been said often and properly by the courts that the facts of each case must be examined and must govern its determination.¹


The obligation of the licensees to carry programs of a controversial nature was suggested in the so-called Blue Book or Public Service Responsibilities of Broadcast Licensees.² The


discussion of controversial issues would include the political
programs by non-candidates or those not included in the provisions of Section 315 of the Communications Act of 1934. The Commission expressed its dissatisfaction over a policy of avoiding the broadcasting of paid controversial discussion in a case involving a Columbus, Ohio, station:

... the operation of any station under the extreme principle that no time shall be sold for the discussion of controversial public issues and that only charitable organizations and certain commercial interests may solicit memberships is inconsistent with the concept of public interest established by the Communications Act... 

3Federal Communications Commission, United Broadcasting Co. (WHKC), Docket No. 6631 (June 26, 1945).

However, the courts have ruled that the broadcasting of controversial discussion by non-candidates is insufficient for serving the public interest -- that candidates must be allowed to appear on station facilities or "it would be perfectly feasible and legal for a broadcasting station to refuse its facilities to all candidates, ... and allow spokesmen for one side unlimited time." 4


In 1956 the Commission noted that the policy of refusal to carry local political programs was a "black mark" on the record of an applicant for a new television station in Florida. The Commission gave the opinion that:

Practice of a city, licensee of AM and FM radio stations, in ... refusing to carry political broadcasts involving
local and state political offices, indicates some tendency to disregard local needs of the area, especially where these practices were instituted when there were only one or two stations in the area.

5Federal Communications Commission, City of Jacksonville, Docket 10833 (released Aug. 31, 1956).

The courts and the Federal Communications Commission both imply that station policy should not exclude the broadcasting of political programs by candidates and non-candidates.

The obligation to operate in the public interest seems to extend to the sale of time to present controversial issues—of which non-candidates are representative. Since reviews of commission rulings are studied to discover the commission's interpretation of "public interest," commissioners are operating on a case-to-case basis only in theory. A body of rulings has been built up which guides broadcasters near understanding the Commission version of "public interest."

II. Broadcaster's Right to Ask for Political Scripts in Advance

An early opinion concerning the right of a broadcaster to require a script in advance of a political broadcast was by an Illinois state court. 6 The court held that the demand for advance

6Voliva v. Station WCBID, 313 Ill. App. 177, 39 N. E. (2d) 685 (1942).
scripts "did not constitute censorship, within the meaning of the act and that this was a reasonable requirement."\(^7\)


The Commission confirmed this view in a letter in 1952 in which it said:

> it has always been our judgment . . . that a licensee may request that the candidate submit beforehand a copy of the script for his proposed broadcast provided that the practice is uniformly applied to all candidates for the same office, using the station's facilities.\(^8\)

\(^8\)Federal Communications Commission, Letter to H. A. I. Rosenberg (sent July 9, 1952).

There are other references to the right of the licensee to require advance scripts for political programs. The problem of pre-broadcast examination of non-candidates' scripts does not arise, but is implied in the ruling concerning the broadcasting of a script by the chairman of a party in Philadelphia.\(^9\) In the case the court rules that licensees are "not entitled to assert the defense that they are not liable because the speeches could not have been censored . . . as in broadcasts by candidates."

\(^9\)Felix v. Westinghouse, loc. cit.
III. Restrictions of Political Broadcasts

in Regard to Program Forms

The broadcasting of political programs theoretically can take several forms. Barnouw describes one such problem:

In buying time for the 1936 election campaign, the Republican Party informed the major networks of its decision "to take advantage now of modern radio technique to convey our message." Alarmed, the Columbia Broadcasting System and the National Broadcasting Company conferred. They notified the Republican National Committee they would not permit dramatization.\(^\text{10}\)

\(^{10}\)Barnouw, op. cit., p. 75.

He reports, however, that some local stations were not so dedicated to this policy and did permit broadcasts of recorded political dramatizations.\(^\text{11}\)

\(^{11}\)Ibid., p. 76.

In other restrictions on broadcast form, the Commission has ruled that a station may "proscribe the right of a candidate to speak extemporaneously."\(^\text{12}\)

\(^{12}\)Rosenberg Letter, loc. cit.

The form of the broadcast should not be confused with content. For the broadcast licensee is barred from dictating "how a candidate should campaign."\(^\text{13}\)

The control of non-candidates program form, in the absence of the restrictions of Section 315 and its non-censorship clause makes a clearer case. The Commission rules in 1936 that "a broadcast station is not under a public utility obligation to accept all program material offered."  

Form of a political broadcast seems to depend on the dictates of the broadcaster as long as he applies his policy to each candidate in a specific election. He may require the candidate to script his talk, record it, and pay for the recording. In the case of non-candidates the broadcaster there seems to be less restriction—bound only by the licensee's sense of fair play.

IV. Other Controls Broadcasters May Use on Political Programs

The broadcaster may impose a number of controls on political broadcasts if the controls are applied without discrimination to each candidate and his campaign opponents.

Some stations have restricted both the length of political broadcasts and the periods of the day for broadcasts. A test of this policy was made by Texas Governor Homer P. Rainey in 1945.  

Stations of the Texas Quality Network had set aside specific periods of the day and lengths of time which were to be devoted to various candidates. The Commission advised the station:

In the future, the amount of time set aside for such broadcasts will not be arbitrarily determined in advance but will vary from time to time as the public interest requires, and this judgment will be made by the individual licensees and not in concert with others.

In another case the Commission did not commit itself on selection of time segments and placement of political programs. It did not, on the other hand, seem alarmed about these matters but rather was interested in the manner in which the time segments and placement for political candidates were allotted.\textsuperscript{16}

\textsuperscript{16}Federal Communications Commission, Robert M. McIntosh, Public Notice 89193 (March 25, 1960).

The Commission has ruled directly on requiring the candidate to record his proposed broadcast at his own expense.\textsuperscript{17} This is considered a matter of the "licensee's discretion so long as it is . . . applied uniformly without discrimination between candidates for the same office."

\textsuperscript{17}Rosenberg Letter, op. cit.

The key word in this discussion is "discrimination" and the broadcaster must be aware he cannot make whimsical distinctions between candidates seeking the same office in the same election.

He is permitted to make rules which proscribe the length of spot announcements and programs and can restrict certain times
of day to be free of political programs. He can even limit the number of individual campaigns which he will allow to be presented on his station. He cannot be discriminatory in these policies and also stay within the bounds of "public interest" as set out by the Federal Communications Commission.

V. Corollary Rulings on News and Editorializing

In the 1959 amendment to the Communications Act of 1934, Congress released certain uses by candidates of station facilities from the "equal time" provisions of Section 315. Some "strings" were attached to the amendment. The licensee was advised to "afford reasonable opportunity for the discussion of conflicting views on issues of public importance." This has been interpreted as a reminder to keep balance in the news coverage of stations. The Commission had already expressed its wish for balance in the presentation of editorial views.

There were a number of landmark cases along the legal path to a federal policy on editorializing. In 1941 the Commission ruled that "the broadcaster cannot be an advocate" and that one-sided views of matters of public controversy "revealed a serious misconception in its station's duties and functions under the law." This was the so-called Mayflower decision which halted

18Federal Communications Commission, The Yankee Network (WABA), Docket No. 5640 (January 16, 1941).
editorializing for many stations during World War II. There were objections to the Mayflower opinion. Wiggins charged that:

The commission thereby bluntly exercised governmental power to restrain future utterance of "publication" in the precise manner the First Amendment was intended to restrain. 19


Following the World War the Commission again took up the matter of editorializing and following a number of hearings in the spring of 1948, it issued a report which was a reversal of the Mayflower opinion but which warned broadcasters to be sure to give time to the "other side." 20

20 Federal Communications Commission, Editorializing by Broadcast Licensees, Docket No. 8516 (released June 2, 1949).

MacDougall saw some danger in the right to editorialize as granted by the Commission:

In the past years surveys usually have shown greater confidence in radio's handling of news than in newspapers. That radio can take advantage of the new freedom that the FCC has offered it and retain that reputation seems doubtful. 21


The Commission seems to have been aware of the danger of "the new freedom" and there have been several admonishments to stations of "an affirmative duty to seek out, aid and encourage the
broadcast of views on the other side. "22

22Complaint of John J. Dempsey, 6 Pike & Fischer Radio Regul-
ations, 515 (1950). Also see: New Broadcasting Company (WLIR)
6 Pike & Fischer, 256 (1950) and "Editorial Fine Points Raised,"
Broadcasting, 754:23 (June 9, 1963), p. 64.

The amendment by the Congress which allows certain "news"
shows to be exempt from Section 316 of the Communications Act has
generated a new problem. The agency received a complaint that a
candidate for the state legislature in Texas was appearing at least
twenty-seven times weekly on radio and television as a weather
caster. The Commission ruled in a letter to M. N. Bostic, the
complaintant, that the weather news broadcasts were exempt from
"equal time" under the new amendment. 23

23KWEX Broadcasting Co., 19 Pike & Fischer Radio Regulations
1075 (1960).

A federal court upheld the ruling commenting that the
"weather caster is not identified by name . . . and his employment
is not something arising out of the election." 24

24Brigham v. Federal Communications Commission, U. S. Court
of Appeals, 5th Circuit (April 19, 1960).

A few days after the court ruling the Commission decided
that a sheriff's report in which "the format and content of the
program are determined" by the sheriff and not the station, was included as a political broadcast under amended Section 315.²⁵


VI. Summary of Rules and Regulations

Although Section 315 of the Communications Act of 1934 dominates political broadcasting by candidates, there is another segment of broadcasting rules and regulations dealing with the problem of balance in controversy. Controversy seems to encompass the editorializing by stations, political speeches by non-candidates, in addition to its non-political aspects.

Llewellyn White found government regulation inadequate in attaining:

... a solution which on the one hand will enable us fully to meet the social obligations of radio and on the other will protect our traditional freedoms.²⁶


White seeks, in effect, to place political broadcasting by candidates under the same restrictions as the broadcasts on public controversy.²⁷ Mall, while urging broadcasters to accept "the fact

²⁷Ibid.

of government participation and the modified interpretation of the
First Amendment, also urges the industry and Commission seek repeal of the political censorship provisions of the Act of 1934 "as soon as possible." 28

28 Mall, op. cit., pp. 277 and 281.

A "box score" on the slackening of federal regulation of political broadcasts shows only one instance in which the reins of government control have been handed to broadcasters. This instance, that of freeing certain types of news broadcasting from the "equal time" provisions of Section 315, had been in effect for a number of years and only because of strict interpretation by the Commission did Congress put into law what was already in practice.
CHAPTER IV

REPORT ON HOW THE SURVEY WAS CONDUCTED

This chapter reports the study and describes how it was conducted. The first section deals with the method of obtaining the information and contains a report of the sample representation related to the total number of radio and television stations in Ohio and Michigan. The second section considers the questionnaire and explains the rationale behind the questions.

I. Size and Composition of the Sample

A total of two-hundred and twelve questionnaires was mailed to the commercial radio and television stations in Ohio and Michigan on December 6, 1960. The date was arbitrarily selected as being far enough removed from the election day (a month earlier) to encourage objectivity on the part of respondents and yet not so far from that period to allow memory lapses.

A cover letter explained the purpose of the questionnaire.¹

¹See Appendix A.

Responses from the first mailing totaled sixty-four, 30 per cent of the total number of stations. An examination of the first returns showed more responses were needed from all television stations and from radio stations in Michigan only. A second mailing was directed
to the non-respondent television broadcasters and to those Michigan radio stations which did not reply to the first request.\(^2\) This mailing brought the total number of respondents from both states to ninety-seven, 45 per cent of the two-hundred and twelve stations in Ohio and Michigan.

An examination of Appendix C shows that six of Ohio's eighteen television stations responded to the survey. Seven Michigan television stations responded out of a total of fourteen. Radio stations in the two states, as shown in Appendix D, show a total of thirty-nine Ohio broadcasters reporting (45 per cent of the eighty-six in the state) and forty-five Michigan stations (48 per cent of a total of ninety-four).

The sample seems to be fairly representative for radio stations. Nearly half of the radio stations reporting from Michigan were in the one-thousand watt class. However, more than a third of the stations in the state are in that category.

Table I shows the distribution of responding radio stations, according to power. Distribution of the stations according to power seems to be reasonably in line with the proportions of stations of like power in the two states.
TABLE I

NUMBER OF OHIO AND MICHIGAN RADIO STATIONS
RESPONDING TO SURVEY ACCORDING TO
THEIR POWER

<table>
<thead>
<tr>
<th>POWER</th>
<th>OHIO Total in State</th>
<th>OHIO Number Reported</th>
<th>MICHIGAN Total in State</th>
<th>MICHIGAN Number Reported</th>
</tr>
</thead>
<tbody>
<tr>
<td>250 Watts</td>
<td>25</td>
<td>13</td>
<td>33</td>
<td>13</td>
</tr>
<tr>
<td>500 Watts</td>
<td>13</td>
<td>5</td>
<td>12</td>
<td>3</td>
</tr>
<tr>
<td>1000 Watts</td>
<td>24</td>
<td>9</td>
<td>33</td>
<td>21</td>
</tr>
<tr>
<td>5000 Watts</td>
<td>20</td>
<td>10</td>
<td>13</td>
<td>7</td>
</tr>
<tr>
<td>10000 Watts</td>
<td>--</td>
<td>--</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>50000 Watts</td>
<td>4</td>
<td>1</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Totals</td>
<td>86</td>
<td>33</td>
<td>94</td>
<td>45</td>
</tr>
</tbody>
</table>

II. Political Broadcasting Questionnaire

The rules and regulations laid out by Congress and the Federal Communications, coupled with the interpretations of these rules as reviewed by the courts of the land, have created a body of political program guides for broadcasters. The object of the questionnaire was to ascertain policies of broadcasters in political broadcasting with regard to changes in these laws, regulations and interpretations during the period from 1952 to 1960.

In constructing the questionnaire, information was asked about station policies toward both candidates and non-candidates in the light of rules which were in force prior to 1952 and remained unchanged for the period from 1952 to 1960. Only questions which
seemed to be needed to set the general information about policies were asked and the number of the questions was held to a minimum.

General policies of the station. Broadcasters have a number of alternatives in setting the political policies for their stations. Section one of the questionnaire seeks to sort out various aspects of general political broadcasting policies.

As an example, the respondent was asked how policies were administered, ranging from a case-by-case procedure to a specific written policy. It was suspected from the writer's personal observation that many stations have a "loose" policy which allows great flexibility, but lacks consistency. Other questions asked the origin of the station's policy, written or not written. Of course, the National Association of Broadcasters' Political Catechism was mentioned as a possible guide in setting policies. Size of station was suspected as determining the administrator of policy, and a question concerning "final authority" was included to shed light on this matter. (See Appendix E).

Another element of concern is the question of selling or giving time. The broadcaster has a number of choices in this matter: on the one hand, he can log commercial time over and above his normal revenues; on the other, he has a responsibility of operating in the "public interest" which includes broadcasting events of high local interest. To many operators, this question is a knotty one. It would be rather naive to expect every broadcaster to answer this
question with complete candor. A number did not answer at all, particularly in reference to free broadcasts by non-candidates.

Qualifications for candidacy. Another area of broadcasting law concerns the broadcaster's right and obligation to check on the qualifications of a candidate. A number of rules, regulations and interpretations surround the concept of what constitutes candidacy. The form of the question was changed from the simple circle or check mark to permit an open-end answer. It was hoped that broadcasters turning away candidates would show by their comments, how qualification rulings were used. As will be noted in Chapter V, rules concerning qualifications of candidates were of little direct concern to broadcasters.

Controls by broadcasters. A station is regulated by a number of laws and opinions in the area of political matters. Yet, through the web of regulation there are a number of ways the broadcaster has found to "protect" himself from being overwhelmed by political broadcasts during a campaign. Until 1952, adjustment of rates for candidates' appearances could be used as a method of control. An amendment to Section 315 of the Act was fashioned to eliminate this control. Despite the amendment, a question about rate charges was placed in the third part of the questionnaire. In Chapter V several deviations from the expected answer to this series of questions are reported.

Other controls are not so clearly defined. The broadcaster was asked if he required that political programs be taped prior to
broadcast and if he charged for this expense. Some interesting, and unexpected information came out of this in regards to station policies on taping or recording. It seems that a number of broadcasters require that all broadcasts of political programs be taped during the broadcast as a kind of "safeguard" for future reference.

Controls of many kinds were considered in the questionnaire. Among them were: restrictions on program form or content; restrictions as to which political contests are given broadcast time; restrictions as to the time limitations on the length of broadcasts.

This section revealed a practice which has affected political broadcasting to a great extent. A number of broadcasters indicated they did not accept any broadcast material of more than a minute in length—in other words, only spot announcements. The result of this policy will be considered in Chapter VI.

Another control which has been used by stations in the past (90 per cent of those replying in the Mall study) is the requirement

\[3\] Mall, op. cit., 215.

of script prior to broadcast time. Not only are advance scripts required by many stations but a number of them make "suggestions" for change. A quote from one respondent in the Mall study is worth repeating on this topic:

"In effect, you're asking me if I'll censor a political broadcast. You bet I will! I would rather risk the
wrath of the Commission and wrangle over the issue with them than face a lawsuit in our state courts."  


More typical of the present study is a reply from a Michigan broadcaster: "We don't censor scripts." Responses of this kind indicate a change in attitude towards control of political broadcasting content during the eight-year interval between the Mail study and the present writing.

A number of questions were posed in the study on the use of *ad lib* comments during a political broadcast. A thousand watt station manager reported that the only *ad lib* political statements on his station were those of "Nixon and Kennedy during the debates--network responsibility." The responsibility of the station's licensee for all matter presented on the air from his station has been established in a number of cases both in the courts and before the Federal Communications Commission.

The "protection" offered by the Supreme Court ruling in the WDAY case (see Chapter II) will be considered in the light of answers to questions concerning advance examination of scripts.

**Balance in news and editorializing.** Balance in the treatment of all issues has been an important tradition in broadcasting. Much of this balance has been regulated by Section 315 with regard to political broadcasting. A number of regulations, particularly the Lar Daly amendment, described in Chapter II, have freed the
broadcaster from some legal admonitions to provide balance in political news coverage. The fourth section of the questionnaire contains questions about policies and practices in keeping balance in news about candidates under the Lar Daly Amendment.

Balance is also a matter of concern to broadcasters in editorializing. The Commission, as described in Chapter III, has devised a policy which reverses the ban against editorials, in force during most of the 1940's. Survey respondents were asked to what extent they editorialized in behalf of candidates. As will be shown in the following chapter, very few responding stations editorialized in behalf of candidates during the 1960 campaign.

A broadcasting problem which has come to the attention of the courts and the Federal Communications Commission is on-the-air station staff members becoming candidates. The staff candidate problem arose, of course, as the number of broadcasting stations increased. A series of questions in section four of the questionnaire asked what stations did when confronted by this problem.

Candidates, their knowledge of the rules. The "rules of the political broadcast game" are complicated. Many in the broadcast industry, dealing with these rules daily, do not agree on their application. The final question in the survey asked the opinion of broadcasters about the knowledge of candidates on regulations which affected political broadcasting during the 1960 campaign.

Michigan broadcasters were expected to find more confusion in the minds of candidates, since there were a number of local
elections. Candidates in elections of more importance nationally usually are advised of their rights by the party organizations.

III. Summary of the Report of the Survey


Four general areas were covered in the questionnaire. The first section asked about general political broadcasting policies. It contained a number of questions which, although they did not concern changes in rules and regulations in the period from 1952 to 1960, were of importance to the survey.

A second section covered station use of "qualifications of candidacy" in accepting or rejecting a candidate's bid for broadcast time. Broadcasters were not expected to make great use qualifications as a criterion for access to the microphone and camera. The third part of the questionnaire asked about the controls which stations may use over political programs after the candidate has been advised he can use the facilities of the station. One control, the extent of which was not expected, was the limitation of radio script to one minute—or spot announcements—by many stations.

Balance in both news coverage and in editorializing, once restricted by governmental regulation, was dependent on self-regulation in the 1960 campaign. Questions in this area asked how stations met the responsibilities brought on by self-regulation.
The following chapter will describe how respondents adjusted their policies in each of the areas of political broadcast regulation presented in the questionnaire.
CHAPTER V

RESULTS OF POLITICAL BROADCASTING SURVEY

Much of the information in this chapter is apparently the first of its kind to be reported since the Mall study in 1952. Although political broadcasting policies have been somewhat neglected by surveys, there is considerable interest in the matter on the part of broadcasters.

Interest is demonstrated by the number of "high brass" on stations personally answering the questionnaires. The station managers' interest is understandable since many of the questions covered policies subject to close review by the Federal Communications Commission and the courts.

In reporting answers to station policies this chapter includes such matters as general program policies, controls of the broadcaster over political programming, and balance in the presentation of news and editorials on candidates.

The chapter also includes reports on the policies of stations toward non-candidates and their practices in pre-examination of political scripts. The final part of the report will be devoted to the comparison of policies of Michigan and Ohio stations.

48
1. Importance of Political Broadcasting
   as Shown by Titles of Those Who
   Answer the Questionnaire

By tradition and federal regulation, political broadcasting is important to the broadcaster. Precedental cases before the Federal Communications Commission limit him to few mistakes in interpreting the public interest on the appearances of candidates.

The titles of those who personally answered the political broadcasting questionnaire reveal the importance stations set in this matter. Sixty-two owners and high ranking officers in broadcasting stations could be identified as the respondents to the survey. This is 64 per cent of the sample. Some respondents signed their names rather than their titles, and could not be identified as to their "rank." Following is a list of those who personally answered the questionnaire:

<table>
<thead>
<tr>
<th>Title</th>
<th>Stations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manager</td>
<td>51</td>
</tr>
<tr>
<td>President</td>
<td>6</td>
</tr>
<tr>
<td>Owner</td>
<td>4</td>
</tr>
<tr>
<td>Vice President</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>62</td>
</tr>
</tbody>
</table>

Of twenty-five others who listed their titles, twelve were program directors.

The fact that high ranking personnel dominate the respondents strengthens the probability of accurate descriptions of public policy. Other parts of the survey may reflect the individual's sense of importance of his job.
For example, three sales managers answered questionnaires and each one included the sales staff as part of the chain of command in examining political scripts. A news director, in answering the questionnaire, indicated he had some part in making policy concerning political matters.

Assuming these reports on duties to be correct, in nearly every instance, the questionnaire was filled out by a person in a key role in making policies of the stations on political affairs.

II. General Policies of Responding Stations

The second and third chapters of this paper, describe a number of conflicting rulings, opinions and laws which have governed the broadcaster in the years since 1927 when the old Radio Bill was enacted. Broadcasters have been reluctant to write policies which might come back to haunt them in law suits and government hearings. They preferred a case-by-case method in setting political broadcasting policies. This study shows this is still the practice of many broadcasters, eleven stations indicating they follow this policy.

Seventeen stations—less than one-fifth of the sample—admitted using a "specific written policy" during the 1960 election campaign. Five of these were television stations and seven were radio stations, all with network affiliations. Size of the station's market and the number of years the station had been on the air did not seem to be significant to whether or not stations have a written policy.
Station managers wrote policies for twelve of the seventeen stations. Only two stations employed lawyers to write or be consulted in the writing of policies.

Nearly two-thirds of the stations in the total sample used the National Association of Broadcasters' Political Catechism as an aid in developing policies. Two television stations and one-third of the reporting radio stations did not use any National Association of Broadcasters' publications in developing policy guides. Michigan broadcasters seemed more inclined to use National Association of Broadcasters' materials than those from Ohio. Thirty-six Michigan broadcasters used them as guides as compared with twenty-eight from Ohio.

Station managers in both Ohio and Michigan stations were named as having the "final" word on policies in 80 per cent of the stations. The station owner executed policy in 28 per cent of the sample. Seven stations indicated they would call in lawyers, but the policy was always made in concert with other members of the station personnel.

Seventy-eight per cent of the Ohio respondents as compared with eighty-two per cent of the Michigan stations named the station manager as the final authority on policy concerning political broadcasts.
III. Sale of Broadcasting Time to Candidates

Every radio and television station sold time to candidates. Sale of time to non-candidates is reported in Section VIII of this chapter.

Broadcasters seemed reluctant to answer the question concerning free time. Several indicated that they did give free time in the Kennedy-Nixon debates. Since the whole industry was under great pressure to carry these debates, those who reported this was the only free time offered were listed as "not giving time."

### TABLE II

POLICIES OF 97 RADIO AND TELEVISION STATIONS ON OFFERING FREE TIME TO CANDIDATES FOR POLITICAL BROADCASTS

<table>
<thead>
<tr>
<th>Policy</th>
<th>Television</th>
<th>Radio</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Give time</td>
<td>5 (38%)</td>
<td>35 (42%)</td>
<td>40 (41%)</td>
</tr>
<tr>
<td>Won't give time</td>
<td>6 (46%)</td>
<td>22 (26%)</td>
<td>28 (29%)</td>
</tr>
<tr>
<td>No answer</td>
<td>2 (16%)</td>
<td>27 (32%)</td>
<td>29 (30%)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>13</strong></td>
<td><strong>84</strong></td>
<td><strong>97</strong></td>
</tr>
</tbody>
</table>

With less than half of the broadcasters offering free time to candidates, the next question might be: "How many candidates were refused free time?" A total of eleven (less than 10 per cent) stations recorded a refusal of free time. One of these was a request from Lar Daly (see Chapters II and III) for equal time following the Nixon-Kennedy debates.
Only three stations refused to sell time to candidates. One Ohio radio respondent explained the candidate had "tried to chisel on the price." Another Ohio radio station manager wrote he had refused to sell a candidate time, because other candidates for the office would have been unable to get "equal time." A Michigan station, the only television station reporting it turned down a political time sale, stated it "did not have time available for the broadcast."

Thirty-three respondents wrote, although there was no space provided for this information, that they did not turn down any candidate.

IV. Restrictions Used by Stations to Control Number and Form of Broadcasts by Political Candidates

In 1952, Congress added a paragraph to Section 315 in an effort to take broadcast time charges out of politics. It was expected that every respondent in the study would indicate "no change" in rates since this was a matter of federal law in several elections. This was not the case. Eighty-six per cent of the stations replied in the expected manner. Others adjusted their rates in some way. Two 250-watt stations—one in Ohio and one in Michigan—lowered their rates for political broadcasts. The Michigan station gave a 10 per cent discount or the "church rate." The Ohio station lowered political spot announcement rates to one dollar each.
Here are the reports of the eight other stations that deviated from the majority: (note that one indicates an out-and-out violation of Section 315)

| Commercial rates, but without discounts | 3 |
| One-time rate | 4 |
| Higher than commercial rate | 1 |

One of the thirteen television stations charged a one-time rate and is included in the figures above.

Another method of indirect control over political programs and announcements is to require that each be recorded in advance of the broadcast and to charge the candidate for this service. One radio station reported it used this device. Eighteen other stations, one of which was television, indicated they required advance recording of political programs. All but two did not charge for the cost of reproduction. A number of stations indicated that the on-the-air performance of political programs were recorded "for the records." Evidently, the recording is used as a protective device in case there is post-broadcast questioning about the content of the program.

Station policy can control the form that political programs take. Thirteen radio stations restricted the form of political broadcasts, but no television stations used this control. Dramatic programs were the most frequently restricted broadcast form for politicals. Ten stations objected to the dramatic form, while two stations forbade "talk" programs and four restricted debate and
panel show. Four stations banned argumentative and dramatic spot announcements.

Other restrictions on broadcast time for politicians were varied. One Ohio television station noted it was unable to carry candidates in some political contests because of limited available air time. Two radio stations rejected some political contests from the use of their facilities because there was "little local interest." Three other stations provided no time for some offices, but gave no reasons for the policy.

Eight broadcasters kept certain portions of the broadcast day free of candidates' messages. Radio stations restricted periods ranging from 6:00 a.m. to 8:00 p.m. One television station restricted the period from 8:00 p.m. to 10:00 p.m. from political broadcasts. Radio restrictions were distributed as follows:

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Stations</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 a.m. to 8 p.m.</td>
<td>4</td>
</tr>
<tr>
<td>8 a.m. to noon</td>
<td>1</td>
</tr>
<tr>
<td>4 p.m. to 6 p.m.</td>
<td>3</td>
</tr>
<tr>
<td>6 p.m. to 8 p.m.</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>9</td>
</tr>
</tbody>
</table>

Eighty-nine per cent of the respondents indicated they had no provisions to protect certain periods of the broadcast day from political programs.
V. Restrictions on Length of Programs and Spot Announcements

The "music and news" format was clearly reflected in replies from radio stations concerning program and spot announcement length. Under the "music and news" type of programming, all kinds of announcements are limited to spot announcement length.

Fifty-eight per cent of the reporting radio stations limited the length of spot announcements. Thirty-seven per cent indicated they had restrictions on the length of programs. As expected, no station rejected one-minute spot announcements.

The two-minute spot announcement was rejected by 75 per cent of the radio and television stations in the sample. One radio station manager noted, "We did not use that two-minute Kennedy religious spot." Seven stations had a policy against ten- and thirty-second announcements. Twelve said they did not use those of twenty-second lengths.

Thirty-one radio stations with limitations on program lengths indicated their policies as follows:

<table>
<thead>
<tr>
<th>Program Lengths</th>
<th>Stations Rejecting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Five minutes</td>
<td>9</td>
</tr>
<tr>
<td>Ten minutes</td>
<td>15</td>
</tr>
<tr>
<td>Fifteen minutes</td>
<td>12</td>
</tr>
<tr>
<td>Thirty minutes</td>
<td>18</td>
</tr>
<tr>
<td>One hour</td>
<td>22</td>
</tr>
</tbody>
</table>

Ten of thirty-one network-affiliated stations rejected programs of some lengths, while twenty-one of fifty-three unaffiliated stations would reject programs.
The rank of stations according to power shows from 30 per cent to a little more than 40 per cent in every rank except the 50,000-watt stations were inclined to reject certain programs because of their length.

**TABLE III**

**OHIO AND MICHIGAN RADIO RESPONDENTS, RANKED ACCORDING TO POWER, INDICATE POLICY TOWARD REJECTION OF PROGRAM BECAUSE OF ITS LENGTH**

<table>
<thead>
<tr>
<th>Policy</th>
<th>POWER OF RADIO STATION IN WATTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>250</td>
</tr>
<tr>
<td></td>
<td>(26)</td>
</tr>
<tr>
<td>Will reject</td>
<td>35%</td>
</tr>
<tr>
<td>Won't reject</td>
<td>46%</td>
</tr>
<tr>
<td>No answer</td>
<td>19%</td>
</tr>
</tbody>
</table>

|              | 100% | 100% | 100% | 100% | 100%   |

Five television stations reported restrictions on the length of spot announcements. Three would not accept thirty-second politicals and four would not accept those of two-minute duration. One station would not accept ten-minute programs because "there is no time card rate" for that length of time.

Thirty Michigan radio and television stations and twenty-four Ohio stations restricted the length of spot announcements.

**VI. Staff Members as Candidates**

Two radio stations reported on-the-air staff members who were candidates in the 1960 campaign. Neither station made any unusual arrangements to meet the situation.
At least two cases before the Federal Communications Commission indicate that the station should examine the situation involving on-the-air staff as candidates since under some conditions, other candidates for the same office are eligible for equal time.

VII. Balance in Editorial and News Programs

Balance in political news was maintained by all stations but three. One television station and two radio stations indicated they made no effort to give candidates equal news coverage. Most respondents designated one or more staff members to decide on the "fair play" in political news coverage. Following are titles of those mentioned as in charge of maintaining balance:

<table>
<thead>
<tr>
<th>Stations</th>
<th>Staff Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>65</td>
<td>News Director</td>
</tr>
<tr>
<td>46</td>
<td>Station Manager</td>
</tr>
<tr>
<td>28</td>
<td>Program Director</td>
</tr>
<tr>
<td>8</td>
<td>Station Owner</td>
</tr>
<tr>
<td>3</td>
<td>Sales Manager</td>
</tr>
</tbody>
</table>

All respondents reporting owners as part of the team to maintain fair news coverage, were radio stations.

Balance in political editorial opinion seems to be an academic question for most stations. No television station editorialized in the campaign and only four radio stations took editorial sides for or against candidates. Three of the four were Michigan stations. Two of the stations sought out opposition points of view, one by on-the-air announcements and the other by personal calls. The stations offered both free and paid time for those with opposing views.
VIII. Station Policies for Non-Candidates Speaking in Behalf of Parties or Candidates

Responding stations were more reluctant to reveal their policies toward the non-candidate speaker. Eighty of the ninety-seven respondents had time for sale to non-candidates. Five would not sell time to non-candidates and nine stations did not answer.

Nineteen stations offered free time to non-candidates and thirty-seven did not. Nearly 40 per cent of the stations did not answer the question on free time for non-candidates. Stations were even more reluctant to report refusals to sell or give time to a non-candidate. Five refused non-candidate requests, but failed to indicate why.

The form of non-candidates scripts was restricted similarly to candidates scripts which are to be discussed next. Dramatic scripts were, by far, the least wanted with ten Michigan radio stations and two Ohio radio stations indicating they would not accept them. Television stations indicated they would permit broadcasts of all forms of non-candidate programs.

IX. Station Policies Towards Political Scripts

Seventy-one per cent of the stations in the survey required candidates to submit advanced scripts. More than 60 per cent of the stations required advanced scripts for non-candidates. Eight of the twenty-one stations who did not require an advance script were 250-watt stations.
The length of time scripts must be submitted in advance varies from station to station. Following is a compilation of the policies on submission of scripts by candidates prior to broadcast time:

<table>
<thead>
<tr>
<th>Period</th>
<th>Stations</th>
</tr>
</thead>
<tbody>
<tr>
<td>72 hours</td>
<td>8</td>
</tr>
<tr>
<td>48 hours</td>
<td>16</td>
</tr>
<tr>
<td>36 hours</td>
<td>1</td>
</tr>
<tr>
<td>24 hours</td>
<td>32</td>
</tr>
<tr>
<td>12 hours</td>
<td>3</td>
</tr>
<tr>
<td>One hour</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>47</strong></td>
</tr>
</tbody>
</table>

Scripts of two candidates were changed prior to their programs according to two stations. The respondents did not indicate why the scripts were changed.

Most stations indicated that advance scripts were not censored, although one station owner used "persuasion" in changing scripts when needed. Following are the objects of script examinations:

- Libelous statements by 65 stations
- Slander by 56 stations
- Profanity by 56 stations
- Indecency by 56 stations
- Error in fact by 27 stations
- Good taste by 2 stations.

Eight of the ninety-seven stations had scripts checked by lawyers. Most television stations assigned the program director or continuity director to read the script prior to broadcast. The station manager was responsible for examining scripts in twenty-eight radio stations. Only one television station manager was
assigned this task. Twenty-seven radio program directors and fifteen continuity directors had the duty of checking political scripts. Candidates did not always follow their script.

Fourteen stations reported that candidates left their scripts to speak ad lib. In every instance the ad lib speaker was allowed to carry on. Stations did not record any instance of a candidate using profane or indecent words on the air.

X. Comparison of Michigan and Ohio Broadcasting Policies During the 1960 Campaign

Stations in Michigan, with a number of state office to fill, and Ohio, with very few, were remarkably alike in their responses to questions.

There were a number of responses, however, which seemed significantly different. For example, Ohio stations (51 per cent) seemed more inclined to give free time to candidates than Michigan stations (33 per cent).

Michigan stations seemed to be more prone to place restrictions on candidates. Ten Michigan radio stations restricted the form of programs, while only three Ohio stations imposed any limitations of this nature.

Twenty-nine Michigan radio stations set limits on the lengths for spot announcements. Only twenty Ohio stations concerned themselves with this. Sixty-six per cent of the Ohio television and radio television and radio stations required advance scripts from
candidates, while 78 per cent of the Michigan stations imposed this condition.

Ohio and Michigan stations differ in their attitude toward seeking out the views of those opposed to the non-candidate speaker. Michigan radio stations were twice as accommodating to the opposition.

**TABLE IV**

*COMPARISON OF OHIO AND MICHIGAN RADIO STATIONS IN OFFERING TIME TO REPLY TO FREE POLITICAL BROADCASTS MADE BY NON-CANDIDATES*

<table>
<thead>
<tr>
<th></th>
<th>STATIONS IN</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ohio</td>
</tr>
<tr>
<td>Offered time to reply</td>
<td>7</td>
</tr>
<tr>
<td>Offered free time</td>
<td>7</td>
</tr>
<tr>
<td>Offered paid time</td>
<td>3</td>
</tr>
</tbody>
</table>

**XI. Summary of the Chapter**

A number of generalizations can be drawn about the sample. Ohio and Michigan respondents were inclined to keep political broadcasting policy and its execution in the hands of the "top station brass."

A majority of the stations preferred to deal with each non-candidate and candidate on a case-by-case basis. Those television and radio stations without written policies were more likely to have affiliation with a network. Most stations used the National Association of Broadcasters' material as an aid in forming policy guides.
The candidate wanting to broadcast his message found stations more willing to sell than give air time for political programs. Once accepted by the broadcaster, the candidate found few restrictions in the form of his program. Some stations refused to allow programs of a dramatic nature. If the candidate was required to record his show prior to the broadcast, he was not likely to be asked to pay for production costs. Most stations allowed relative freedom for the candidates to present their messages throughout the broadcast day. However, if the candidate was planning a radio campaign it should have been on a spot basis, since a number of stations were inclined to reject programs. Spots of a minute or less were most acceptable on radio. Television stations seemed to use of both spot announcements and programs.

Scripts were examined in half of the stations up to three days in advance of broadcasts. Most changes in them were on a "voluntary basis." The candidate departing from a prepared script was not cut off the air.

Stations failed to differentiate candidates and non-candidates except in the matter of offering free time for political broadcasting. Non-candidates were likely to be refused if they asked for free time.

Balance in political news was a matter of concern to nearly every station. Almost half of the stations had the station manager as part of the checking system on "fair play" in political news content. As expected, news directors were most often in charge of keeping balance in political news.
Only six of the ninety-seven stations reported that candidates were uninformed about broadcasting rules and regulations. Five of these were Michigan radio stations.

The uniformity of answers to this survey indicates that broadcasters are, in some manner, reaching agreement in policies on political broadcasting. However, there are some areas covered by the survey which indicate that policy still is being formulated—that broadcasters still have not reached consensus. These matters will be taken up in the next chapter.
CHAPTER VI

SUMMARY AND CONCLUSIONS

In the preceding pages, there has been concern with the major and minor changes in political broadcasting laws and regulations and their implementation by broadcasters.

Three major political broadcasting law changes were arbitrarily selected as those dealing with: rate structure, as a result of the 1952 amendment to the Communications Act of 1934; treatment of news and special events, the 1959 amendment; and the change in the interpretation of broadcasters' liability for statements made on political broadcast, as interpreted by the United States Supreme Court. Another major, but temporary, change was the amendment to Section 315 of the Communications Act of 1934 which released broadcasters from the necessity of providing "equal time" for speeches made by candidates for President and Vice President during the 1960 campaign.

This chapter will review the implications of station reactions to these three changes and will suggest some further investigation of the "experiment" in cessation of "equal time" requirements.

This chapter also will discuss political broadcasting law as it is applied by broadcasters involved in a number of state-wide contests in contrast to policies of broadcasters concerned with the national election and minimally with the few state campaigns.
I. Effect of the Changes Which Seem to Have Crystalized Station Policies

The 1952 McFarland Bill which included the amendment to stabilize rates seems to have been effective for broadcasters. The effectiveness of this law indicates the need for the Congress to be explicit in its rules if it is to get full compliance of the broadcasters. The terms of the rule were simply expressed:

(b) The charges made for the use of any broadcasting station for any of the purposes set forth in this section shall not exceed the charges made for comparable use of such station for other purposes.

The effect of this amendment was to remove a source of revenue and also remove broadcasters' control over those who use the facilities of the station. Yet, with very few exceptions, the broadcasters complied.

The "Lar Daly" amendment on news and special events in 1959 gave the broadcaster greater freedom in the broadcasting of political material. A huge majority of the broadcasters seem to be aware of the responsibility of this trust and have delegated the authority to keep "balance" in news so that there will be fair play to candidates despite the lack of government regulation. The language of the act is simple and explains what can and can not be carried under the "exemptions." It says:

... Appearance by a legally qualified candidate on any--
(1) bona fide newscast
(2) bona fide interview
(3) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary), or

(4) on-the-spot coverage of bona fide news events (including but not limited to political conventions and activities incidental thereto), shall not be deemed to be use of a broadcasting station within the meaning of this subsection. Nothing in the foregoing sentence shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from the obligation imposed upon them under this Act to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

Stations seem to have interpreted this legislative relief from Section 315 as invoking responsibility to maintain balance in the coverage of news. As in the amendment on rates, this amendment or rewording of the section has been taken up by broadcasters and followed in fact and spirit.

Clarity of the issues and the wants of the Congress have not been forthcoming in other areas of broadcasting law. There is still indecision on the matter of scripts, for example.

II. Stations Unsure about Scripts

A point of broadcasting law that is still in a muddled state as far as station policy goes, is that of censorship of broadcasting scripts.

The conflict of censorship versus liability has been described several times in this paper. A third major change in interpretation of broadcast law was the Supreme Court review of a North Dakota decision which held the broadcaster not legally liable for statements made on a broadcast by a candidate.
The broadcaster found it unwise to delegate the authority in checking scripts and many of them required advance scripts.

Not only were these scripts required in advance but broadcasters examined them for specific reasons including the chance of libel.

If the Supreme Court decision was to allay fears of law suits against stations it did not seem to accomplish this. Despite the requirement of advance scripts, and a check of its contents, the stations were reluctant to indicate if any changes had been made.

A key to this problem may have been the wording of the question in the survey which asked if there was "... any political script changed prior to broadcast time at the request of your station?" It may be that this question implies censorship. One station manager indicated that he "suggested" scripts be changed, implying that "request" was too strong a word.

This area of broadcasting law needs to be examined further. It is not clear how the broadcaster is dealing with scripts, other than that most of them require scripts prior to broadcast and check them over, particularly for libelous statements. There still is a great amount of indecision about censorship and liability, in the minds of broadcasters.

The broadcaster needs some clear directive concerning his responsibility over scripts, in the manner that the Congress laid down the rules on rates and news coverage.
The Congress, since states control libel laws, can give relief only in one direction and that is the repeal of the equal time section of the Act.

III. Temporary Amendment of Little Direct Consequence to the Local Broadcaster

The rules concerning equal time in Section 315 were temporarily lifted from broadcasters but only at a national level. There was considerable interest in this experiment but the individual stations had only a negative voice in the matter; that of carrying or not carrying programs sent over the networks.

The test of such a revision would be to remove "equal time" provisions for local and state elections. If the amendment concerning news is any criterion, release from "equal time" provisions, which are very confusing in their application, would probably be of benefit to the candidates and broadcasters alike.

Candidates are benefiting less from a practice which has developed in the last decade—the music and news format.

IV. Length of Pocitical Script Limited by Over-all Format for Radio Station

The rigidity of the use of the so-called music and news formula was not realized at the time the survey form was constructed.

No question specifically asked if broadcasts were limited to a minute or less. This kind of question would have been advisable
under the circumstances since a number of respondents, in explaining their policies, wrote information of that nature on their forms. A number of writers have described the obvious limitations that the music and news format provides for the candidate and his audience.

A major objection is the difficulty a candidate has in condensing his message into sixty seconds. The candidate, however, using radio under conditions at the time of this survey should restrict his campaign to "spot announcements" if he is planning the use of most radio stations.

Stations did not originally impose this restriction on length of messages as a direct control over candidates, but it had the result of controlling the type of campaign conducted on radio in Michigan and Ohio during the 1960 election contest.

V. Stations in Michigan Show Caution in Political Broadcast Policies

Michigan respondents indicated a tendency to be more cautious than Ohio broadcasters in dealing with campaigning politicians. First, the Michigan stations were more active in setting limits on the candidate's use of the stations and, second, the stations were more alert to the general implications of several Federal Communications Commission rulings.

Broadcasters in Michigan, where the election developed a great amount of local partisan interest, were more inclined to use
the advice of trade associations such as the National Association of Broadcasters. Ohio broadcasters showed less interest in the 

Political Catechism.

The Michigan station manager was prone to keep himself in direct command of authority on policy decisions, while the Ohio broadcaster left this to others on the staff.

The length and content of a program or announcement was more likely to be restricted by the Michigan broadcaster than by those in Ohio.

On the other hand, Michigan stations seemed more aware of the obligation to seek out the opposition's point of view in programs where non-candidates spoke. The Michigan stations were also more likely to editorialize in behalf of or against a candidate than the stations in Ohio.

So the Michigan broadcaster, with the active election battleground in his own back yard was more cautious in his political broadcasting policies than was the Ohio broadcaster, where the candidates are less likely to appear at the station in person.

The cautious policy of the Michigan broadcaster was demonstrated by more restrictions on the candidates seeking broadcasting time. Among the stations which editorialized on a partisan basis, Michigan stations were more likely to take sides.

On the basis of these responses, the station in the area where the election contest is local and the candidates active, will be both cautious in his policies and tends toward more activity in the election as a partisan.
VI. Summary and Recommendations

The summary of this chapter and of the study seems to fall into five separate conclusions, four of which are related to the major problem of the broadcaster in political broadcasting—the "equal time" provision of Section 315, of the Communications Act. The fifth conclusion which brings a second recommendation concerns radio station policies which limit political broadcasts to one minute or less.

Candidate gains when law is clear. Broadcasters in the survey were nearly unanimous on two parts of the survey—they maintained an equitable rate structure and they provided for balance in political news coverage. Broadcasters were aware of their responsibility in both instances and apparently candidates received fair treatment on both counts. As pointed out in this chapter, these two instances, were clear amendments to the Act and did not contain a subtle interpretation of the law.

Script treatment reports inconclusive. Broadcasters, on the other hand, were not unanimous in their requests for scripts prior to broadcast time. They were even more mixed in their responses on changing scripts prior to broadcast time. It seems unlikely that a broadcaster would require a script in advance, (as many as three days) assign a staff member to check it, and then make no further effort to effect a change in the script. Further research is needed to ascertain just how much scripts are changed if they are, at the station's request.
Another part of this area of policy, is the indication that fewer stations are asking for scripts in advance, comparing the Mall nationwide study of 1952 and this study eight years later. Both developments should be included for study in any further research on political broadcast scripts.

An increase in local or state candidates tends to make the broadcaster more cautious in his political broadcast policies. Michigan broadcasters seemed more inclined to set limits on political broadcasts in terms of time of day, length of program, content of programs, and also tended to require advance scripts more often than the Ohio broadcasters. This probably is a reaction to more local use of the station by candidates. In local elections the station expects face-to-face dealings with the candidate from the initial request for broadcast time to the final word of the broadcast. The broadcaster's personal controls are more remote in the case of national candidates, who use intermediaries such as advertising agencies and networks.

The more localized the election, the more likely the broadcaster will "take sides" editorially. Of the few stations reporting they editorialized in the election in behalf of candidates, the majority were from Michigan where a number of local and state offices were to be filled. So despite the previous conclusion implying caution in policies toward candidates, the broadcaster seems to be caught up in the regional activity of the election and enter into it. The two conclusions seem to contradict each other,
except when viewed in the light of the excitement of the election. The broadcaster seems to want to protect himself but also tends to want to be active in the election as a partisan.

Rigid policies of radio stations to reject campaign advertising of more than one minute needs further study. An unexpected by-product of the music and news format for radio stations was revealed in this study. A number of stations indicated they would not accept political broadcast material of more than one minute in length. In this writer's opinion, the rigid adherence to the "one-minute" rule by such stations is detrimental to the dissemination of political information.

The confining demands of a short political talk might force the voter to hear only slick attention-getting phrases as a substitute for political information usually found in a longer address.

Recommendations

Two recommendations seem to come from the conclusions of this study. The first is to the Congress:

(1) That the equal time provisions of Section 315 be rescinded, at least experimentally, so that local and state candidates are included.

As was observed in the conclusions, broadcasters seem to be aware of their obligations to both candidates and the audience where the law is clear. The problem of scripts stems partly from the
requirement of "equal time" provisions of Section 315 since the broadcaster can not censor scripts and yet is obligated to offer his facilities to some candidates even though he risks court action.

The caution displayed by the broadcaster in the active local or regional campaign, can be traced to the obligation he has to a candidate under the equal time provisions. He must protect himself in the first candidate's appearance because of the possibilities of a second candidate's demand for equal use of the station's facilities.

The words of caution in the proposal to eliminate "equal time" stem partially from the conclusion that the broadcaster, too, is caught up in partisan feelings during a campaign. It is this area that should be checked closely during any "experimental" period, if the Congress is to be assured that the broadcaster is conducting his editorial campaign with the same dedication to balance he considers in his news presentation.

The second recommendation resulting from this study is:

(2) That radio broadcasters review their policies concerning rigid rejection of programs which exceed one minute in length.

The rigidity of the policy of the one-minute limit was not recognized during the construction of the survey. The survey, therefore, was not designed to cover the strict limits placed on length of program material by a number of radio stations.

It seems to this writer, in fairness to the candidate with a message of some importance, and to the listeners, who depend on
radio as a medium of enlightenment, that restrictions in program length should be modified.

Of the two recommendations, in the writer's opinion, the first is of prime importance. The "equal time" principle assumes the broadcaster must be forced to be fair. Perhaps in the past, members of the broadcast industry, like many pioneers, "cut corners" on rights of candidates—it would be surprising if some of these men did not play favorites. Since the 1920's, broadcasting has advanced from the stage of novelty and become an important link in the chain of communication. Broadcasters have grown with the industry. They demonstrated an awareness of responsibility in this survey, particularly where the law, regulation or interpretation, clearly defined the wishes of the Congress or the court. It seems that Section 315 with its "equal time" provision is an attempt to legislate responsibility. The proposal by this writer is to allow the responsibility to rest where it must eventually be—in the policies and philosophies of broadcasters.
Dear Broadcaster:

It's no news that political campaigns confront radio and television stations with special problems, circumstances, and regulations!

Recent activities of the Congress and the Federal Communications Commission confirm that "politicals" are going to be a continuing concern of commercial broadcasters. With this in mind, we are asking you to provide us with some up-dated information. Enclosed is a questionnaire--and your response may be, "Not another one of those!" Actually, it looks long, but it can be answered very quickly and it will extend our knowledge in this area.

The questionnaire is really self-explanatory, so there's no need to amplify here. Your replies will be held in confidence and there will be no breach of identification-protection. If you would like to receive a summary of the findings, it will be provided to you upon completion of the study.

Your cooperation is valued and we hope you will find it possible to send us your station reply in the very near future.

Mal Topping
Radio/TV Survey Committee
Department of Speech
Ohio State University
154 North Oval Drive
Columbus 10, Ohio

MT/el

Enclosure.
APPENDIX B

The Ohio State University
Department of Speech
Columbus 10, Ohio
January 6, 1961

Dear Broadcaster:

Last month, we sent you a questionnaire relating to political broadcasting—and we overlooked the problems of the Holiday Season. "The best laid plans of mice and men gang aft a'aglay."

With the Holiday rush out of the way, we hope that you will be able to find time to give us the information we need for our survey. As before, we remind you that your answers will be held in strict confidence. If you would like a summary of the findings, one will be provided at the completion of the study.

Naturally, we would appreciate your taking a few minutes to serve this research effort. To expedite matters, we have enclosed an additional copy of the questionnaire. Your cooperation will be greatly appreciated.

Mal Topping
Radio/TV Survey Committee
Department of Speech
The Ohio State University
154 North Oval Drive
Columbus 10, Ohio

Enclosure
APPENDIX C

RESPONSE TO SURVEY OF OHIO AND MICHIGAN TELEVISION STATIONS ACCORDING TO THE NUMBER OF STATIONS IN MARKET, DATE OF FIRST BROADCAST, THE FREQUENCY, AND SIZE OF MARKET

<table>
<thead>
<tr>
<th>Stations in Market</th>
<th>OHIO In State</th>
<th>OHIO In Sample</th>
<th>MICHIGAN In State</th>
<th>MICHIGAN In Sample</th>
</tr>
</thead>
<tbody>
<tr>
<td>One station</td>
<td>2</td>
<td>2</td>
<td>9</td>
<td>4</td>
</tr>
<tr>
<td>Two stations</td>
<td>4</td>
<td>0</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Three stations</td>
<td>12</td>
<td>4</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>18</td>
<td>6</td>
<td>14</td>
<td>7</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>First Broadcast Date</th>
<th>OHIO In State</th>
<th>OHIO In Sample</th>
<th>MICHIGAN In State</th>
<th>MICHIGAN In Sample</th>
</tr>
</thead>
<tbody>
<tr>
<td>1940 to 1950</td>
<td>12</td>
<td>3</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>1960 to 1960</td>
<td>6</td>
<td>3</td>
<td>11</td>
<td>5</td>
</tr>
<tr>
<td>Total</td>
<td>18</td>
<td>6</td>
<td>14</td>
<td>7</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Frequency</th>
<th>OHIO In State</th>
<th>OHIO In Sample</th>
<th>MICHIGAN In State</th>
<th>MICHIGAN In Sample</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ultra High (VHF)</td>
<td>5</td>
<td>3</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Very High (VHF)</td>
<td>13</td>
<td>3</td>
<td>13</td>
<td>6</td>
</tr>
<tr>
<td>Total</td>
<td>18</td>
<td>6</td>
<td>14</td>
<td>7</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Market Size (Population)</th>
<th>OHIO In State</th>
<th>OHIO In Sample</th>
<th>MICHIGAN In State</th>
<th>MICHIGAN In Sample</th>
</tr>
</thead>
<tbody>
<tr>
<td>One million</td>
<td>3</td>
<td>0</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>100,000 to one million</td>
<td>14</td>
<td>5</td>
<td>7</td>
<td>3</td>
</tr>
<tr>
<td>25,000 to 100,000</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>25,000 and less</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>18</td>
<td>6</td>
<td>14</td>
<td>7</td>
</tr>
</tbody>
</table>
## APPENDIX D

### RADIO STATION RESPONSES TO SURVEY IN OHIO AND MICHIGAN

<table>
<thead>
<tr>
<th>Stations in Market</th>
<th>In State</th>
<th>In Sample</th>
<th>In State</th>
<th>In Sample</th>
</tr>
</thead>
<tbody>
<tr>
<td>One station</td>
<td>41</td>
<td>17</td>
<td>48</td>
<td>22</td>
</tr>
<tr>
<td>Two stations</td>
<td>8</td>
<td>5</td>
<td>18</td>
<td>9</td>
</tr>
<tr>
<td>Three stations</td>
<td>6</td>
<td>2</td>
<td>9</td>
<td>4</td>
</tr>
<tr>
<td>Four stations</td>
<td>31</td>
<td>15</td>
<td>19</td>
<td>10</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>86</strong></td>
<td><strong>39</strong></td>
<td><strong>94</strong></td>
<td><strong>45</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Power in Watts</th>
<th>In State</th>
<th>In Sample</th>
<th>In State</th>
<th>In Sample</th>
</tr>
</thead>
<tbody>
<tr>
<td>250 watts</td>
<td>25</td>
<td>13</td>
<td>33</td>
<td>13</td>
</tr>
<tr>
<td>500 watts</td>
<td>13</td>
<td>5</td>
<td>12</td>
<td>3</td>
</tr>
<tr>
<td>1000 watts</td>
<td>24</td>
<td>10</td>
<td>33</td>
<td>21</td>
</tr>
<tr>
<td>5000 watts</td>
<td>20</td>
<td>10</td>
<td>15(^a)</td>
<td>7</td>
</tr>
<tr>
<td>50,000 watts</td>
<td>4</td>
<td>1</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>86</strong></td>
<td><strong>39</strong></td>
<td><strong>94</strong></td>
<td><strong>45</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>First Broadcast Date</th>
<th>In State</th>
<th>In Sample</th>
<th>In State</th>
<th>In Sample</th>
</tr>
</thead>
<tbody>
<tr>
<td>1920 to 1929</td>
<td>15</td>
<td>6</td>
<td>15(^b)</td>
<td>7</td>
</tr>
<tr>
<td>1930 to 1939</td>
<td>7</td>
<td>4</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>1940 to 1949</td>
<td>38</td>
<td>15</td>
<td>36</td>
<td>18</td>
</tr>
<tr>
<td>1950 to 1960</td>
<td>26</td>
<td>14</td>
<td>36</td>
<td>19</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>86</strong></td>
<td><strong>39</strong></td>
<td><strong>94</strong></td>
<td><strong>45</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Broadcast Hours</th>
<th>In State</th>
<th>In Sample</th>
<th>In State</th>
<th>In Sample</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daytime only</td>
<td>36</td>
<td>17</td>
<td>32</td>
<td>17</td>
</tr>
<tr>
<td>Day and night</td>
<td>50</td>
<td>22</td>
<td>62</td>
<td>28</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>86</strong></td>
<td><strong>39</strong></td>
<td><strong>94</strong></td>
<td><strong>45</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Market Size</th>
<th>In State</th>
<th>In Sample</th>
<th>In State</th>
<th>In Sample</th>
</tr>
</thead>
<tbody>
<tr>
<td>One million</td>
<td>8</td>
<td>2</td>
<td>8</td>
<td>4</td>
</tr>
<tr>
<td>100,000 to one million</td>
<td>46</td>
<td>24</td>
<td>43</td>
<td>21</td>
</tr>
<tr>
<td>25,000 to 100,000</td>
<td>32</td>
<td>13</td>
<td>30</td>
<td>14</td>
</tr>
<tr>
<td>25,000 and less</td>
<td>0</td>
<td>0</td>
<td>13</td>
<td>6</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>86</strong></td>
<td><strong>39</strong></td>
<td><strong>94</strong></td>
<td><strong>45</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Network Affiliation</th>
<th>In State</th>
<th>In Sample</th>
<th>In State</th>
<th>In Sample</th>
</tr>
</thead>
<tbody>
<tr>
<td>Network</td>
<td>28</td>
<td>14</td>
<td>32</td>
<td>17</td>
</tr>
<tr>
<td>No network</td>
<td>58</td>
<td>25</td>
<td>62</td>
<td>28</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>86</strong></td>
<td><strong>39</strong></td>
<td><strong>94</strong></td>
<td><strong>45</strong></td>
</tr>
</tbody>
</table>

\(^a\) Includes two stations with 10,000 watts power.

\(^b\) Includes one station listed as first broadcasting in 1917.
1. During the recent campaign, how was policy established on political broadcasts for your station? (Check one box)
   - A policy determined by the situation
   - A general pre-determined policy ...
   - A specific written policy ...
   - No particular political policy ...
   Other ____________________________

   If your station's political policy was written, who wrote it?
   - Station manager ...
   - Station owner ...
   - Lawyer ...
   - Program director ...
   Other (title) ____________________

   Written or not, did the NAB publication on political policies help determine your station's policies on campaign broadcasts? (Yes or No)
   Yes ____ No ____

   Who made the final decisions interpreting your station's political broadcast policies?
   - Station manager ...
   - Station owner ...
   - Lawyer ...
   - Program director ...
   Other (title) ____________________

   Did your station give or sell time for political broadcasts to any candidates or non-candidates (speaking for candidates) in the campaign?

<table>
<thead>
<tr>
<th>CANDIDATES</th>
<th>NON-CANDIDATES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Sold time</td>
<td>Sold time</td>
</tr>
<tr>
<td>Yes ____</td>
<td>Yes ____</td>
</tr>
<tr>
<td>No ____</td>
<td>No ____</td>
</tr>
<tr>
<td>Gave time</td>
<td>Gave time</td>
</tr>
<tr>
<td>Yes ____</td>
<td>Yes ____</td>
</tr>
<tr>
<td>No ____</td>
<td>No ____</td>
</tr>
</tbody>
</table>

2. Did your station refuse the request of any candidate or non-candidate in the recent campaign to buy time or seek free time?

<table>
<thead>
<tr>
<th>CANDIDATE</th>
<th>NON-CANDIDATE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Refused to sell time</td>
<td>Refused to give time</td>
</tr>
<tr>
<td>Yes ____</td>
<td>Yes ____</td>
</tr>
<tr>
<td>No ____</td>
<td>No ____</td>
</tr>
</tbody>
</table>

   If your station did refuse to sell or give time to a candidate or non-candidate in the campaign, please state the reasons: ____________________________________________

3. Concerning rates or time costs for political broadcasts, does your station:
   - Charge the same for politicials as for regular commercials __________________
   - Charge commercial rates, but without discounts __________________
   - Charge one-time rate ____________________________________________
   - Charge higher than commercial rate __________________________________
   Other ____________________________
Political Broadcast Questionnaire

Does your station require that political broadcasts be recorded in advance? (tape, film, recording, kinescope, etc.)  Yes  No

If YES: Do you charge for production?  Yes  No

Does your station restrict the type of program form for political broadcasts by candidates and non-candidates?

<table>
<thead>
<tr>
<th>CANDIDATES</th>
<th>NON-CANDIDATES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

If YES: Which program type (or types) are not permitted for broadcasting?

<table>
<thead>
<tr>
<th>CANDIDATES</th>
<th>NON-CANDIDATES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drama</td>
<td>Drama</td>
</tr>
<tr>
<td>Debate</td>
<td>Debate</td>
</tr>
<tr>
<td>Panel</td>
<td>Panel</td>
</tr>
<tr>
<td>Talk</td>
<td>Talk</td>
</tr>
<tr>
<td>Other</td>
<td>Other</td>
</tr>
</tbody>
</table>

Which types of spot announcements are not permitted?

<table>
<thead>
<tr>
<th>CANDIDATES</th>
<th>NON-CANDIDATES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Argumentative</td>
<td></td>
</tr>
<tr>
<td>Dramatic</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
</tr>
</tbody>
</table>

In the recent campaign did your station's policies call for providing no time for candidates for any particular office or their representatives?  Yes  No

If YES: Please explain the reasons:

Little local interest in the contest. . . . . . .
Too much controversy in the contest. . . . . . .

Other

Did your station "protect" or set aside any period or periods during the broadcast day to be kept free of political broadcasting?  Yes  No

If YES: Please indicate the periods or the period of the day you tried to keep clear of political broadcasts. (Other than those which were received from a network.)

| 6 am to 8 am |
| 8 am to noon |
| Noon to 4 pm |
| 4 pm to 6 pm |
| 6 pm to 8 pm |
| 8 pm to 10 pm |
| 10 pm to 6 am |

Does your station require that political spot announcements or programs be limited to certain pre-determined lengths?

<table>
<thead>
<tr>
<th>SPOT ANNOUNCEMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes  No</td>
</tr>
<tr>
<td>PROGRAMS</td>
</tr>
<tr>
<td>Yes  No</td>
</tr>
</tbody>
</table>

If YES: Indicate lengths which are not acceptable?

| 10 seconds | 5 minute |
| 20 seconds | 10 minute |
| 30 seconds | 15 minute |
| one minute | 30 minute |
| two minute | One hour |
| Other      |          |
Does your station require scripts for political programs to be submitted in advance? 

<table>
<thead>
<tr>
<th>CANDIDATES</th>
<th>NON-CANDIDATES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

If YES: Please indicate how far in advance you require political scripts: (Hours, days, weeks, etc.)

If you do require an advance script for political broadcasts, for what purpose do you check them?

- Libelous statements
- Slander
- Profanity
- Indecency
- Error in fact
- Other

Who is responsible for checking advance scripts for political broadcasts?

- Station manager
- Station owner
- Lawyer
- Program director
- Continuity director
- Other

Further concerning political scripts:

<table>
<thead>
<tr>
<th>CANDIDATE</th>
<th>NON-CANDIDATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>During the campaign was any political script changed prior to broadcast time at the request of your station? Yes No</td>
<td>Yes No</td>
</tr>
<tr>
<td>Did any political speaker depart from script or speak ad lib on your station during the campaign? Yes No</td>
<td>Yes No</td>
</tr>
<tr>
<td>If YES: How did you handle it? Let him go Cut him off</td>
<td>Let him go Cut him off</td>
</tr>
<tr>
<td>Other</td>
<td>Other</td>
</tr>
<tr>
<td>Did any political speaker use profanity or indecent words during a broadcast on your station? Yes No</td>
<td>Yes No</td>
</tr>
<tr>
<td>If YES: What did you do? Let him go Cut him off</td>
<td>Let him go Cut him off</td>
</tr>
<tr>
<td>Other</td>
<td>Other</td>
</tr>
</tbody>
</table>

4. Did your station try to maintain "balance" in news concerning the various candidates?

- Yes
- No

Who decided what was "fair" in giving the candidates equal coverage?

- No one
- Station manager
- Station owner
- Program director
- News director
- Other (title)
Was any member of your station's on-the-air staff a candidate in the campaign? Yes ___ No

If YES: How was this handled? What did you do?
Nothing, no change. ___
Taken off the air. ___
Provide free time. ___
Provide paid time. ___
Other ______________________

If non-candidates spoke in behalf of a candidate over your facilities on free or paid time did you make any arrangements to seek out representation of the opposition point of view?

<table>
<thead>
<tr>
<th>FREE TIME</th>
<th>PAID TIME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes ___</td>
<td>Yes ___</td>
</tr>
<tr>
<td>No ___</td>
<td>No ___</td>
</tr>
</tbody>
</table>

Did you offer free time for replies? Yes ___ No ___

Did you offer paid time for replies? Yes ___ No ___

How did you seek out representation of the opposition point of view?
On-the-air Announcement. ___
Personal call or letter. ___
Other ______________________

Did your station editorialize in behalf of any candidate in the campaign? Yes ___ No ___

If you did editorialize in behalf of a candidate was any arrangement made to seek out replies from those with opposing views? Yes ___ No ___

If YES: How did you do this? How did you find the opposition?
On-the-air announcement. ___
Personal call or letter. ___
Other ______________________

Did you offer free or paid time to the opposition for replies? Free ___ Paid ___ Both ___

5. In your opinion did candidates have adequate knowledge of their rights and the rights of your station under the present laws governing the broadcasting of political programs? Yes ___ No ___

6. Your station's call letters _______ Your title ____________________
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- Rates for Political Broadcasts, Docket Number 11092, September 7, 1954.

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- Letter to Jar Daly, sent October 31, 1956.


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G. Unpublished Material