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THE PRACTICES AND POLICIES REGARDING BROADCASTS
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RADIO AND TELEVISION STATIONS IN THE
UNITED STATES

DISSERTATION
Presented in Partial Fulfillment of the Requirements for
the Degree Doctor of Philosophy in the Graduate
School of The Ohio State University

By
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The Ohio State University
1961

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CHAPTER I

INTRODUCTION

This dissertation is a report on the practices and policies of broadcasting stations in the United States regarding the broadcasting of opinions about controversial issues.\(^1\) The report is based largely upon the responses of broadcasting station executives and owners to questionnaires used in two studies conducted by the author. The first study covered the period from January 1, 1957, to May 1, 1957. The second study covered the period from June 1, 1959, to January 1, 1960.

The bases for the study are (1) the need of the people of the United States to be provided with significant opinions on currently important issues; (2) the unique features of radio and television among the media of mass communications; and (3) the resulting responsibility to society on the part of broadcasters to provide significant opinions about controversial issues.

The public's need for significant opinions about controversial issues.—The fundamental concept of a free society is the idea that active political power is centered in the hands of the

\(^1\)For the purpose of this dissertation, the term "controversial issue" is defined as topics, public in nature, vitally affecting relatively large segments of our society politically, economically, or socially, and about which conflicting opinions are held. For the purpose of this dissertation, "broadcasts of opinions about controversial issues" excludes statements of opinion by candidates for political office.
people. This is based upon the belief that the decisions which are made by many people are superior to the decisions which are made by a few individuals.

This political power is used by the people to make the broad decisions which outline the goals of society and the means to attain them. Through these broad decisions the people give directions to their political representatives. These directions are given the political representatives not only in the election of public officials but also in the periods between elections. The will of the people in periods between elections is expressed through a process of organizing support behind one of the conflicting viewpoints offering solutions to a public problem.

It is axiomatic that the decisions made by the people must be made as wisely as possible. In order for these decisions to be made wisely, sufficient information about the viewpoints which propose solutions to currently important issues must be available to the public. The members of a democratic society are able to participate actively and intelligently in the affairs of the community only when sufficient information is available to them.

The providing of adequate information to the people means that the citizens must have available to them the significant opinions about controversial public issues. A significant opinion about an issue is one held either by a substantial number of people or by an individual with special knowledge about the issue. In order to have the necessary information before arriving at a de-
cision, the people need to be assured of the availability of all
the significant opinions about a public problem.

The providing of sufficient information to the public re-
quires a means of communication capable of reaching large numbers
of people. To attempt to communicate with the individual members
of a free society such as ours on a personal basis would be both
inefficient and impractical. Only the media of mass communications
are capable of efficiently communicating information to the general
public.

As a result, the mass media have been assigned the function
and responsibility of providing the people with all the significant
opinions about controversial issues of current importance.

The unique features of broadcasting.—Two of the most ef-
ficient media of mass communication for providing significant
opinions about controversial issues are radio and television. Not
only do the broadcasting media have the function of providing
opinions about currently important issues, but because of certain
unique features inherent in electronic communications, broadcasters
also have the added responsibility of treating all significant points
of view about public issues fairly.

The broadcasting media are different from the other media
of mass communications because the broadcasters use for their trans-
missions channels which belong to the public. In addition, the
number of these channels is limited by certain physical character-
istics. Broadcasting is possible only through a license granted by
the federal government, holder of the air waves in the name of the
people. The government grants licenses to private citizens or
groups of private citizens to broadcast over radio and television
frequencies in the "public interest, convenience, or necessity" under the provisions of the Federal Communications Act of 1934.
This Act set up the regulatory agency, the Federal Communications Commission, to issue licenses for the use of the channels and to regulate broadcasting stations. The necessity for this regulation is based upon the physical limitation in the number of channels available for broadcasting purposes, and upon the nature of electronic communications, which prohibits two broadcasters from transmitting signals on the same frequency in the same area or adjacent areas without chaotic interference.

For all other mass media, the channels of communication do not belong to the people but to the private owners of the facilities. There is no direct accountability to the public or to a public agency. Since there are no physical limits on the number of available facilities for these media, there is no reason for federal licensing. As a result, theoretically, a way is always open for the public to be assured of an opportunity to hear opinions on controversial issues. If the holder of that opinion feels strongly enough about the need to use one of the mass media other than radio or television and is refused the use of that medium by the owners of existing facilities, he can always start his own facility. True, such an action is usually expensive and requires adequate financial backing. Never-

\footnote{Federal Communications Act of 1934 as amended. Sec. 307.}
theless, the possibility exists for anyone to publish a newspaper, magazine or book; print and circulate a pamphlet; make and exhibit a motion picture; or hire a hall.

This is not true in the case of broadcasting. The holder of an opinion on a controversial issue has little chance of obtaining a license to broadcast for the sole purpose of communicating that opinion to the public. In view of the physical limitations, the Federal Communications Commission (FCC) frowns upon stations becoming propaganda mouthpieces for specific groups or organizations.\(^3\) The only assurance the people have that they will hear significant opinions about controversial issues over the air is for the holders of those opinions to be permitted to use a broadcasting facility by someone holding a license. Further, only an existing licensee can permit another person to use his broadcasting facilities, for the licensee is completely responsible for the control of programs over his facility.\(^4\)

The responsibility of broadcasters to broadcast opinions about controversial issues.—The broadcaster, as any other owner of a facility of mass communications, has the function and responsibility for providing information and opinions about controversial issues to the people. In addition, because the broadcaster is

\(^3\)In re Young Peoples Association for the Propagation of the Gospel, 6 FCC 178, 181 (1938).

\(^4\)McIntire vs. William Penn Broadcasting Co., 151 F (2nd), 597 (1945); New Jersey Council Christian Churches, 5 R.B. 1014 (1949); Massachusetts Universalist Convention vs. Hildreth and Rogers Co., 183 F (2nd), 497 (1950).
licensed in the "public interest, convenience or necessity" and because he alone can permit the use of his station for a spokesman to present an opinion about an issue of major importance, the broadcaster has the added responsibility to the public of the fair treatment to all significant viewpoints. This basic theme was developed by Dr. I. Keith Tyler when he wrote:

Here the basic libertarian theory has become the guide. Democracy is an effective system because the judgments of the many are superior to the decisions of the few. But the functioning of Democracy is dependent upon an enlightened citizenry. Such enlightenment takes place only where there is free flow of ideas and opinion unimpeded by interference either by government or vested interest. Furthermore, the nation's security is assured only when each citizen has access to all conflicting points of view, for, in the market place of ideas, the good will ultimately be chosen.

It is the principle of "unimpeded access" that has been applied to broadcasting. Freedom of speech has become the right of the viewer to have access to all significant ideas and opinions. Broadcasters are to ensure this access through the application of fairness. Only thus will the public interest be served. 5

The task of providing the public with all the significant opinions about public issues through the broadcasting media belongs primarily to the licensees of broadcasting stations. Whatever responsibility for providing opinions and ideas about issues of major importance falls upon the government through Congress, or the regulatory agencies established by Congress, is secondary and is the result of the need for the government to accept the role of grantor of licenses. In the American system of broadcasting, the control of

all programming for a station rests solely in the hands of the
licensee of that station. 6 This control of programming necessarily
involves the exercise of editorial judgment concerning the selection
of what program materials will be placed on the air. Were Congress
to exercise such editorial judgment, the freedom of the broadcasting
media to operate without government interference would be impaired.
The impairment which would result would be an abridgement of the
First Amendment to the Constitution, which says:

Congress shall make no law respecting the establish-
ment of religion, or prohibiting the free exercise
thereof; or abridging the freedom of speech or of the
press, or the right of the people peaceable to assemble,
and to petition the government for redress of griev-
ances.

Since the Supreme Court of the United States has held that
radio is a medium of communication whose freedom is guaranteed by
the First Amendment, 7 Congress is prohibited from controlling
programming on radio and television stations. Naturally, Congress
cannot give a regulatory agency established by Congress powers which
Congress itself does not possess. As a result, the primary responsi-
bility for the control of programming cannot rest with the FCC.
Congress, by virtue of having given certain regulatory powers over
the granting of licenses to the Federal Radio Commission and its

6 McIntire vs. Wm. Penn Broadcasting Co. 151 F (2nd), 597
(1945); New Jersey Council of Christian Churches, 5 R.R. 1014
(1949); Massachusetts Universalist Convention vs. Hildreth and
Rogers Co., 183 F (2nd), 497 (1950).

7 United States vs. Paramount Pictures, Inc., 334 U. S.
131, 166 (1948). See also: Superior Films vs. Department of Edu-
successor, the FCC, has placed the federal government in a secondary role with respect to programming. That role is to make sure the broadcasters perform in the public interest. In making sure that broadcasters operate their stations in the interest of the public, the FCC can review the programming by a licensee and issue regulatory decisions about that programming. However, the FCC is prohibited from any action which would entail the exercise of editorial judgment about specific programming materials prior to their being broadcast. 8

In view of the need of the people of a free society for information and opinions about controversial issues, a vital part of the broadcaster's responsibility to perform in the public interest is the providing of opinions concerning public issues. Since the number of channels for broadcasting are limited, the only assurance the people have that they will have an opportunity to hear all pertinent points of view about the issues over radio and television is for broadcasters to treat all responsible viewpoints about currently important issues fairly. Thus, the licensee of a broadcasting station must assume a social responsibility (1) for providing the public with all significant opinions about the controversial issues and (2) for the fair treatment of responsible holders of opinions on these issues.

To perform this responsibility in the public interest, the broadcaster is given almost complete power over the broadcasting of

8 Federal Communications Act of 1934, Sec. 326.
public controversial issues. He is responsible for the selection of the issues worthy of public attention, for the selection of the speaker or speakers to present opinions about the issues, for the selection of the format, and for the determination of how much broadcast time is to be devoted to presentations of opinions about an issue. As a result, the broadcasters' practices and policies regarding this area of programming are vital concerns.

Publicly, the broadcasters have accepted the duty to provide opinions on issues and to be fair to responsible viewpoints about the issues. This acceptance is stated in the codes of ethical practices of the national and state broadcasters associations and in the published statements by leaders of the broadcasting industry. However, many critics of the broadcasting media have raised substantial doubts as to whether the actual practices and policies of broadcasting stations regarding controversial issues satisfactorily meet this duty.

This dissertation, then, is a report of the quantitative examination of certain policies and practices of the broadcasting stations of the United States regarding the obligation to broadcast opinions on controversial issues. The report covers two periods, one from January 1, 1957, to May 1, 1957, and the other from June 1, 1959, to January 1, 1960.

Chapters II, III, and IV discuss certain background information with respect to (1) the government and the broadcasting of opinions about controversial issues; (2) public statements by the broadcasters accepting their responsibility to broadcast opinions
about public controversial issues; and (3) statements by critics of broadcasting regarding the broadcasting of viewpoints about major public issues. The areas of investigation used in the questionnaires and the response to the questionnaires are discussed in Chapter V.

The findings of the studies are reported in Chapters VI through XI. The final chapter, Chapter XII, summarizes the findings of the studies and reports the conclusions.
CHAPTER II

THE GOVERNMENT AND BROADCASTS OF OPINIONS

ON CONTROVERSIAL ISSUES

The Federal Communications Act of 1934 establishes a system
of private ownership of broadcasting stations using frequencies
owned by the public. Broadcasting stations operate under a license
granted by the federal government. Broadcasters have no vested
interest in their license. Station owners have been given control
over a valuable asset which by its nature cannot be made available
to all who want it. In return for this valuable privilege, the Act
makes the primary duty of broadcasting stations the duty to operate
in the public interest. As defined by the Supreme Court:

The "public interest" to be served under the Communications Act is thus the interest of the
listening public in the "larger and more effective use" of radio. The facilities of radio are limited
and therefore precious; they cannot be left to wasteful use without detriment to the public in-
terest. An important element of public interest and convenience affecting the issue of a license
is the ability of the licensee to render the best practicable service to the community reached by
his broadcasts.9

The FCC is a regulatory body created especially by Congress
to make sure the licensee meets his vital public interest responsi-
bilities. One of the vital responsibilities in the interest of the

9National Broadcasting Co. vs. United States, 319 U. S. 190
at 216 (1943).
public is the providing of all significant viewpoints about controversial issues. The FCC, however, is not responsible for the programming by which a licensee meets or fails to meet his responsibilities to the public. A principle, fully established by the Commission and backed by the courts, is that under the Act each licensee has a nondelegable duty to control and to have the primary responsibility for the complete operation of his station including all aspects of programming. As a result, the FCC assumes a secondary role with respect to the public responsibilities of broadcasters, including the broadcasting of opinions about currently important issues. Further, this role is destined to continue to be a secondary role by the provisions related to the First Amendment stipulated by Congress in Section 326 of the Act of 1934.

Congress included very few sections dealing with programming in the Act of 1934. None of these sections treated the matter of the broadcasting of opinions on issues of importance except by candidates for political office. One section, Section 315, dealt with broadcasts by political candidates and assured all candidates for the same office equal opportunity to use the facilities of broadcasting stations. In 1959, that section was amended. One clause of that


11 Federal Communications Act of 1934, Sec. 315 as amended.
amendment mentioned the obligation of broadcasters to carry opinions on controversial issues. In substance that clause says that nothing in the section relieving broadcasters of affording equal opportunity to all political candidates for a given office when one candidate is the subject of bona fide news program would relieve the broadcaster of this obligation "to afford a reasonable opportunity for the discussion of conflicting views on issues of public importance."12 This clause contains the only mention in the Act of the responsibility of broadcasters to provide the public with ideas and arguments on public issues.13

The lack of specific provisions regarding programming does not mean that Congress, in framing the Act of 1934, had the intention of limiting the FCC only to technical considerations. In the words of Senator Burton K. Wheeler in his testimony on one of the legislative proposals concerning controversial issues in 1943:

Well, I was on the committee that considered the matter [The Communications Act] at that time, and I do not agree with you that that was the entire idea, just to regulate the physical aspects of broadcasting stations. That was not the intention of the Senate.14

12 Loc. cit.

13 Periodically, an individual Congressman worries about whether or not the broadcasters are living up to the duty regarding controversial issues and introduces a bill to amend the Act to give the FCC additional powers over the programming of controversial issues. Since the passage of the Act of 1934, Congress has considered four legislative proposals specifically concerning controversial issues; none passed. The most important proposal, one offered by Senator White, S. 1333, 1947, appears in Appendix A.

But, obviously, any provisions involving programming would have to avoid being interpreted as a previous restraint upon the broadcaster's right and responsibility to control programming. As a result, regardless of what the intent of the Congress might have been, Congress has not given the FCC a specific directive regarding the broadcasting of opinions about controversial issues. In the absence of a definitive directive from Congress, the FCC has been content to issue general guides indicating the treatment of the programming of controversial issues preferred by the Commission.15

15 Recently, the FCC has indicated what may be its strongest stand regarding controversial issues ever taken. This stand may be implied from the wording of the FCC's proposal (February 15, 1961) to revise the information requested of applicants for renewal of license and for original license. Barring change, the new requirements are to go into effect sometime after June 1, 1961.

As part of the additional information which would be requested by the Commission through this proposal, each applicant would be required to state the past and proposed practice of the applicant with respect to the fair presentation of opinions on controversial issues of public importance, and the procedures followed regarding the presentation of opposing views. If the applicant was applying for a renewal of license, at least two issues of local importance in each of the last three years are to be described. The information about the issues would have to include a statement indicating whether specific programs or announcements have been broadcast in connection with these issues and the number and length and times at which these programs or announcements were broadcast.

In addition, a statement to be attached to the application would require the applicant to indicate whether he has carried and proposes to carry programs devoted to: area news; area political candidates; area governmental affairs; and area business, labor, fraternal, cultural or civic organizations. The frequency and length of such programs must also be included as a part of the statement.

Applicants also would be required to include a statement on whether or not the applicant has broadcast or proposes to broadcast public affairs programs including talks, discussions, speeches, editorials, forums, and panels which concern local, national or international problems. A statement indicating the amount of time devoted to and to be devoted to the above types of programs for the average week also be required of the applicant.
The past record of the FCC reveals that enforcement of its requirements with respect to the broadcasting of points of view concerning controversial issues has been spotty. Rarely has more than a single station been cited for an objectionable practice although the practice may be widespread and may continue to be a policy for many stations throughout the country. As a result, the actions of the regulatory Commissions actually have amounted to a mild pressure in the form of guides based upon the ethical obligation for fair treatment in the carrying of opinions about controversial issues by the broadcasting stations.

Beginning with the Federal Radio Commission, the regulatory agencies have felt that one requirement of the public interest is the carrying of discussions of controversial issues by broadcasting stations. As early as 1928, the Federal Radio Commission in the Great Lakes Application held:

The tastes, needs and desires of all substantial groups among the listening public should be met, in some fair proportion, by a well-rounded program in which entertainment ... religion, education and instruction, important public events, discussions of public questions, ... news, and matters of interest to all members of the family find a place. 16

In this same statement, the Federal Radio Commission set the precedent for the fair treatment of viewpoints about public issues by licensees when it attempted to extend the provision dealing with political candidates to controversial issues:

It would not be fair, indeed it would not be good service to the public to allow a one-sided presentation

of the political issues of a campaign. In so far as a program consists of discussion of public questions, public interest requires ample play for the fair and free competition of opposing views, and the Commission believes that the principle applies not only to addresses of political candidates but to discussions of issues of importance to the public.17

In March 1939, the Commission issued a memorandum listing the types of program practices it would consider objectionable. Among them was "refusal to give equal opportunity for the discussion of controversial subjects."18 The following month, the "FCC Committee on Proposed Rules Governing Standard Broadcast Stations and Standards of Good Engineering Practice" made its report outlining some thirteen standards which, if adhered to, would entitle a station to have "earned the right of expectancy of renewal of license." One of the standards reads:

If the station's facilities are made available as a forum for discussion of public social and economic problems, care is exercised to insure that the listening public has an opportunity to hear opposing schools of thought on controversial subjects of public interest.19

In another memorandum dealing with the shortcomings of licensees in the matter of the "Public Service Responsibility of Broadcast Licensees,"20 the FCC raised nineteen questions concerning

the broadcasting of controversial issues but declined to supply any
answers or indications of answers to the questions. The FCC then
proceeded to raise the separate issue of the quantity of time de-
voted to controversial public questions, and, finally, sidestepped
even this problem. The 1946 memorandum had the effect of focusing
the attention of broadcasters on the problems inherent in the broad-
casting of opinions about controversial issues for a short time.

This effect has been achieved also by the Commission's
actions by which applications for new stations in competitive hear-
ings or for increased facilities which included policies against the
carrying of opinions about controversial issues frequently resulted
in denial of the applications.

In actions resulting from particular cases and complaints,
the Commissions have indicated certain extensions of the statements
concerning the desirability of broadcasters' carrying opinions about
public issues of major importance. Normally, these extensions are
carefully worded so that the statements do not indicate any previous
restraint of the broadcasters' actions regarding programming, but
through which the Commission hopes to have its requirements met.
In several opinions, for example, the FCC has indicated that the
broadcasting of discussions of controversial issues of local im-
portance was in the public interest.

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21 Loc. cit.

22 In re: Davis, 3 R. R. 1371 (1947). For additional cases
see also Roth, 3 R. R. 1377 (1947); Mid-America Broadcasting Corp.
et al., 3 R. R. 1546 (1947); Chicago FM cases, 3 R. R. 1360 (1947),
all stressing to some degree the importance of carrying of local
issues.
In 1945, as a result of a hearing on the renewal of the license of radio station WHKC, Columbus, Ohio, the FCC renewed the license of the station after the owners adopted a policy indicating that in the future WHKC would (1) maintain a fair balance among the various points of view, (2) maintain such a balance with respect to local and network programs, both sustaining and commercial, and (3) make time available for the presentations of opinions primarily on a sustaining basis, but also on a commercial basis. The concept of the need to make time available on a commercial basis was reiterated by the FCC several times during the 1940's.

The policy behind the above statement, seemingly most applicable to labor unions, was extended further in 1950 by a letter from the Commission to radio station WWJ, Detroit. During a strike in Detroit, the striking union attempted to buy time to present the union's side of the arguments on the issues of the strike. The station refused to sell the time but offered instead to devote a full hour of time each week to the issues of the strike provided both the union and the management of the company being struck would jointly request the time. The management of the company did not wish to debate the issues in public. The station, consequently, did not permit the union to air its views. As a result, the union complained to the FCC. On April 21, 1950, in a letter to the station,


24Radio Corp. of America, Transferor, and American Broadcasting Co., Transferees, 10 FCC 212 (1943); Wyoming Valley Broadcasting Co., 11 FCC 436 (1946).
the FCC condemned the station's action. The letter indicated that if the station felt the issue was of sufficient importance to the community to receive broadcast attention, it was obviously not in the public interest to allow spokesmen for one side of a controversy to have veto power over the presentation by refusing to broadcast its position. 25 Both of these positions on sponsorship have been taken despite the Commission's recognition that broadcasts of controversial issues are frequently among the types of broadcasts inappropriate for sponsorship. 26

In 1939, the FCC became interested in the problem of fairness and balance in situations involving opinions on issues when the presentation was made by a broadcaster—that is to say, editorializing by a licensee or his official representatives. The FCC's 1939 Committee on Standards of Good Practice indicated that a station should pursue a policy which "avoids making the station's facilities available for editorial utterances which reflect solely the opinion of the licensee or the management of the station," but if editorial statements are permitted, the station should "exercise care not to deny the use of the station's facilities for the presentation of other sides of controversial subjects on a 'fair and equitable basis'." 27

25 News item in Broadcasting Magazine, May 1, 1950, p. 29.


By 1941, the FCC's attitude that "you shouldn't editorialize, but if you do, be fair about giving time to the other side" had hardened considerably. In the Mayflower decision, it chastised an owner of a station for misconceiving the duties and obligations of a station when the owner publicly advocated election of certain candidates for public office. Using this advocacy of candidates as a stepping stone, the FCC launched into the entire area of controversial issue broadcasting by the licensees by saying:

Under the American system of broadcasting, it is clear that responsibility for the conduct of broadcasting stations must rest initially with the broadcaster. It is equally clear that with the limitations in frequencies inherent in the nature of radio, the public interest can never be served by a dedication of any broadcast facility to the support of his own partisan ends. Radio can serve as an instrument of democracy only when devoted to the communication of information and the exchange of ideas fairly and objectively presented. A truly free radio cannot be used to advocate the causes of the licensee. It cannot be devoted to the support of the principles he happens to regard most favorably. In brief, the broadcaster cannot be an advocate.

Freedom of speech on the radio must be broad enough to provide full and equal opportunity for the presentation to the public of all sides of public issues. Indeed, as one licensed to operate in the public domain the licensee has assumed the obligation of presenting all sides of important public questions, fairly, objectively, and without bias. The public interest—not the private—is paramount.

Thus, in 1941, the broadcaster was prohibited from personally advocating an opinion on one side of a controversial issue over his own facilities. However, in the WHKC hearing in 1945, there were indications that the FCC was leaning toward reconsideration of this

28 In re: Mayflower Broadcasting Corp. et al., 8 FCC 333, 340, (1941).
policy. By 1947, the FCC was ready for reconsideration of its policy and ordered hearings to begin in 1948. In the 1949 decision permitting the licensees to editorialize once again, the FCC took pains to point out the ethical obligation and responsibility for fairness assumed by a licensee. The FCC said:

In the absence of a duty to present all sides of controversial issues, overt editorialization by station licensees could conceivably result in serious abuse. But where, as we believe to be the case under the Communication's Act, such a responsibility for a fair and balanced presentation of controversial issues exists, we cannot see how the open espousal of one point of view by the licensee should necessarily prevent him from affording a fair opportunity for the presentation of contrary positions or make more difficult the enforcement of the statutory standard of fairness upon any licensee.²⁹

This affirmative duty to ensure the airing of opposing viewpoints on subjects of a controversial nature upon which the licensee has delivered editorial opinions was further emphasized the following year when a letter from the FCC to a station indicated that, if a station editorialized, the station then has the affirmative duty to "seek out" and encourage expressions of opinion opposing the editorial stand of the licensee.³⁰

In the period since the statement regarding the affirmative obligation to "seek out" opposition when a station editorializes, the FCC has had occasion to repeat the doctrine twice, each time about the same issue. The first occasion occurred in 1958, when

²⁹ In the Matter of Editorializing by Broadcast Licensees, 1 R. R. 91:201 (1949).

³⁰ New Broadcasting Co. 6 R. R. 258 (1950); photostatic copy of New Broadcasting Co. reply in author's possession.
the FCC renewed the licenses of two stations owned by Jefferson Standard Broadcasting Company but only after the FCC wrote a letter to the owners of the station chastising the company for inadequately treating both sides of the subscription television issue in its broadcasts. The FCC complained that the broadcasts were "unreasonably weighted" against pay television and in favor of the present system. 31 On the other occasion, the FCC complained that a station in its efforts to seek out opposition did not look far enough away from home in discussing the same issue (toll television) but featured two station employees as representatives of the opposing viewpoints. 32

The FCC commented only upon the fairness of the treatment of the issue and not upon the merits of the issue or of the views pro or con. The FCC has rarely entered into the arena of issuing guides concerning the treatment of specific issues. On the one occasion the matter was handled by a generally placating statement to both broadcaster and complainer. In another instance, a firmer stand was taken initially but after protest was raised concerning the stand, a second, softer statement was substituted.

The first instance occurred in 1946 when the Commission delivered an opinion concerning a charge made by the Reverend Sam Morris against radio station KRLD, Dallas, Texas, that the station sold time for beer and wine advertising but refused to sell time

31 News item in Broadcasting Magazine, June 23, 1958, p. 64.
32 Loc. cit.
to the Reverend Morris to oppose the use of such beverages. The
FCC ducked the issue by stating that advertising of alcoholic
beverages on radio "can raise substantial issues of public im-
portance." 33

Considerable furor was caused by the Commission's issuance
of a statement regarding the carrying of a point of view advocating
atheism since the Commission stated an opinion which did anything
but placate the broadcasters or certain segments of the public.
The situation arose during 1945-46. Robert Scott, an atheist,
petitioned the FCC to refuse renewal of the licenses of several
stations which had refused to provide time for a discussion of
atheism although these stations gave time freely to religious
organizations for presentations of their beliefs. In July, 1946,
the Commission renewed the licenses of the stations about which
Scott had complained but offered the opinion that "any rigid policy
that time shall be denied for the presentation of views which have
a high degree of unpopularity" is contrary to the public interest
and inconsistent with the concept of freedom of speech. The FCC
further stated:

In making a selection with fairness, the licensee
must, of course, consider the extent of the interest
of the people in his service area in a public subject
to be discussed, as well as the qualifications of the
person selected to discuss it. Every idea does not
rise to the dignity of a "public controversy," and
every organization, regardless of membership or the
seriousness of its purposes, is not per se entitled

33Sam Morris, 11 FCC 197 (1946).
to time on the air. But an organization or idea may be projected into the realm of controversy by virtue of being attacked. The holders of a belief should not be denied the right to answer attacks upon them or their belief solely because they are few in number.34

The statement caused a great deal of comment. Many people thought the FCC was demanding the carrying of many highly unpopular ideas and that this veiled demand was an attempt to take the power of control over programming away from the licensee. As a result, when Mr. Scott next attempted to force stations to permit him to use their facilities, the FCC softened the 1946 stand by indicating that it did not feel that any station was airing a program attacking Mr. Scott or his belief personally, and it pointed out that there was no evidence that the stations had denied equal opportunity for the presentation of a controversial issue of great public importance. The FCC further stated, "There is no obligation on the part of a station to grant the request of any and all persons for time to state their views on matters in which they are interested."35

Summary.—In view of the above positions taken by the FCC, the guideposts for the treatment of controversial issues issued by the FCC may be summarized as follows:

1. Primary responsibility for programming rests with the licensee, but the FCC, under the statutory requirement to issue licenses in the "public interest, convenience or necessity," has the right to review proposed program policies and past program practices of broadcast stations.

2. With respect to broadcasts of opinions about public issues, the FCC has limited itself to issuing general guides for the treatment of controversial issues by broadcast stations. The key guide is that stations have a duty to carry opinions about issues of public importance and to observe the principles of fairness in permitting the use of broadcasting facilities by conflicting viewpoints about the issues.

3. When forced, the FCC occasionally has been more specific by indicating that a station should

a) devote an "adequate quantity" of time to the carrying of opinions about controversial issues;

b) present opinions about issues of local importance as well as those of national importance;

c) provide a balance of various opinions concerning controversial issues discussed over the station's facilities;

d) adopt no policy which does not permit organizations to buy time for presentations of controversial opinions—even though the FCC has held that discussions of controversial issues are frequently among those types of programs inappropriate for sponsorship;

e) "seek out" and encourage opposing views when the station has used its own facilities for editorializing about a controversial issue;

f) not permit one side of a controversy to veto the entire presentation by refusing to air arguments in behalf of that side's viewpoint, despite the above position that balance is necessary.
The guide indicating the requirements of the FCC regarding the carrying of viewpoints about major public issues have had relatively little effect upon the broadcaster. The lack of effectiveness has been the result of a) the failure of the FCC to enforce its requirements, b) the failure of some of the statements by the FCC to be specific, c) and the failure of the Commission to reiterate the statements frequently enough. The FCC has never compiled these guideposts into one definite directive; indeed, to do so might be difficult due to the prohibitions of the First Amendment and Section 326 of the Communications Act. True, the FCC in February, 1961, implied a more forceful stand regarding broadcasts of opinions on controversial issues through the proposal requiring additional information on the application forms for license and license renewal. However, this proposal is not yet in effect, and no indication has been given concerning how the Commission will use this information. The full implications or lack of implications of the proposed requirements will not be known for at least a year after the requirements have gone into effect.

Nevertheless, the assembled statements of the Commission already on record do form a general directive to observe the principles of "fair play" for broadcasts of opinions about controversial issues. And because the FCC is a regulatory body over the broadcasting media, this general directive becomes, in part, a form of legal pressure upon the broadcasters.
CHAPTER III

SOME PUBLIC STATEMENTS BY BROADCASTERS ON THEIR DUTY TO BROADCAST OPINIONS ON CONTROVERSIAL ISSUES

There is little question about the need for an informed citizenry if democracy is to function properly. As a result of this need, the licensee of a broadcasting station has at least a moral obligation to provide the public with significant opinions about controversial issues. Because of the physical characteristics of broadcasting, the broadcaster has the additional responsibility for fairness in the treatment of both sides of an issue when broadcasting programs featuring opinions on public issues. The FCC's recognition of the licensees' duties regarding the broadcasting of opinions on issues of public importance has added a legal pressure through the indication that carrying of programs fairly representing the significant opinions about controversial issues is a part of the responsibility of licensees to serve the public interest.

Generally, broadcasters have accepted publicly their obligation to carry responsible opinions about the salient issues of the day. This public acceptance has been largely through the formal statements of the representatives of the broadcasting media—the provisions of "The Codes of Good Practices" of the National
Association of Broadcasters, the policies of the major radio and television networks, and the policies of a few individual stations.

Probably the most important policy statements by the broadcasters regarding controversial issues have been those in the "Codes of Good Practices" by the National Association of Broadcasters (NAB), which is the largest and most powerful organization of owners of broadcasting stations. The organization includes among its membership all the major networks as well as representatives from half or more of the radio stations and two-thirds of the television stations in the United States. As a result, the NAB code represents the public position of the majority of broadcasters.

Since the initial NAB code provision regarding controversial public issues was adopted in 1939, there have been two official revisions of the radio code section. The "Television Code" of the National Association of Broadcasters, adopted in 1952, also contains a section dealing with controversial issues. In every code provision dealing with controversial issues beginning with the section adopted in 1939, there has been a clear recognition of the broadcaster's responsibility to the public regarding the need to carry programs featuring opinions about public issues and the obligation to be fair to the opposing sides of any given controversy.

Before the actual adoption by the National Association of Broadcasters of a code section on controversial issues, a proposed statement was circulated among the membership. The provisions of the proposal set forth the broadcaster's duty with respect to the
broadcasting of opinions about issues of importance in unequivocal, clear, and terse language. The proposed statement read:

Controversial Public Issues. Radio broadcasters should carry out their mission as instruments of democracy in providing access for the discussion of public matters, and member stations should encourage the free and open discussion of public questions of general interest. Listeners can be assured of the opportunity to hear opposing views only if time is not sold for discussions.

Propaganda. Broadcasters are to make every effort to distinguish between clear and concealed attempts to influence public opinion; and broadcast materials should be honestly identified as to sponsorship or source.36

The proposed statement was not adopted in this form, however. When the NAB adopted its first statement concerning controversial public issues on July 11, 1939, the statement of policy was much longer and the language employed permitted a slightly broader interpretation of the provisions than the shorter statement originally proposed. The adopted section read:

Controversial Public Issues. As a part of their public service, networks and stations shall provide time for the presentation of public questions including those of a controversial nature. Such time shall be allotted with due regard to all other elements of balanced program schedules and to the degree of public interest in the question to be presented. Broadcasters shall use their best efforts to allot such time with fairness to all elements in a given controversy.

Time for the presentation of controversial issues shall not be sold, except for political broadcasts. There are three fundamental reasons for this refusal to sell time for public discussions, and in its stead, providing time for it without charge. First, it is a public duty of broadcasters to bring such discussion to the radio audience regardless of the willingness

of others to pay for it. Second, should time be sold for the discussion of controversial issues, it would have to be sold, in fairness, to all with the ability and desire to buy at any given time. Consequently, all possibility of regulating the amount of discussion on the air in proportion to other elements of properly balanced programming or of allotting the available periods with due respect to listener interest in the topics to be discussed would be surrendered. Third, and by far the most important, should time be sold for discussion of controversial public issues and for the propagation of the views of individuals or groups, a powerful public forum would inevitably gravitate almost wholly into the hands of those with the greater means to buy it. . . .

Nothing in the prohibition against selling time for the presentation of controversial public issues shall be interpreted as barring sponsorship of the public forum type of program when such a program is regularly presented as a series of fair-sided discussions of public issues and when control of the fairness of the program rests wholly with the broadcasting station or network.

News. News shall be presented with fairness and accuracy . . . Newscasts shall not be editorial. This means that news shall not be selected for the purpose of furthering or hindering either side of any controversial public issue nor shall it be colored by the opinions or desires of the station or network management . . . or advertiser.37

This statement obviously accepted the principles that stations and networks should carry broadcasts of opinions about public issues and should be fair about permitting the use of broadcasting facilities by the holders of viewpoints about those issues. The concept of fairness to all sides of a given controversy was extended to newscasts as well as programs featuring points of view about issues of importance. An important provision of the code section concerned sponsorship. The introduction of a provision

about sponsorship is noteworthy, first, because it recognizes the public duty of broadcasters to provide opinions on controversial issues regardless of the ability of the holders of opinions to pay for time; second, because it recognizes many of the problems inherent in permitting sponsorship of one-sided presentations; and third, because it permits two-sided presentations to be sponsored but only when the control of the fairness of the program rests in the hands of the broadcaster.

On October 3, 1939, the Code Compliance Committee of the National Association of Broadcasters released an interpretation of the controversial issue provisions of the adopted code. This interpretation centered around the provisions dealing with sponsorship of broadcasts featuring controversy. The portion of the Code Compliance Committee's interpretation of the code provision on controversial issues read:

In approaching the public controversial section of the code, which bars the sale of time for such discussions, but which provides that such discussions be placed on the air without cost, the committee recognized the underlying principles involved.

There is a limitation to the number of radio channels now available for broadcasting in this country.

There is also a limit as to the number of hours available per day for broadcasting. Newspapers may add any number of pages to accommodate their overflow news and advertising columns. No comparable opportunity exists in the daily schedule of a radio station, which must adhere to the hands of a clock.

In the absence of any self-imposed policy to the contrary, it is conceivable that some individuals or groups with financial means to do so could buy all the available time necessary to monopolize, dominate or control the discussion of public issues through the radio medium, precluding a fair opportunity for an opposition without financial resources to present its case to the radio audience.
Such a situation would pervert the function of American radio as a forum of democracy, and would irreparably shatter the confidence of the public in the American system of broadcasting.

In order to assure the American people for all time that such an intolerable misuse of radio facilities cannot happen, the code states that "Time for the presentation of controversial issues shall not be sold."

The code does not bar anyone or any group from using radio. It simply denies the right to buy time for the reasons stated.

Representative spokesmen of groups in the field of public controversial issues have a perfect right to request time on the air, from a network or station, in accord with the public interest outlined in the code. "Broadcasters shall use their best efforts to allot such time free of charge, with fairness to all elements in a given controversy."

The handling of public controversial issues by stations is a matter of principle and not one of personalities. 38

This interpretation in no way weakened the code section dealing with public issues. In fact, the interpretation by the Code Compliance Committee strengthened the code statement by stating that no one was barred from using radio and that "representative spokesmen of groups in the field of public controversial issues have a perfect right to request time on the air." 39

The 1939 code provisions with respect to controversial issues remained in effect until 1948 except for the dropping of the sections concerned with sponsorship in 1946, two months after the WHKC decision. A series of incidents led to the removal of the sponsorship provisions and brought about the rewriting of the code provision in 1948. First, at the time of the sale of the Blue Network, which


39 National Association of Broadcasters, loc. cit.
later became the American Broadcasting Company, the purchaser of
the network adopted a policy which would not prohibit the sale of
time to an organization for the presentation of opinion issues.
The policy was adopted with the apparent approval of the FCC. Then,
in 1945, a hearing on the renewal of WKHC's license culminated in
the adoption of a similar policy by the station. The third incident
in the series was the publication of the 1946 memorandum of the FCC,
"Public Service Responsibility of Broadcast Licensees." This memo­
randum included a section on controversial issues. Following this
series of incidents, the Code Compliance Committee resigned. After
this resignation, the code provisions were reviewed and rewritten
and the following revised code section dealing with public issues
was adopted at the NAB's 1948 meeting:

Public Affairs and Issues. A broadcaster, in
allotting time for the presentation of public questions,
including those of a controversial nature, should use
his best efforts to insure fair presentation. Such
time should be allotted with due regard to all elements
of balanced program schedule, and to the degree of
interest on the part of the public in the questions
to be presented.

Discussions of controversial public issues should
be presented on programs specifically intended for
that purpose, and they should be clearly identified
as such.

The presentation of controversial public issues
should be made by properly identified persons or
groups.

Freedom of expression of opinion in broadcasts of
controversial public issues should be carefully main­
tained, but the right should be reserved to refuse
them for noncompliance with laws such as those pro­
hibiting defamation and sedition.40

40 National Association of Broadcasters, "Code of Good
In 1954, a revision was made of the code provisions concerning the broadcasting of opinions about controversial public issues by radio stations. This revision was a result of the permitting of editorializing by licensees following the rescinding of the Mayflower decision in 1949 and the subsequent letter to radio station WLIB in 1950. The 1954 code provisions for radio stations regarding the handling of controversial issues are still included in the radio code. Those provisions read as follows:

**Editorializing.** Some stations exercise their right to express opinions about matters of general public interest. Implicit in these efforts to provide leadership in matters of public consequence and to lend proper authority to the station's standing in the community it serves, is an equal obligation to provide opportunity for qualified divergent viewpoints.

The reputation of a station for honesty and accuracy in editorializing depends upon willingness to expose its convictions for fair rebuttal.

Station editorial comment should be clearly identified as such.

**Public Issues.** A broadcaster, in allotting time for the presentation of public issues, should exert every effort to insure equality of opportunity.

Time should be allotted with due regard to all elements of balanced program schedules, and to the degree of interest on the part of the public in the questions to be presented or discussed. (To discuss is "to sift or examine by presenting considerations pro and con.") The broadcaster should limit participation in the presentation of public issues to those qualified, recognized, and properly identified groups or individuals whose opinion will assist the general public in reaching conclusions.

Presentations of public issues should be clearly identified.

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41 Supra, footnote 30, p. 21.

The television code provisions adopted the same year, 1954, were repetition of the 1954 radio code with one important difference. The television code has no provision covering editorializing. The television code does not even mention that stations have this right. The 1954 television code provisions on the treatment of controversial issues read:

Controversial Public Issues.
1. Television provides a valuable forum for the expression of responsible views on public issues of a controversial nature. In keeping therewith the television broadcaster should seek out and develop with acceptable individuals, groups, and organizations, programs relating to controversial public issues of import to his fellow citizens; and to give fair representation to opposing sides of issues which materially affect the life or welfare of substantial segment of the public.

2. The provision of time for this purpose should be guided by the following principles: (a) requests by individuals, groups, or organizations for time to discuss their views on controversial public issues should be considered on the basis of their individual merits, and in the light of the contribution which the use of the requested time would make to the public interest, and to a well balanced program structure. (b) Programs devoted to the discussion of controversial public issues should be identified as such and should not be presented in a manner which would mislead listeners or viewers to believe that the program is purely of an entertainment, news or other character.

Since 1954, there has been no change in the wording of the sections dealing with broadcasts featuring opinions on issues of public importance in either the radio code or the television code of the NAB. The various statements concerning controversial issues in the codes of Good Practices of the National Association of Broadcasters constitute public acceptance by organized broadcasters of

the duty to carry significant opinions about public issues and to treat both sides of an issue fairly.

The NAB code provisions generally reflect the public policies of the networks and the larger stations of the country. Consequently, the policy statements of the networks regarding broadcasts of opinions on controversial issues are very similar to the code provisions of the NAB. Very few individual stations have written codes or policy statements which include provisions about public issues. Those stations which do generally have followed the provisions of the NAB and the three major networks.44

The policies of the networks are announced either through published statements or through the public statements of high-ranking officers of the company. Both the National Broadcasting Company (NBC) and the American Broadcasting Company (ABC) publish their policy statements. The National Broadcasting Company's policy provision repeats the identical language of the NAB television code provision and adds a section, which states:

NBC reviews material proposed for programs dealing with controversial public issues in order to assure that its facilities will not be used for illegal purposes or for the dissemination of inaccurate or seditious statements, and it reserves the right to pass on the qualifications of those who seek to speak on specialized, technical or scientific matters. Subject to the foregoing, NBC does not censor the opinions of speakers who have been permitted to use its facilities to present their views on controversial public issues.45

44Representative provisions concerned with controversial issues from three stations are included in Appendix B.

The American Broadcasting Company's policy statement includes substantially the same provisions as the National Broadcasting Company's. In addition, ABC also has a section on the sale of time for issues of public importance which reflects the terms of the 1943 sale of the Blue Network.

The Columbia Broadcasting System does not issue a compact statement of its programming policies. CBS prefers, instead, to announce its policies in press releases and public speeches by the Chairman of the Board, Mr. William Paley, and the president of the corporation, Mr. Frank Stanton. Both Mr. Paley and Mr. Stanton have recognized and accepted in public the responsibility for broadcasters to carry opinions about public controversies and to treat fairly the opposing sides of a controversial issue.

The policy provisions dealing with issues of public importance for NBC and ABC and excerpts from a speech by Mr. Paley are included in Appendix B. Mr. Paley's address, delivered before the National Association of Broadcasters on May 25, 1954, contains an outline of the network's policies and practices.

Summary.—The provisions of the NAB Code of Good Practices and the policy statements of the major networks publicly recognize and accept the responsibility of broadcasting stations and networks to provide the public with responsible opinions about controversial issues and regard as a part of this duty the fair treatment of pertinent, opposing opinions about the issues. While very few
broadcasting stations have policy statements with respect to
broadcasts featuring opinions about controversial issues, the
provisions of the NAB code dealing with controversial public
issues represents the public policy of the majority of broadcasters.
CHAPTER IV

SOME CRITICAL APPRAISALS OF THE PRACTICES OF BROADCASTERS
REGARDING THE BROADCASTING OF OPINIONS ON
CONTROVERSIAL ISSUES

Many critics of broadcasting do not believe the practices of the broadcasters equal the promises inherent in the public acceptance of a moral obligation to provide a fair representation of responsible points of view about controversial issues. Essentially, the critical appraisals of the broadcasters with respect to the broadcasting of opinions on public issues fall into two categories—those based upon personal observations and those based upon quantitative data. The critics who have arrived at their judgments through personal observations usually have reported their conclusions in the form of general statements covering all aspects of the problem of the broadcasting of public issues. The individuals who have formed their conclusions on quantitative data normally have taken one segment of the problem as their particular province and have drawn conclusions only about that aspect. This chapter is a review of the positions of several critics who have based their judgments upon personal observations. There are other critics whose positions might equally well have been included. The chapter is also a review of the results of the more important
available quantitative studies on the practices and policies of
broadcasting stations regarding the handling of controversial issues.

One very important critic who expressed the conviction that
the broadcasters had failed to meet their responsibilities regarding
the broadcasting of points of view about issues of public importance
was United States Senator Burton K. Wheeler. In 1944, Senator
Wheeler, on the basis of ten years' experience as Chairman of the
Senate Committee on Interstate and Foreign Commerce, a major Con-
gressional committee concerned with broadcasting, summarized what
he believed to be the failings of the industry when he wrote:

Generally speaking, the industry
1) is "dollar hungry"; too much of what it does or
fails to do is measured by the amount of money in
it, or the amount of money it will cost.
2) is run by men who have little or no conception
of the public welfare and of the responsibility to
the public that is involved in managing an enter-
prise affected with great public interest.
3) insists on regarding itself as "private enter-
prise" in the same sense that a gasoline filling
station is private industry; it insists on regard-
ing its federally-granted license as a permanent
private property right to be used as the licensee
pleases.
4) is dominated and substantially controlled by
absentee owners. The large and high-powered stations
are located in metropolitan areas, and the bulk of
programming is motivated by what a relatively small
part of the population of the country desires.
5) is largely at the mercy of so-called network
organizations which, although responsible for the
bulk of nationally known programs, have the power
of life and death over the majority of stations by
reason of their economic control over the station's
income.
6) has warded off any suggestion for elevating
program standards as being interference with free
enterprise.
7) has made little attempt or progress in eliminating programs of questionable taste or value, or in reducing the amount of commercial advertising per program.

8) has taken no action to insure equality of access of radio facilities to varying views and opinions; to guarantee factual presentations of news; to balance presentation of opposite views on public questions or issues; to identify properly speakers and commentators, to make public who pays for their radio time—so that listeners will have an honest opportunity to appraise the speakers' motivation.

9) has not been diligent in making available an adequate portion of broadcasting time on a free unsponsored basis for the presentation of forums, discussions, and similar programs designed to give the listener a greater insight into our nation's social, religious, economic, political and general problems.

10) has suffered from political pressures from within government which has led it to exercise partiality for whichever party is in power or for particular individuals or for particular social or political policies.

The points Senator Wheeler's article raised have been reiterated with remarkable consistency by later critics. This is especially true of the portions of Senator Wheeler's bill of particulars regarding the concentration of power and the stifling of minority opinion.

A person who agrees completely with Senator Wheeler is Mr. Morris Ernst, a prominent lawyer identified with the American Civil Liberties Union. A few excerpts from Mr. Ernst's book, The First Freedom, published in 1946, will serve to demonstrate his position:

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But the promises of universal communication, of great forward steps in education, of free interchange of ideas, and discussion of all points of view, and of a high level of music, drama, and entertainment reaching into every home are, by contrast to the dollar figures of growth, disappointing to many. . . More than that, the early curve of progress toward these ends is taking a downward turn as the business prosperity and concentration of financial interests spill sustaining programs over from evening broadcasts to the morning hours, force programs to conform to the dictates of advertising sponsors, drive independent broadcasters into the arms of the networks and newspaper chains, and regulate presentation of minority views to the realm of controversial taboo and bugaboo.47

Free speech and public interest on the radio, subject as they are to pressures of industry, economics, and human self-interest, are never achieved completely and are at present peculiarly susceptible to the seduction of the established and narrowing group of owners and clients.48

A third critic who has reached generally similar conclusions is Gilbert Seldes who is presently teaching at the University of Pennsylvania's Annenberg School of Communications and who wrote a column on broadcasting for the Saturday Review of Literature for many years. In addition, Mr. Seldes was the director of television programs for the Columbia Broadcasting System from 1937 to 1945. Mr. Seldes arrived at these conclusions not from Mr. Ernst's concept that sponsors and owners of broadcasting stations were willfully usurping this power in order to stifle minority opinion, but from the viewpoint that certain cultural changes which were taking place in the United States were the result of technological changes.

48Ibid., p. 180.
in the mass media. In his book, The Public Arts, published in 1956, Mr. Seldes maintained that an urgent problem arose from the power of the electronic communications systems over the people—especially "the power to prevent people from understanding what is being communicated." Mr. Seldes believed the opposite power—to clarify ideas for the people—was also in the hands of the broadcasters but that it was unlikely that this power would be exercised because the entertainment and commercial sides of broadcasting tend to create a "mood of consent" which could not afford to stir and agitate the mind. Specifically, Mr. Seldes wrote:

The existence of an opposition, which underlies all nineteenth century theorizing about freedom of expression, can no longer be assumed. Quite the contrary, we have seen mergers of newspapers and, even more impressive, the arrival of a kind of community of accepted ideas to which all the media of communication conform. It is roughly the body of accepted ideas of the vast majority of American citizens; but as these accepted ideas make less and less room for the independent and the eccentric, the leeway for the slightest difference of opinion will become more and more constricted until in the end we will have a kind of one-level, if not one-party, press, re-inforced by one-level neutralized broadcasting, and our inhospitality to bold off-center thinking will be too close for comfort to the situation we abhor in the monolithic state.

According to Mr. Seldes, television could be a rival or countervailing force to this one-level press but the television record at the time he wrote indicated too much concern with the audience, an audience which in the view of the broadcaster has the

50Ibid., p. 235.
right only to turn off programs it does not like. Mr. Seldes believed this audience has certain rights—primarily the right of expectation that obligations imposed by the granting and acceptance of a license to broadcast will be observed.

Mr. Charles A. Siepmann, of New York University, had stated essentially the same position in 1950 with respect to the question of whether or not the broadcasters actions were appropriate to their public statements about the broadcasting of opinions about issues of public importance. In his book, Radio, Television, and Society, Mr. Siepmann wrote:

Freedom of the Press under the First Amendment also was predicated on the theory of diversity, of safety in numbers with respect to the expression of divergent opinion. ... Many question the existence today of such diversity in the press (and radio) as that with which the authors of the First Amendment were familiar. Publication of a newspaper was then within the means of virtually anyone who had the desire to undertake it. Moreover, newspapers were primarily organs of opinion and the opinion was that of the publisher editor. The modern press (which we here speak of as including radio) is something altogether different. It has been transformed by mass circulation. Opinion is a subordinate and an insignificant component of its total output. Publishers, nowadays, are rarely editors. Chain development and absentee ownership have been largely substituted for independent publication. The modern press is a branch of business and, as such, is naturally concerned with profits. The satisfaction of a varied assortment of interests, not the canvassing of opinion is its primary goal. These are marked changes which take the modern press (in terms of its contents) largely outside that area within which protection of free speech is paramount rather than permissive—the pursuit of facts and of ideas as these subserve the needs of an intelligent electorate.51

The last of the critics to be reviewed here is Mr. Wilbur Schramm, a professor in the Department of Communication and Journalism at Stanford University. In his book, *Responsibility in Mass Communication*, Mr. Schramm maintained that the "machine interposed" media in our life have made the self-righting process of Milton and Mill more difficult to operate. Because of the necessity of our form of government for this self-righting process to operate efficiently, a new responsibility has been imposed upon the mass media. Mr. Schramm stated:

> Whereas formerly they (the mass media) were responsible only for voicing clearly and vigorously the views each represented, in full confidence that the public would be able to read contrary views and decide between them, now it is obligatory for these media actively to seek out and represent all significant points of view.

In order to discharge this social responsibility, Professor Schramm feels the following problem must be resolved: How are broadcasters to maintain quality, and still behave as a large business organization and as a large communications organization at the same time. According to Mr. Schramm the maintenance of quality depends upon the freedom of the mass media to give information, ideas, and opinions about the issues and events of public importance. The basic responsibility of the mass media is to be free not only of government interference but also of opposing political philosophies, business and class allegiances, power and

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53 Ibid., p. 5.
pressure groups, and of special interest groups within the media.  

But freedom of this sort required the attainment of a certain level of economic strength before the responsibility to communicate ideas and opinions about the issues of the day can be carried out. The very groups which were in a position to supply this economic strength were the groups from whom the broadcaster must be free.

The dilemma produced by this requires a delicate balance between the degree of freedom of the mass media and the people's right to know. According to Professor Schramm, the concept of an omnipotent right to know on the part of the public needed to be redrawn using the elements of truth and fairness. As a result, in his view, the communications' responsibility of the mass media became that of presenting the public with a "true and balanced picture of the world in terms of an obligation for accuracy, objectivity, and fairness to minority views, opposing political views, and to targets of attack."  

Mr. Schramm concluded that this communications responsibility for the broadcasting media would have to be shared by the government (a move which Schramm deprecates but admits could happen through the government's regulatory function, which permits the government to step in when the process fails to function properly), the broadcasting media (for which Schramm argues for a more professional attitude in place of hiding behind the self-regulating

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54 Ibid., p. 6.
55 Ibid., et passim.
56 Ibid., p. 7.
codes), and the audience (which Schramm feels could call the tune, doesn't call the tune, but must call the tune).

To summarize the views of the critics who have based their judgments on personal observations:

1) The critics agree that the broadcasting industry has a moral duty to carry opinions about controversial issues and to be fair in the treatment of responsible viewpoints about the issues.

2) Several of the critics base this obligation upon a concept of social responsibility arising from the people's need to know about opinions and ideas.

3) The critics expressed concern about the control over the media of mass communication by individuals with essentially similar backgrounds and interests.

4) The critics expressed concern over the stifling of minority opinion.

5) Either directly or by implication, each critic expressed the opinion that broadcasters were not satisfactorily meeting their moral obligation to provide the public with a fair representation of points of view about public issues.

The expression of concern over this matter by observers of the industry extends over the period the Communications Act of 1934 has been in effect. Senator Wheeler wrote his article in 1944 after ten years experience as the Chairman of the Senate Interstate and Foreign Commerce Committee and after the Communications Act of 1934 had been in effect for ten years. Mr. Schramm's book was published
in 1957, thirteen years later. The remaining critical appraisals reviewed here were written between 1944 and 1957.

There was a surprising lack of quantitative information either in support of the critics' conclusions or contradicting them. Very little quantitative data is available concerning the actual practices and policies of the broadcasting stations regarding the broadcasting of opinions on controversial issues. Those studies which are available generally deal with only a small segment of the total problem.

One study was conducted by the FCC and reported as a part of the 1946 memorandum, "Public Service Responsibility of Broadcast Licensees." This particular FCC survey concerned itself with only one issue, foreign policy, and with only one practice, coverage of the issues connected with foreign policy; it was not concerned with an over-all view of the practices and policies of stations. The FCC's report begins with a general statement regarding the quantity of time as it relates to the problem of balance and broadcasting in a democracy, and continues:

At the request of the Senate Committee on Inter-state Commerce, the Commission undertook a study of all network and local programs broadcasting from January 1, 1941, through May 31, 1941, relative to the foreign policy issue then before the country, that of isolationism versus intervention in the world conflict. The period reviewed was one of great crisis. The issue at stake would affect the history and even the survival of our country and its institutions. Five major questions of foreign policy were involved—lend-lease, the convoying of ships to Britain, the acquisition of foreign bases, the

acquisition of foreign ships, and the maintenance of the British blockade. From this study the following facts emerged.

The four major networks submitted 532 programs. Upon analysis only 203 scripts were deemed relevant; 14 scripts were unobtainable.

Assuming all 14 of these scripts to have been relevant, this means that 217 scripts during a 5-month period dealt with the 5 major issues of foreign policy listed above. Put another way, each network broadcast a program devoted to one or more of these issues every third day.

But while the networks made these programs available, not all affiliated stations carried them. Of 120 CBS affiliates, 59.3 per cent carried the average lend-lease program. Of 165 MBS affiliates, 45.5 per cent carried it. Of the approximately 200 NBC stations on both Red and Blue networks of NBC, 69 stations carried the average NBC program on lend-lease.

Even more significant are the figures relating to non-network programs. Of 842 stations reporting, only 288 claimed to have originated even one program on any subject relevant to this study. The remaining 454 denied having broadcast a single non-network program on foreign policy during the entire 5-month period. While subject to possible sampling error, the study indicates that station time devoted to discussion programs distributed by the four networks exceeded station time devoted to discussion programs originated by the stations in the ratio of 30 to 1.

The carrying of any particular public discussion, of course, is a problem for the individual broadcaster. But the public interest clearly requires that an adequate amount of time be made available for the discussion of public issues; and the Commission, in determining whether a station has served the public interest, will take into consideration the amount of time which has been or will be devoted to the discussion of public issues.

In a 1951 survey of broadcast stations concerning political broadcast policies of radio and television stations in the United States, 58

58 NBC figures are misleading since both the Red and Blue networks did not carry same programs.

59 It would appear that the remaining number should be 554.

States, Mr. Richard M. Mall included several questions which dealt with controversial issues. Replies were obtained from 743 AM radio stations, 32.8 per cent of the questionnaires mailed out, and 33 television stations, 30.8 per cent of the questionnaires mailed out. While the study was primarily concerned with broadcasts by political candidates, Mr. Mall obtained additional information concerning the percentages of stations which carried two-sided forum programs on political issues during or between campaigns; the percentages of stations which would have been willing to sell time to individuals or groups with non-partisan viewpoints during or between political campaigns; and the percentages of stations which would not be willing to cancel two-sided forums for political broadcasts.

On the matter of carrying two-sided forums on political issues during or between campaigns, Mr. Mall found that 91 per cent of the television stations and 75 per cent of the AM radio stations replying to his questionnaire were carrying two-sided forums between campaigns, but only 75 per cent of the television stations and 64 per cent of the AM radio stations were carrying two-sided discussions or debates during the campaign.

Regarding the sale of time to individuals or groups for non-partisan views (non-partisan views were defined as views not


62 Ibid., p. 188.
in support of a candidate or party), Mr. Mall found 51.5 per cent of the television stations and 82.9 per cent of the AM radio stations were willing to sell such time to individuals during campaigns. For the between campaigns period, 47.4 per cent of the television stations and 84.5 per cent of the AM radio stations were willing to sell time to individuals or groups for views not in support of a candidate or party. On the presentation of views on political issues but not in support of a candidate or party, 60.6 per cent of the television stations and 83.4 per cent of the AM radio stations were willing to sell time between campaigns. For the campaign period, only 50 per cent of the television stations and 86.5 per cent of the AM radio stations were willing to sell time to the same group for this purpose. Mr. Mall also determined that 36 per cent of the television and 29 per cent of the AM radio stations were not willing to cancel a forum to put on a political broadcast. 63

In 1949, a study was conducted by Mr. Carl L. Isaacson to determine "the status, problems, and needs of the discussion type radio program from the standpoint of the small market radio station in twelve Western states." 64 Mr. Isaacson defined a small market as being under 50,000 population and a small radio station as being under five kilowatts power. Mr. Isaacson then mailed a pre-tested questionnaire to 237 such small stations in small markets in the

63 Ibid., pp. 188-94.

twelve Western states and received replies from 82 stations with a fair-to-good representation of the characteristics of the original 237 stations. In his study, Mr. Isaacson found no scarcity of stations carrying this type of program or of the number of discussion programs offered by these stations each week. According to Mr. Isaacson's report, several stations had carried ten or more programs of this type during the single week preceding his questionnaire. The average was 3.83 programs per week per station. The trend among these stations was toward programs dealing with local issues. Broadcasters who responded to the questionnaire felt high listening appeal was created when local issues were used although discussion programs in general were rated by these broadcasters as having appeal to a limited audience. The most important reasons for carrying discussion programs offered by the broadcasters were the building of good-will for the station and the duty to perform this particular type of public service. The respondents reported excellent cooperation from discussion groups in the local communities in helping to prepare and plan the programs and to select speakers and topics. Generally, the stations reported good listening times were scheduled for such programs.

A pilot study conducted in 1958 by the Civil Liberties Educational Foundation provides some information on the carrying of discussion programs by the networks on both radio and television during the hours of five to eleven each night. The report

indicates that the Columbia Broadcasting System radio network carried four such programs per week from March 23 to April 20, 1958, while the National Broadcasting Company radio network carried only three. Columbia Broadcasting System television was the only television network to carry any programs during the hours from 5:00 to 11:00 P.M. during this period. Neither the American Broadcasting Company radio and television networks nor the Mutual radio network carried any programs during the survey period between the hours of 5:00 and 11:00 P.M. A summary of the number of network affiliated stations carrying these programs appears in Figure 1 on page 54.

The major conclusion reached in this study was that the "radio and television networks in the United States are afraid of controversy." The following conclusions were drawn by the authors of the study.

Whether the public is thirsty for opinion and controversy or not:
1) one cannot slake thirst at a dry well;
2) the disheartening thing is that there are very few programs and some of them are insignificant;
3) the findings are indicative, perhaps, of the hesitation of radio and television to face controversy and to stimulate controversy;
4) the use of devices for sparing the sensibilities of the audience and the spokesmen such as interview programs, and "reports" in which the film purveyor becomes the primary opinion holder is deplorable.

Two significant studies have been made regarding editorializing by licensees. The first was done in conjunction with a

\footnote{66}{Civil Liberties Educational Foundation, \textit{loc. cit.}}

\footnote{67}{\textit{Loc. cit.}}
<table>
<thead>
<tr>
<th>Program Title</th>
<th>TV Total Affiliates</th>
<th>Average Number Affiliates Carrying Programs</th>
<th>Radio Total Affiliates</th>
<th>Average Number Affiliates Carrying Programs</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;The Great Challenge&quot; (CBS)</td>
<td>194</td>
<td>98</td>
<td>201</td>
<td>106</td>
</tr>
<tr>
<td>&quot;Twentieth Century&quot; (CBS)</td>
<td>194</td>
<td>163</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot;See It Now&quot; (CBS)</td>
<td>194</td>
<td>129</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot;The Leading Question&quot; (CBS)</td>
<td>201</td>
<td>125</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot;Family Living&quot; (NBC Radio)</td>
<td>188</td>
<td>40</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot;Life and the World&quot; (NBC Radio)</td>
<td>188</td>
<td>170</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Fig. 1.—Network affiliates carrying discussions scheduled from 5-11 P.M.*

study of the rescinding of the Mayflower decision; the second is a continuing study conducted each year for the last three years by Broadcasting Magazine, a news periodical of the industry.

The first study, conducted by Mr. Ben C. Markland, surveyed radio stations on their editorial activities from the date of the revocation of the Mayflower decision to January, 1951, a period of about eighteen months. Of the 117 stations which replied to Mr. Markland's questionnaire, one-third indicated they had editorialized and the remainder indicated that they had not editorialized during the eighteen-month period. Of all stations replying, 85 per cent of the stations indicated they would editorialize if the occasion arose. Of those stations which did editorialize, 75 per cent indicated they had received favorable listener comment and 4.5 per cent indicated they had received unfavorable listener comment. Seven of every ten of the stations which had editorialized indicated that the editorials had increased listenership. A higher percentage of one kilowatt radio stations reported they editorialized than any other type of station. One-kilowatt radio stations reported 52.9 per cent of the stations of that type had editorialized; 5-kilowatt stations reported 36.7 per cent had editorialized; 50-kilowatt stations reported 13.3 per cent had editorialized; and 34.7 per cent of the 250-watt stations reported they had editorialized at least once during the 18-month period. 68

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The study conducted by Broadcasting Magazine has appeared in Broadcasting Yearbook each year since 1958. The results are "based upon an editorializing query appearing on questionnaires used in compiling station directory listings." The results are reported according to the type of station (AM radio, FM radio, and television) and the frequency of the editorializing (daily, weekly, occasionally). The question reads:

Does station editorialize? Yes__; No__
If yes, how often? Daily__; Weekly__; Occasionally__.

No definition of "editorial" accompanies the query and there is no breakdown other than by major types of stations—AM radio, FM radio, and television. In addition, the total number of stations on the air is used for the base figure, but the magazine has not always indicated how many on the air stations actually answered the question. As a result, the percentages given probably reflect the minimum incidence of editorializing by broadcast stations in the United States. In Figure 2, page 57, a compilation of all three years has been made.

Summary.—1. The quantitative studies reported here, while meeting the purpose for which they were conducted, do not supply a great deal of information about the total problem of the practices and policies of the broadcasting stations regarding the carrying of

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69 Broadcasting Yearbook, for the years 1958, 1959, 1960.
70 Broadcasting Yearbook, loc. cit.
### AM Station Results:

<table>
<thead>
<tr>
<th></th>
<th>1958</th>
<th>1959</th>
<th>1960</th>
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<tbody>
<tr>
<td>Total AM stations on the air</td>
<td>3271</td>
<td>3388</td>
<td>3497</td>
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<tr>
<td>Stations reporting editorials</td>
<td>1181</td>
<td>1597</td>
<td>1031</td>
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<tr>
<td>Per cent editorializing</td>
<td>36.0%</td>
<td>47.0%</td>
<td>29.5%</td>
</tr>
<tr>
<td>Daily</td>
<td>6.3</td>
<td>7.4</td>
<td>2.7</td>
</tr>
<tr>
<td>Weekly</td>
<td>3.4</td>
<td>4.5</td>
<td>3.8</td>
</tr>
<tr>
<td>Occasionally</td>
<td>26.3</td>
<td>35.1</td>
<td>23.0</td>
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</table>

### Television Station Results:

<table>
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<th></th>
<th>1958</th>
<th>1959</th>
<th>1960</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total TV stations on the air</td>
<td>508</td>
<td>521</td>
<td>535</td>
</tr>
<tr>
<td>Stations reporting editorials</td>
<td>131</td>
<td>157</td>
<td>170</td>
</tr>
<tr>
<td>Per cent editorializing</td>
<td>25.8%</td>
<td>30.1%</td>
<td>31.8%</td>
</tr>
<tr>
<td>Daily</td>
<td>2.2</td>
<td>3.5</td>
<td>3.7</td>
</tr>
<tr>
<td>Weekly</td>
<td>2.4</td>
<td>3.5</td>
<td>2.8</td>
</tr>
<tr>
<td>Occasionally</td>
<td>21.3</td>
<td>23.1</td>
<td>25.3</td>
</tr>
</tbody>
</table>

### FM Station* Results: (1959-60 only)

<table>
<thead>
<tr>
<th></th>
<th>1958</th>
<th>1959</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total FM stations on the air</td>
<td>**</td>
<td>628</td>
</tr>
<tr>
<td>Stations reporting editorials</td>
<td>156</td>
<td>54</td>
</tr>
<tr>
<td>Per cent editorializing</td>
<td>24.9%</td>
<td>19.1%</td>
</tr>
<tr>
<td>Daily</td>
<td>3.5</td>
<td>2.8</td>
</tr>
<tr>
<td>Weekly</td>
<td>4.6</td>
<td>1.8</td>
</tr>
<tr>
<td>Occasionally</td>
<td>16.8</td>
<td>14.5</td>
</tr>
</tbody>
</table>

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*Fig. 2.—Broadcasting Yearbook editorializing studies. A compilation of the results for 1958, 1959, 1960***.

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*Uses only commercial stations.

**No data made available.

(Note: The 1960 FM stations are unduplicated transmissions only while the 1959 statistics represent all FM stations.)

significant opinions on controversial issues and the fair treatment of conflicting views about the issues.

2. Each of the studies dealt with a limited portion of the problem.

3. And the studies neither support nor contradict the conclusions reached by the critics.

As a result, a descriptive, quantitative study is needed in this area of programming.
CHAPTER V

THE METHODOLOGY OF THE STUDIES

The need for a descriptive study.—Democracy is based upon the idea that the political power to make the broad decisions establishing the goals of a free society and the general means of attaining those goals is in the hands of the people. The success or failure of our society depends upon the ability of the people to make wise judgments. This calls for an informed citizenry with a knowledge of the significant opinions about currently important issues. Concomitant with the public's need for ideas and opinions about controversial issues is the need for the people to be assured of the availability of all the significant opinions about the vital issues. Availability in this sense means that the holder of an opinion has a way to communicate that opinion to the public. Consequently, society has assigned the vital function of providing the public with information and opinions about public issues to the mass media, including the broadcasting media.

Theoretically, at least, for all the mass media except radio and television, the advocate of a point of view always has the opportunity to use any medium either through permission of an owner of an existing facility or by starting a new operation. However, the physical limitation in the number of channels of communication
available in the broadcasting media prohibits the unrestricted use of these media by all who desire to air their opinions. In lieu of the availability of broadcasting facilities for everyone, society has given the broadcaster the added responsibility of being fair in permitting the use of broadcasting facilities by responsible holders of opinions about public issues.

As a result, some means of assuring the public that the broadcaster actually is being fair to opinion holders is necessary. Despite the fact that the FCC is a regulatory agency charged with seeing that the broadcaster operates his station in the interest of the public, thus far the FCC has been content to issue guidelines by which it hopes its requirements will be met. The FCC has not maintained any definitive check upon whether or not the broadcasting stations of the United States have practices of policies assuring the public that a fair representation of significant opinions about controversial issues can be heard. The recent proposal requesting additional information about the treatment of controversial issues in the license application form and the renewal of license application form may serve this function.71

The broadcasters have indicated the acceptance of a duty to provide opinions about public issues and to treat the holders of those opinions fairly through the public statements of the major networks and the "Code of Good Practices" of the National Association of Broadcasters. However, the critics of broadcasting have

71 Supra, p. 14, footnote 15.
expressed beliefs that the practices and policies of broadcasters with respect to broadcasts featuring opinions about issues of importance have not fulfilled the terms of this duty satisfactorily. The few quantitative studies available in this area neither support nor contradict the beliefs of the critics, largely because the studies did not look at the total problem of the broadcasting of opinions concerning controversial issues.

Since doubt existed as to whether or not the broadcasters of the United States were providing the public with a fair representation of all significant viewpoints about controversial public issues, a descriptive study examining this problem was in order.

The sample.—The remainder of this dissertation is a report of two studies on this matter conducted by the author. The first study was conducted in 1957 and asked for information covering a four-month period from January 1, 1957, to May 1, 1957. Usable replies were received from 20.9 per cent of the stations to which questionnaires were sent. The second study was conducted in 1959. Information was asked for the seven-month period from June 1, 1959, to January 1, 1960. Usable replies were received from 21.9 per cent of the stations to which questionnaires were sent.

The reasons for conducting the second study were (1) to bring the 1957 results up to date; (2) to serve as a check on the results of the 1957 study; (3) to add information from new stations which had gone on the air in the interval; and (4) to correct, if possible, any minor deficiencies in the distributive characteristics of the 1957 sample.
Accordingly, questionnaires were designed by the author to determine the practices and policies of broadcasting stations regarding the broadcasting of opinions about controversial issues and regarding the fair treatment of all responsible viewpoints about controversial issues.\(^{72}\) The same questionnaire was used for both studies with the exception of two questions, noted in the section dealing with the questionnaire in this chapter.\(^{73}\) Copies of the questionnaires appear in Appendix C.

Questionnaires were mailed to nearly all the broadcasting stations located within the contiguous, continental limits of the United States. In view of the need for information concerning the practices of stations regarding the broadcasting of controversial issues, only those stations which had been on the air for one year or longer at the beginning of the period for which information was asked were sent questionnaires. Therefore, enough time was allowed for the station to have developed policies concerning the broadcasting of opinions about controversial issues and to become established in the social, business, and political life of the community. No attempt was made to exclude stations which had undergone a change of ownership during the period.

\(^{72}\) Because information from a number of radio and television stations was required, the questionnaires were mailed to the broadcasting stations both for the 1957 study and the 1959 study. The package mailed to each station included: a questionnaire; an addressed, stamped, return envelope; and a cover letter explaining the importance of the study and giving several definitions of terms used in the questionnaire.

\(^{73}\) [Infra, p. 86.](#)
An additional limitation regarding the selection of stations to which questionnaires were sent arbitrarily excluded certain types of FM radio stations. Because they are used primarily by school systems as teaching aids and by universities as student training devices, all ten-watt FM radio stations were excluded. Also excluded were all FM radio stations listing the same personnel and programming as an AM radio station in the same community.

With the exception, then, of those stations outside the continental limits of the United States, the ten-watt FM stations, and the FM stations duplicating AM radio station programming, all AM radio stations, FM radio stations and television stations were mailed questionnaires for both studies.

The 1957 study. On May 1, 1957, questionnaires were mailed to 470 television stations; 2,949 AM radio stations; and 65 FM radio stations by first class mail. The questionnaires were addressed to the managers of the stations. Three weeks later, on May 21, 1957, a second questionnaire was mailed to the list of executives with the exception of those stations which had replied to the first questionnaire.

There were 730 usable replies to the questionnaire, or 20.9 per cent of the stations to which questionnaires were mailed. Of the replies, 103 were from television stations and represented a return of 21.9 per cent of the questionnaires mailed to television stations.

Addresses and names of executives to whom questionnaires were sent were obtained from the Broadcasting-Telecasting Yearbook (published February 25, 1957).
stations. Twenty-three FM stations returned questionnaires, or 35.4 per cent of the questionnaires mailed to FM stations. The remaining 604 replies, representing 20.4 per cent of the questionnaires mailed to AM radio stations, were received from AM radio stations.

For purposes of analysis, the 604 AM radio stations were categorized under certain station types. Three groupings of AM radio stations were made on the basis of power: clear channel stations with a power of not less than 10,000 watts up to and including 50,000 watts; regional stations with a power of 5,000 watts at least during the daytime; and local stations which included all stations broadcasting with a power of less than 5,000 watts. Of the AM radio stations, questionnaires were returned by 28.3 per cent of the clear channel stations; 22.6 per cent of the regional stations; and 19.2 per cent of the local stations.

Thirteen returns were thrown out as being unusable. An additional three returns were marked void because they were duplicate returns from the same stations owing to the second questionnaire packages mailed.

Distributive characteristics of the 1957 television sample.

Questionnaires were returned by 24.1 per cent of the television stations in the East; 75 22.3 per cent of the television stations in the South; 76 21.9 per cent of the television stations in the

75 Eastern States, as defined by the author: Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, and West Virginia, plus the District of Columbia.

76 Southern States, as defined by the author: Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Louisiana, and Arkansas.
Midwest; and 21.4 per cent of the television stations in the West and Southwest.

There was a noticeable inequality in the returns between the very high frequency and the ultra high frequency television stations. VHF television stations returned 23.9 per cent of the questionnaires mailed to them, while only 14 per cent of the UHF television stations returned questionnaires. VHF stations which should have dominated the returns by a four-to-one ratio actually dominated by a seven-to-one ratio in 1957.

Non-commercial educational television stations also returned a greater percentage of questionnaires than were expected. As a result, educational television stations which should have made up only 4.3 per cent of the television returns actually made up 7.8 per cent of the television sample. The commercial television stations made up the other 92.2 per cent of the television returns. Only one of the commercial television stations was not affiliated with a major television network.

Distributive characteristics of the 1957 radio station sample. Of the questionnaires mailed out to AM radio stations, 3.1 per cent went to clear channel stations; 20 per cent to regional stations; and 76.9 per cent to local stations. Of the AM radio

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77 Middle Western States, as defined by the author: Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Missouri, and Iowa.

78 Western and Southwestern States, as defined by the author: Idaho, Wyoming, Montana, Washington, Colorado, Nevada, Oregon, Texas, California, Arizona, New Mexico, and Oklahoma.
stations returning questionnaires in 1957, 4.3 per cent were clear channel stations; 21.7 per cent were regional stations; and 74 per cent were local stations.

According to operating hours, 41.2 per cent of the AM radio stations to which questionnaires were mailed were daytime only stations. Daytime stations made up 37.6 per cent of the AM radio station returns.

According to geographic location, questionnaires were returned by 23.7 per cent of the AM radio stations in the East; 16.8 per cent of the AM radio stations in the South; 26.3 per cent of the Middle Western AM radio stations; and 17.6 per cent of the AM radio stations in the Southwest and West. While differences existed, no one area completely dominated the AM radio sample.

An important factor for AM radio stations was affiliation with a major network. This characteristic apparently had an effect on both the quantity of time devoted to controversial issues and policies related to fairness. Questionnaires were returned by 21.3 per cent of the regional stations with network affiliations; 24.8 per cent of the independent regional stations; 18.6 per cent of local stations with network affiliations; and exactly 20 per cent of the independent local stations. Since only 26 clear channel stations returned questionnaires, no breakdown according to network affiliation was made within this category.

The AM radio sample included 1.3 per cent non-commercial and educational AM radio stations.
There were only 23 questionnaires returned from the 65 FM radio stations which were mailed questionnaires. The FM radio station returns showed the greatest bias according to location. FM radio stations from the East and West-Southwest areas returned over 40 per cent of the questionnaires mailed to FM stations in those areas.

While some lack of evenness in the distribution of returns was apparent, generally, the 1957 survey had an adequate representation of the various types of radio and television stations. However, the potential effect of the lack of perfect distribution of returns for the 1957 study was one of the reasons for conducting a second survey in 1959.

The 1959 study. Accordingly, the questionnaire package with a new cover letter was mailed to the stations on January 15, 1960. However, instead of for a four-month period, the 1959 study asked for information about practices for the seven-month period from June 1, 1959, to January 1, 1960.

Stations to which the questionnaires were mailed had to have been on the air on or before June 1, 1958, and within the contiguous continental limits of the United States. Ten-watt FM stations and FM radio stations duplicating AM radio stations were again omitted from the mailing list.

A second questionnaire package was mailed on February 15, 1960, to those stations which had not replied during the intervening

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month. There was one important difference from 1957. Whereas in 1957 the questionnaires were sent to a specific individual by first class mail, in 1959 the questionnaires were sent by second class mail to the manager of the station by title, not by name. There was little difference between the two methods in the efficiency in fathering returns.

Questionnaires were sent to 519 television stations; 3,166 AM radio stations; and 201 FM radio stations. Usable replies were received from 852 stations; this represented a 21.9 per cent return of the questionnaires mailed to the stations. Seventeen returned questionnaires were thrown out as unusable. Duplicate returns received from five stations were removed from the sample, too.

Of the 852 usable returns, 134 were from television stations, 652 from AM radio stations, and 66 from FM radio stations.

Distributive characteristics of the 1959 television sample. In terms of the geographic location of the stations, the replies of television stations to the 1959 questionnaire showed an uneven pattern. Television stations located in the Eastern portion of the United States returned 31 per cent of the questionnaires mailed to television stations located in the East. Questionnaires were returned by 19.5 per cent of the television stations located in the Southern states. Television stations from Midwestern states returned 30.9 per cent of the questionnaires sent to them; and Western and Southwestern television stations returned 22.7 per cent of the questionnaires mailed to that group of stations.
However, the distributive characteristics for very high frequency and ultra high frequency television stations were much better in 1959 than in 1957. VHF television stations returned 26.1 per cent of their questionnaires; and 20.1 per cent of the UHF television stations returned their questionnaires. As a result, 86.5 per cent of the television portion of the sample were VHF stations and 13.5 per cent were UHF television stations. Perfect distribution for the television returns would have been 85.8 per cent VHF and 14.2 per cent UHF.

Of the television stations mailed questionnaires, 6 per cent were educational and 94 per cent were commercial stations. The returns for television contained 8.9 per cent non-commercial, educational television stations and 91.1 per cent commercial television stations.

Two of the commercial stations indicated they were not affiliated with a major network.

While the distribution of returns according to the geographic location of the station indicated more bias in 1959 than in 1957, other distributive characteristics of the television returns showed less bias in 1959.

**Distributive characteristics of the 1959 radio sample.** According to types of stations, the questionnaires were mailed to 2.8 per cent clear-channel AM radio stations; 21.3 per cent regional AM radio stations; and 75.9 per cent local AM radio stations. The AM radio station returns were distributed as follows: clear channel
stations, 4.3 per cent; regional stations, 23.7 per cent; and local stations, 72 per cent.

According to the geographic locations of the stations, questionnaires were returned by 27 per cent of the Eastern AM radio stations; 25.4 per cent of the Midwestern AM radio stations; and 19.2 per cent of the Southwestern and Western AM radio stations. AM radio stations located in the South returned only 15.8 per cent of the questionnaires mailed to them in 1959. In 1957, Southern AM stations returned 16.8 per cent of the questionnaires.

As far as the proportion of daytime to full-time stations is concerned, the distribution of the 652 AM radio stations remained about the same for both studies. Of the questionnaires sent to AM radio stations, 44.7 per cent were mailed to stations operating only during the daytime. The AM radio portion of the sample included 39.6 per cent of the AM radio stations operating as daytime stations.

The percentage of AM radio stations reporting affiliation with a major network was much lower in 1959 than in 1957. As a result, independent stations made up a greater proportion of the AM radio station replies. However, there was no major difference in either category in the percentages of stations which returned questionnaires. Questionnaires were returned by 19.7 per cent of the local independent AM radio stations; 19.1 per cent of the network-affiliated local stations; 23.2 per cent of the independent regional stations; and 22.8 per cent of the regional stations affiliated with major networks.
Better than 30 per cent of the questionnaires mailed to FM radio stations in each area were returned.

The percentage of returns for each of the studies was not overly high. This probably was due to the area of investigation, broadcasts featuring controversial issues, since many respondents might have found the questions difficult to answer without embarrassment. The samples for the two studies seemed to reinforce each other in that where one sample indicated a lack of proportionate representation according to a given means of categorizing the stations, the other sample indicated the returns to be closer to an even distribution of stations. Generally, the two samples may be considered to be acceptable.

The problem now is whether or not the information given by the respondents in the returned questionnaires was qualitatively acceptable and was representative of the actual policies and practices of broadcasting stations regarding broadcasts of opinions about controversial issues. Between 87 and 88 per cent of the replies for both studies were filled out by executives from the upper two levels of management and roughly 80 per cent of the questionnaires were filled out by top management executives or owners. Since the responses to the questionnaires were primarily from owners and from the higher levels of management, then it can be presumed that the returned questionnaires contain the official policy of the stations and reports of the actual practices as represented by the policy maker.
However, it is entirely probable that, despite their apparent acceptability, the studies were biased. In short, a station actively engaged in broadcasting viewpoints about controversial issues would be more likely to return a questionnaire than one not engaged in this activity. On the assumption that this possibility of bias existed throughout the areas of investigation for both surveys, the figures reported for both the 1957 and 1959 studies are probably biased: they favor stations devoting a greater quantity of time to the carrying of opinions about controversial subjects and supporting fairness in granting the use of broadcasting facilities to holders of opinions. The general similarity of the responses to the two questionnaires indicates that whatever bias existed was consistent.

The questionnaires.—The questionnaires for the studies included two types of questions. The questions which requested information about the practices of the broadcaster during a given period were "open end" questions. The questions which asked for information about the policies of the broadcaster regarding the carrying of a fair representation of opinions about controversial issues permitted the respondent to indicate his answer by placing a check mark next to the appropriate answer.

The following definitions were used in the questionnaire and are also used in this report:

(a) A **controversial issue** is a topic about which contrary opinions are held and which vitally affects the public either economically, politically, or socially. This survey does **NOT** include political broadcasts by candidates or speeches made in behalf of candidates for public office.
(b) A presentation of a controversial issue is a general term representing all airings of controversial issues regardless of program form.

(c) A discussion of a controversial issue is the presentation of two or more sides or opinions on the same program.

(d) A one-sided presentation is the airing of one side of a controversial issue on a single program. Even when balance is maintained by giving the opposing viewpoint a separate program, each program represents a one-sided presentation.

One of the questions asking for information regarding practices asked for the quantity of time devoted to both network and locally originated programs featuring presentations of controversial issues. This question also asked how much of the time devoted to broadcasts featuring points of view about public issues was sponsored. Respondents were requested to indicate the amounts of time in each of four categories of program types. The four categories of program types were delineated according to the advertising values and confrontation values inherent in each category of program formats.

Advertising value refers to the ability of the program (1) to notify other opinion holders that here is a vehicle by which support may be organized and (2) to notify the audience that here is a place where opinions about controversial issues may be heard. In advertising, one way to increase content effectiveness, especially when using the broadcast media, is by repetition. Repetition has its place in advertising content because the receiving audience has been conditioned to respond to repeated phrasings.

80 See cover letters of questionnaires, Appendix C.
this concept into the purview of the broadcasting of opinions about controversial issues is done in two ways: by broadcasting opinions about a given issue several times; and, more importantly, by the regularity of the program offering. Thus, a regular program featuring controversial issues would have a high advertising value, while a single program offered on a one time basis would have a low advertising value.

Confrontation, or face-to-face discussion or debate, according to Walter Lippmann, results from the value of the dialectic method in a democracy, and is based on

... an obligation involved in the right to speak freely ... is the obligation to subject the utterance to criticism and debate ... Freedom of speech is conceived as a means to a confrontation of opinion—as in an open "forum" or "debate" in which there is immediate challenge, reply, cross examination, and rebuttal.

This view was also taken by Chester and Garrison, in Television and Radio, where they wrote:

The methods of discussion and debate are uniquely the tools of democracy because they invite and require direct confrontation of advocates and an open clash of views. It is the element of confrontation that gives substance to the process of opinion making in a democracy—confrontation around a cracker barrel, in a court room, on the floor of Congress, before a radio microphone, or in front of television cameras.


82 Ibid., pp. 98-9.

If both sides or all sides to a given controversy appear on the same program, opportunity is present for maximum confrontation values. Assuming the speakers to have been fairly selected, the program automatically fits the definitions given by Lippmann and Chester and Garrison. Non-confrontation occurs when only one side of the issue is presented to the public.

By combining the concepts of advertising values (regularly-scheduled or single, one-time programs) with confrontation values (two-sided or one-sided programs), four categories of program types result: regularly scheduled, two-sided programs with high advertising value and high confrontation value; single, two-sided programs with lower advertising value but the same high confrontation value as regular, two-sided programs; regularly scheduled, one-sided programs with a potentially high advertising value but a low confrontation value; and single, one-sided programs with generally low advertising value and no confrontation values.

The results of the studies concerning the quantity of time devoted to each of the types of programs and the incidence of sponsorship for each of the types appear in Chapter VI.

In view of the high advertising value and high confrontation value, the quantity of time devoted to one of the four above named categories of programs must be assumed to have a superior ability to provide a fair representation of opinions about controversial issues. The category of "regularly scheduled programs featuring two-sided discussion" was singled out by the author for further investigation. Additional information was secured about the carrying
of regularly scheduled, network originated programs featuring two-sided discussion of controversial issues by affiliated stations of the major networks by asking for the program titles of each of the programs carried by the station in this category.

In addition to the titles of each program and the number of programs scheduled, information was requested of all the stations concerning the type of program, the length, the days on which the program was aired, and the incidence of sponsorship of locally originated, regularly scheduled, two-sided discussions. The results of the surveys concerning network and locally-originated, two-sided presentations of opinions about controversial issues appear in Chapter VII.

The broadcasters were requested to indicate the three issues of greatest local importance and whether or not the station had granted air time to any of the opinions surrounding the issue. The question was asked for both studies. It may be argued that asking the broadcasters which issues are the important issues in a community does not necessarily reveal the really important issues. However, the broadcasting station licensee exercises final responsibility and authority for the programming of his station including the selection of the public issues about which time is to be granted to holders of opinions about those issues. Thus, the broadcaster's decision on which issues are important automatically makes these issues really important in terms of which opinion holders will be permitted to use the facilities of the station.
In addition to indicating the three issues of greatest local importance during survey periods, the broadcasters were asked to indicate whether or not any part of the issue was discussed over the air on that station. Unfortunately, no information was collected on how many holders of different opinions were granted air time for each of the issues.

A request for information about which issues the broadcaster considered to be "too hot to handle" was asked in the 1957 study only. The question was not repeated in 1959 owing to the lack of replies in 1957. However, the few answers received were indicative of the types of issues about which holders of opinions might not be permitted to voice their beliefs over the air.

One issue about which the broadcasters might not wish to permit anyone to express an opinion is the questioning of the validity of religious beliefs. Accordingly, a question was formed generalizing the situation set forth by the Scott atheist opinions given by the FCC in 1946 and 1949. The question did not use either Scott's name or the term "atheist." The question, which appeared in both questionnaires, was worded: "Would you provide time—either on a free or paid basis—for a program attacking the validity of all religions?"

An important aspect of the carrying of significant opinions about important issues is the problem of who selects the issues about which speakers are to be granted air time and who selects the

84 Supra, p. 24, footnote 34.
speakers to offer opinions on those issues. While the responsibility and the authority for the control of programs is clearly fixed upon the licensee of a broadcasting station, there is no legal prohibition against the delegation of this authority as long as the final responsibility rests in the hands of the licensee.

Where this outside control of selection of issues and speakers occurs, a situation is created whereby those in control are potentially in a position to exert influence on the outcome of the conflict of opinions about any given issue. For both the questions "Who usually selects the issues?" and "Who usually selects the speakers?" respondents were given five choices: the station, the sponsor, a listener council, a special outside agency, or the sides of the issue.

The results of the surveys on questions related to issues of local importance and who controls the selection of speakers and opinions of issues to be aired appear in Chapter VIII.

The second provision of the broadcaster's obligation regarding controversial issues, the observation of the principle of fairness toward opposing opinions about controversial issues, may be summed up in one word, balance. The basic policy question pertaining to balance applies equally to both two-sided and one-sided presentations of opinions about controversial issues. That basic question is whether or not the station licensee and his executive officers feel an obligation to insure a balance of opinions of any issue featured by the station.
For two-sided presentations of opinions, balance must be defined as including three elements: confrontation, adequate representation of views, and adequate opportunity for each side to fully express their opinion. The heart of the problem of balance in two-sided presentations lies in the type of format used since different program types used for two-sided presentations permit different people to express opinions (1) with different degrees of confrontation, (2) with different possibilities for adequate representation of pertinent viewpoints, and (3) with different opportunities to express the viewpoints. Generally, there are three groups of individuals who may be selected to present opinions on a two-sided presentation: community leaders and spokesmen for pressure groups; reporters, interviewers, and commentators; and the public or man-on-the-street. Basically, the problem is one of analyzing who is permitted to voice an opinion for each type of format with how much confrontation involved and with how much opportunity to express the opinion fully. However, additional information can be drawn from the data collected on the popularity of certain types of formats used for regularly scheduled, locally originated, two-sided programs.

Several critics have expressed concern over the amount of control sponsors are permitted over two-sided presentations. Accordingly, a question designed to reveal the attitude of the broadcaster toward permitting the sponsor to have veto power over issue and speaker selection for two-sided discussion of controversial
issues was included.\textsuperscript{85} The results of the two studies on balance or fairness for two-sided presentation of opinion about public issues are reported in Chapter IX.

The problems of maintaining balance for two-sided presentations, while important, certainly must take a back seat to the problems of fair treatment of conflicting views with respect to one-sided presentations. The basic question of whether or not the broadcasters feel a duty to insure the airing of both sides of an issue becomes all important in the various situations surrounding one-sided presentations of controversial issues. In addition, there are two important types of one-sided presentations: (1) one-sided presentations by individuals or spokesmen for groups other than the licensee or his employees and (2) one-sided presentations by the licensee himself. For purposes of clarity, individuals or representatives of groups other than the licensee are referred to as non-broadcasters. Editorializing is defined as a licensee expressing an opinion over his own station. The two types involve different problems of maintaining balance.

Many non-broadcasters who desire to use the facilities of the station to express their opinions do not wish face-to-face confrontation with their opponents. This desire leads to requests for time for a one-sided presentation. Some confrontation is still possible by giving each side a separate program. This form of indirect confrontation may be used to accommodate opinion holders who cannot agree on an agenda or who would prefer not to freely debate

\textsuperscript{85}See question 7 of questionnaire, Appendix C.
the issues. Because of the problems of maintaining a balance of opinions in such cases is an important facet of station policy regarding the broadcasting of controversial issues, a question appeared in both questionnaires covering this matter. The question was: "Would you arrange for two, one-sided presentations, each side getting one complete program, if one side preferred to make a presentation which did not involve a free debate of the issue?"

The refusal of one side to appear in any sort of debate results in non-confrontation. The question pertinent to maintaining a balance of opinions is whether or not the remaining side or sides should be allowed to go on the air. Assuming the issue is worthy of air time in the first place, the FCC guidepost, indicated by the WWJ "issues of a strike situation," is that a station has an obligation to air the remaining side if the issue was important enough to air in the first place. A question was presented to determine the broadcaster's policy regarding this kind of non-confrontation.

For non-broadcasters using one-sided presentations, two situations exist pertaining to the use of formats and fairness to both sides of an issue. One of the situations concerns the use of a format for airing opinions about controversial issues when the broadcaster did not intend the time to be used for expressions of opinions. Accordingly, a question in both the 1957 and the 1959

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86 Supra, p. 19, footnote 25.
87 See question 9 of questionnaire, Appendix C.
questionnaires asked: "Would you permit a speaker to present his opinions about local controversial issues on a program for which time has been donated or sold for a purpose other than the presentation of controversy or the presentation of news?"

The second situation involves the use of program formats for one-sided presentations when such format contains built-in emotional qualities such as in a drama or a variety program or when the format is one which has been accepted by the public as being available for two-sided presentations. To obtain answers to the question of whether or not certain formats would be permitted to be used for one-sided presentations, a negatively phrased question was asked as follows: "Listed below are some program forms. Would you check those forms on which you would NOT allow a completely one-sided presentation of a controversial issue: dramas, variety programs, newscasts, panel discussions, commentary, quiz shows, panel interviews, religious programs, and interview programs." The question was designed on the presumption that if the respondent did not check any particular form, the use of that program format would be permitted for a one-sided presentation.

Possibly one of the most important areas related to balance and one-sided presentations by non-broadcasters is sponsorship policy. The primary question, of course, is whether or not the

88 For example, a panel discussion in which all of the panelists actually were on the same side and which, therefore, came to a complete agreement about the problem by the end of the program might be considered a deceitful use of the format, since the audience has become accustomed to having panel discussion formats genuinely representing opposing viewpoints.
station will permit sponsorship of a one-sided presentation. And if the station will permit sponsorship of a one-sided presentation, will the station permit a local organization to sponsor its own presentation. Both situations stem from the WHKC incident, in which the FCC established the principle that a "fair and non-discriminatory policy concerning the sale of time for controversial issues presentations includes both free and commercial time" and that a local organization should have the right to buy time to present opinions on controversial issues. Questions were included in the questionnaire covering both aspects of this problem mentioned above.

Another problem concerning sponsorship of one-sided presentations by non-broadcasters is the sale of time for the presentation of one side of an issue when such time does not represent program time but spot announcement time. If the sale of spot announcements used to outline the position of one side of a controversial issue is permitted by the station, substantial questions relative to fairness are raised, particularly about the use of an accepted commercial form in a society accustomed to acceptance of commercial messages. Accordingly, a question was asked concerning the policy of stations about the sale of spot announcements for one-sided presentations of opinions about public issues.

89 In re: United Broadcasting Company, 10 FCC 515 (1945).
90 See questions 5 and 11 of questionnaires, Appendix C.
91 See question 8 of questionnaires, Appendix C.
Chapter X contains the results of the surveys with respect to balance and one-sided presentations by non-broadcasters.

A special problem in the treatment of one-sided presentations is that of editorializing because the station's prestige as well as the general prestige of the radio and television media for unbiased reporting is behind the words. Obviously, the possibility exists that the licensee might use his broadcasting facilities for out and out propaganda purposes, not for the public interest. The need for a counter-balancing policy to take care of this possibility is obvious in terms of both democratic theory and the FCC guideposts concerning editorializing.

The elemental question, of course, is whether or not the station permits editorializing. Despite the revocation of the Mayflower decision and the constant urging by the Commissioners of the FCC for stations to avail themselves of this right, the Broadcasting Yearbook studies for 1958, 1959, and 1960 indicate that only three of every ten stations have availed themselves of this right. In view of the fact that no information concerning the broadcaster's exercise of this right was available for two years between 1951 and 1957, the date of the first survey made by the author of this dissertation, the following question was asked: "Does your station take a direct editorial stand on important local or national

92 Supra, p. 57, Fig. 2.

controversial issues (a) More or less regularly? (b) In exceptional cases? (c) Never—under any circumstances?"

The use of the terms "more or less regularly" and "in exceptional cases" in the above question do not reflect the degree of precision preferred by the author. However, observation of several stations which did editorialize convinced the author that relatively few licensees editorialized at specific regular intervals. Most licensees who editorialized did so as the issues became prominent. The conclusion was reached that the best way to obtain the information desired was through the use of less precise terms.

Since the question quoted above asked the frequency of editorializing on both local and national issues, a second question was asked about editorializing on local issues only.94

With these two questions on editorializing in mind, the problem of the policies of broadcasters on "seeking out" opposing opinions when the station editorializes becomes paramount. The general obligation for balance or fairness could be fulfilled simply by waiting for the holders of the opposing opinion to apply for time to answer the editorial and then permitting them air time. However, whether realistic or not, the FCC's guidepost indicates that a station has an obligation to "seek out" or find opposition when that station editorializes.95 For both studies, the following question was asked: "Would you feel an obligation to find someone to present

94 See question 6 of questionnaires, Appendix C.
95 Supra, p. 21, footnote 30.
the opposing opinion, if the station took to the air in support of
one side of a local controversial issue?"

The results of the survey questions regarding editorializing
appear in Chapter XI.

An interlocking question was included in the questionnaire
concerning the relationship of "balance" to the role of sponsorship
when the facilities were used by a broadcasting employee not speak-
ing for the licensee. A hypothetical situation was developed in
which a sponsored commentator had presented a highly partisan
opinion on a local issue. Since the duty of a commentator is to
express opinion about events of importance including controversial
issues, and since the station has the general obligation to insure
that fairness and balance are observed, the respondent was asked
if he would feel an obligation to provide free time for reply to
this sponsored commentator.96

Limitations of the questionnaire.—The questionnaire has
certain limitations. While none of the limitations are serious
drawbacks, a brief discussion of the limitations is nevertheless
necessary to the understanding of the results. One limitation was
the arbitrary exclusion of all but one question pertaining to the
use of news programs and commentary programs for presentations of
opinions about controversial issues. A great deal of opinion about
issues of major importance is given the public through news and
commentary programs. Another limitation was a result of the

96See question 1 of questionnaires, Appendix C.
necessity for a questionnaire permitting quick perception of problems and convenient completion. This created a problem with certain answers to policy questions when stations indicated they would permit a certain action but would do so only with qualifications. No information regarding the precise nature of the qualifications imposed by the broadcaster was obtained. While not of great importance to an overall view of the policies and practices of broadcasting stations concerning the broadcasting of opinions about controversial issues, additional information about these qualifications would nevertheless have added to the report. As already indicated in this chapter, certain questions should have been asked and were not.

Earlier, it was indicated that a question had been dropped from the 1957 questionnaire when the study was repeated in 1959. That question was on the issues of local importance which a station would not handle. A second question was dropped from the 1957 study in 1959 because of insufficient returns. This question asked for information on the written or unwritten policies of the station, concerning the broadcasting of opinions on controversial issues. The response was so small that the question was dropped. (Fewer than twenty-five stations sent copies of policies, and of these some were from network owned and operated stations, so they reflected network policies, and some included only information on news or advertising policies).

Although the questionnaires had certain limitations, none was sufficiently detrimental to reduce the worthwhileness of the studies.
CHAPTER VI

THE CARRYING OF OPINIONS ON CONTROVERSIAL ISSUES

In order to meet his obligation to society to provide a fair representation of opinions about controversial issues, the broadcaster must first be willing to permit the use of his facilities by holders of opinions about those issues. There is ample evidence that a substantial percentage of broadcasting stations have not accepted in practice the obligation to carry opinions on controversial issues. In fact, a substantial percentage of the stations replying to the questionnaire not only did not carry any opinions about controversial issues during the periods of the studies but also volunteered the information that the stations had policies which did not permit the station to be used for this purpose.

Table 1, page 89, shows the percentages for stations in the sample\(^7\) which gave air time to holders of opinions about controversial issues and the percentages for stations which did not permit the use of the station for opinions on controversial issues during the four-month period from January 1 to May 1, 1957, and the seven-month period from June 1, 1959, to January 1, 1960. The stations that failed to broadcast any opinions on public issues

\(^7\)Hereafter the use of the terms stations, broadcasters and the like refers to those stations replying to the questionnaires.
TABLE 1
INCIDENCE OF CARRYING OPINIONS ON CONTROVERSIAL ISSUES BY
BROADCASTING STATIONS

The percentages of stations, by types of stations, which
carried or did not carry opinions on public issues,
for the periods January 1, 1957, to May 1, 1957
and June 1, 1959, to January 1, 1960*

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>FM</td>
<td>TV Radio</td>
<td>Ind. Net</td>
<td>Ind. Net</td>
</tr>
<tr>
<td>1957</td>
<td>(103) (23)</td>
<td>(26) (53)</td>
<td>(77) (312)</td>
</tr>
<tr>
<td>1959</td>
<td>(134) (66)</td>
<td>(26) (86)</td>
<td>(69) (353)</td>
</tr>
</tbody>
</table>

Carried opinions:
1957 85.4% 8.7% 92.3% 69.8% 81.8% 68.0% 76.6% 72.6%
1959 87.2 40.9 82.1 71.1 87.0 65.1 79.4 71.9

Did not carry opinions:
A. Policies against
1957 1.0 65.1 3.8 22.7 2.6 5.4 3.7 7.3
1959 4.5 34.8 -- 5.7 4.3 5.1 2.5 6.7
B. No policy against
1957 13.6 25.2 3.8 7.5 15.6 26.6 19.7 20.1
1959 8.3 24.3 17.9 23.2 8.7 29.8 18.1 21.4

* The table includes information on the carrying of both net-
work and locally originated programs featuring opinions about contro-
versial issues exclusive of news and commentary.

** Clear refers to clear channel AM radio stations broadcasting
with a power of not less than 10,000 watts; Reg. Ind. means regional,
independent or non-network affiliated stations authorized to broadcast
a power of 5,000 watts; Reg. Net means a regional station affiliated
with a network; Loc. Ind. refers to stations broadcasting with less
than 5,000 watts power on the AM band and not affiliated with a major
network; Loc. Net means a local station as defined above but affiliated
with a major radio network.

These abbreviations are constant for all tables where needed.
during these periods have been separated into two groups. The first group includes those stations that not only did not carry any opinions during the periods for which information was sought and also volunteered the information that the station had a policy against permitting the use of its facilities for discussions of controversial issues. The second group includes those stations which reported they had not carried any controversial issues during the periods of the study but did not state that the station had a policy against broadcasting opinions.

Since no specific information was requested concerning whether or not the station had a policy against carrying opinions on controversial issues, the volunteered information was something of a surprise—not in that such policies existed, but in that the stations would release the information. In 1957, 7.3 per cent of the stations indicated they not only did not carry opinions concerning controversial issues but had policies against the carrying of opinions on controversial issues; in 1959, 6.7 per cent of the stations volunteered that they had such a policy.

Slightly over 20 per cent of the stations in 1957 and 21.4 per cent of the stations in 1959 reported they failed to carry any opinions about issues of major importance during the designated periods. There is considerable possibility many of the stations that indicated they had failed to carry any opinions on controversial issues during the survey periods also had policies against carrying broadcasts featuring such opinions but did not volunteer that information.
According to type of station, independent stations reported a higher percentage of stations that failed to carry any points of view during the two periods. Both radio and television stations with network affiliations were more likely to carry opinions on controversial issues than were independent stations, but even the network affiliated stations reported substantial percentages of stations that failed to carry any opinions about controversial matters during either of the periods.

A clear pattern emerged from both surveys concerning the geographic location of the stations with policies against carrying such viewpoints. For both studies, nearly four of every ten stations with such policies were from the Western and Southwestern portions of the United States. Eastern stations reported fewest stations with policies prohibiting broadcasts featuring opinions on controversial issues.

Stations located in the East also had the lowest percentage of any geographic category for stations that failed to carry at least one opinion about a controversial public issue for both studies. In both surveys, stations from the South had the highest percentage of stations which failed to broadcast any opinions about public issues at all. For each study, over one-third of the broadcasting stations which failed to carry any opinions on important issues and which did not volunteer a policy against the broadcasting of opinions on issues were from the South.

Approximately 72 per cent of the stations for both study periods carried at least one opinion about a controversial issue at
least once during either the four-month period in 1957 or the
seven-month period in 1959.

The most significant result from Table 1, page 89, was the
remarkable similarity of the percentages for the two studies despite
(1) the difference in the length of the periods for which infor-
mation was requested, (2) the different times of year covered, (3)
the inclusion of more stations in the 1959 sample, and (4) the dif-
fences in response patterns within the various types of stations.
The only type of station showing a major change between 1957 and
1959 was the FM stations, where the increase in the percentage of
stations carrying broadcasts on which an opinion was expressed rose
from 8.7 per cent of the stations in 1957 to 40.9 per cent in 1959.

Surprisingly, there were no significant differences in the
percentage of daytime radio stations compared with full-time radio
stations with respect to whether or not opinions about major issues
were broadcasted during the survey periods. Equally surprising,
there was no indication that the location of stations in markets of
different sizes had any bearing on whether or not a station carried
broadcasts of the type under consideration.

To recapitulate briefly, (1) nearly three of every ten
stations in both studies did not permit the use of their facilities
by holders of opinions on controversial issues; (2) nearly a fourth
of these, between 6.7 per cent and 7.3 per cent of the stations,
did not permit the use of their facilities because the station had
a policy against broadcasting such opinions; (3) the remaining seven
of every ten stations reported carrying such opinions during the
two periods; (4) radio and television stations affiliated with major networks reported a higher percentage of stations carrying broadcasts of such opinions than independent stations.

The quantity of time devoted to carrying opinions on issues.--
For the approximately 72 per cent of the stations which did carry opinions on controversial issues, the next question was how much time did these stations devote to programs featuring such opinions. There is general agreement that stations should devote an adequate quantity of time to programs featuring opinions on controversial issues. However, no one has ever stated a specific standard, either in hours and minutes or as a percentage of the broadcast schedule, by which to determine the quantity of time a station should devote to such programs. The FCC stated that an adequate quantity of time should be devoted to broadcasts featuring discussions of issues of public importance but failed to state what an adequate quantity of time amounted to, and not one of the critics has stated what he felt would be an adequate amount of air time for a station to give to this type of broadcast.

In fact, about the only attention given to this matter, other than the study by Mr. Isaacson, has been a series of studies sponsored by the National Association of Educational Broadcasters, which monitored the broadcasts of television stations in the major

\[98\text{FCC memorandum, "Public Service Responsibilities of Broadcast Licensees," 1946, p. 40.}\]

\[99\text{Supra, p. 51, footnote 64.}\]
markets of New York, Chicago, and Los Angeles. These studies reported the percentage of the total broadcasting schedule devoted to various program types, usually for a one-week period. Among the program types included in the reports was public issues. For five of the studies in the series, the average amount of time devoted to broadcasts of public issues was 1.5 per cent of the total amount of time for all stations monitored. This percentage of the broadcast schedule was identical with that stated for public issues in the report by Professor Dallas W. Smythe, in 1956 on Canadian radio and television broadcasting stations and slightly higher than the 1.3 per cent reported by James A. Brown, S. J., in June, 1960, for Los Angeles, California.

There is no reason to assume that 1.5 per cent of the broadcasting schedule devoted to controversial issues is any better or any poorer than any other percentage. But the fact that this represents an average for nearly ten years for television stations in our largest cities lends some strength to the use of this per-

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101Dallas W. Smythe, "Canadian Television and South Programs," December, 1956, Ottawa, Canada: Royal Commission of Broadcasting.

102James A. Brown, S. J., "Inventory of Television Programming in Los Angeles, April 30-May 6, 1960" (unpublished term paper project report; University of Southern California).
percentage as a working standard. At any rate, such a working standard does provide a means of comparing stations across the country with the large metropolitan television stations. Any metropolitan television stations have assumed a considerable degree of leadership in the industry if for no other reasons than their location, their gross billings, the size of the market in which they are located, and because they include network owned and operated stations, network affiliated stations, and leading independent stations.

On the basis of 1.5 per cent of the broadcast schedule being devoted to the presentation of opinions on controversial issues (exclusive of news and commentary broadcasts), daytime stations would be expected to devote approximately 75 minutes per week to broadcasting opinions on controversial issues. On that same basis, full-time radio and television stations could be expected to carry about 115 minutes of such opinions during an average week. The average for the stations which carried opinions on issues should be approximately 95 minutes per week.

Of the approximately 72 per cent of the stations which reported devoting some air time to at least one opinion on an issue, a wide range in both studies in the amount of time given to these broadcasts was noted. This range extended from the reporting of a single five-minute program to the reporting of slightly over 450 hours (or 15 hours per week) during the entire period of the 1959 study. Several stations devoted more than ten hours per week to programs of this nature. The average amount of time per week devoted to broadcasts of opinions on issues was 70 minutes per week in
1957 and 73 minutes per week in 1959. These amounts of time apply only to those stations that reported the carrying of at least one opinion on an issue; the 28 per cent of the stations that failed to carry any opinions on controversial issues were not included.

An important part of the 73 minutes per week devoted to broadcasting opinions on controversial issues was the amount of time devoted by many stations to telephone discussion programs. Nearly all the radio stations that reported quantities of time in excess of one hour per week did so because of the heavy use of this format. If the amount of time devoted to this format is excluded, the average amount of time spent per week on opinion programs by the stations that reported granting such air time to holders of opinions was 43 minutes per station in 1957 and 43 minutes, 6 seconds in 1959.

Even when the amount of time given to the telephone discussion format is included, the average quantity of time per station devoted to broadcasts of opinions on controversial issues amounted to about 1.1 per cent of the broadcasting schedule for those stations which gave air time to holders of opinions on issues. And, in 1959, 13 per cent of all stations equaled or exceeded 1.1 per cent of their weekly schedule for both network and local originations of such programs. No particularly significant characteristics distinguished the stations which equaled or exceeded 1.1 per cent of the station's weekly schedule. The stations were nearly proportionately represented according to geographical areas, station type, daytime versus full-time operation, and size of market. For
both studies, there was a slightly higher percentage of network
affiliated stations among the stations which equaled or exceeded
1.1 per cent of the weekly schedule devoted to broadcasts of opinions
on controversial issues.

However, those stations which reported above 1.5 per cent
of the broadcast schedule given to broadcasting opinions were pri-
marily regional and local commercial AM radio stations without net-
work affiliations. Slightly over 9 per cent of all stations equaled
or exceeded 1.5 per cent of the weekly broadcasting schedule. There
were minor, insignificant differences according to geographic lo-
cation of the station, size of market, and hours of operation.
Those stations with the greatest quantity of time per week, stations
devoting ten or more hours per week to broadcasts of opinions on
controversial issues, were primarily local, commercial, full-time
AM radio stations.

The quantity of time devoted by stations to certain types
of programs featuring opinions on controversial issues also serves
to indicate the methods by which the broadcaster meets his obli-
gation to carry opinions on issues and to treat the responsible
opposing points of view fairly. The quantity thus far referred to
reflects the amounts of time devoted to network originations and
local originations, regularly scheduled and single programs, and
two-sided and one-sided presentations. Obviously, some types of
formats within these classifications are better able to meet the
duty to treat both sides of an issue fairly. These formats can be
grouped together according to certain characteristics, particularly
according to the ability of the program to provide different degrees of confrontation and according to the ability of these programs to provide different degrees of advertising value.

The confrontation values of a discussion program are determined chiefly by whether or not the time granted is for two-sided or one-sided presentations. Advertising values are determined chiefly by the regularity of presentation of the program; a regular program has greater notification value to opinion holders and audience alike than a one-time program. If, as previously held, the dialectical method is a superior means of sifting truth from error in a democracy, then the need for the confrontation of opinions on programs on controversial issues probably is greater than the need for advertising values. Certainly, the insuring of fairness to both sides of an issue can be accomplished without a regular program.

Naturally, where confrontation and advertising value can be joined together, a re-inforcing effect is possible and the obligation to carry controversy while observing the principles of fairness is better met. The easiest, safest means of meeting this obligation is the devoting of quantities of time to regular program series featuring two-sided discussion. Since confrontation probably is slightly more important than advertising values, a quantity of time devoted to one-time only programs featuring two-sided discussion ranks next in degree of importance with respect to meeting this duty.

103 Supra, p. 73.
A step below this, with high advertising value but no confrontation value, would be the same quantity of time devoted to a regular program series featuring one-sided presentation. Last, of course, would be a quantity of time devoted to a program with no advertising value and with no confrontation value—a special one-time, one-sided presentation of opinion about a controversial issue.

Table 2, page 100, gives the percentages for stations which devoted specified amounts of time per week to each of the four categories developed above. The quantities of time of (1) none, (2) 30 minutes or less per week, (3) from 31 to 59 minutes per week, and (4) 60 minutes and over per week were used because they reflected normal program time conventions. The table includes both network and locally originated programs featuring presentations of opinions.

Earlier, the use of the telephone discussion format and the amount of time devoted to this format was discussed. In Table 2, the telephone interview format was included as a part of the regularly scheduled, two-sided presentations.

As Table 2 indicates, there were practically no major differences in the results of the two surveys. The significant shifts were (1) the increase in the percentage of AM stations devoting one hour or more per week to the increased popularity of the telephone discussion format among AM radio stations; (2) the decline in the number of television stations devoting one hour or more per week to regular program series of two-sided discussion; (3) the increase in television stations not carrying any hours of regularly scheduled,
## TABLE 2

### QUANTITY OF TIME DEVOTED TO OPINIONS ON CONTROVERSIAL ISSUES
BY BROADCASTING STATIONS

The percentages of stations devoting no time, 30 minutes or less, 31 to 60 minutes, and 60 minutes or over per week to both network and locally originated programs in each of four categories for the periods January 1 to May 1, 1957, and June 1, 1959, to January 1, 1960

<table>
<thead>
<tr>
<th>Average Quantities of Time Per Week</th>
<th>Television 1957 1959</th>
<th>AM Radio 1957 1959</th>
<th>AM-FM-TV 1957 1959</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of Stations</td>
<td>(103) (134)</td>
<td>(604) (652)</td>
<td>(730) (852)</td>
</tr>
<tr>
<td>Regular two-sided series</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Do not carry</td>
<td>1.4% 4.5%</td>
<td>6.3% 4.5%</td>
<td>7.3% 6.7%</td>
</tr>
<tr>
<td>** Did not carry</td>
<td>13.6 28.3</td>
<td>21.1 23.9</td>
<td>20.1 21.4</td>
</tr>
<tr>
<td>None, this category</td>
<td>23.2 28.3</td>
<td>40.7 34.5</td>
<td>35.2 31.2</td>
</tr>
<tr>
<td>30 minutes or less</td>
<td>30.1 30.6</td>
<td>16.9 16.0</td>
<td>18.9 19.6</td>
</tr>
<tr>
<td>31-59 minutes</td>
<td>11.5 18.6</td>
<td>6.5 7.2</td>
<td>7.2 6.8</td>
</tr>
<tr>
<td>60 minutes or over</td>
<td>20.2 8.9</td>
<td>9.8 13.8</td>
<td>11.3 12.3</td>
</tr>
<tr>
<td>Total</td>
<td>100.0 100.0</td>
<td>100.0 100.0</td>
<td>100.0 100.0</td>
</tr>
<tr>
<td>Single program-two-sided</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Do not carry</td>
<td>1.4% 4.5%</td>
<td>6.3% 4.5%</td>
<td>7.3% 6.7%</td>
</tr>
<tr>
<td>** Did not carry</td>
<td>13.6 9.3</td>
<td>21.1 23.9</td>
<td>20.1 21.4</td>
</tr>
<tr>
<td>None, this category</td>
<td>54.4 30.7</td>
<td>45.5 40.6</td>
<td>45.0 38.4</td>
</tr>
<tr>
<td>30 minutes or less</td>
<td>28.7 48.5</td>
<td>26.9 27.6</td>
<td>26.4 30.0</td>
</tr>
<tr>
<td>31-59 minutes</td>
<td>1.9</td>
<td>7.2</td>
<td>7.2 6.8</td>
</tr>
<tr>
<td>60 minutes or over</td>
<td>1.0</td>
<td>7.2</td>
<td>7.2 6.8</td>
</tr>
<tr>
<td>Total</td>
<td>100.0 100.0</td>
<td>100.0 100.0</td>
<td>100.0 100.0</td>
</tr>
<tr>
<td>Regular one-sided series</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Do not carry</td>
<td>1.4% 4.5%</td>
<td>6.3% 4.5%</td>
<td>7.3% 6.7%</td>
</tr>
<tr>
<td>** Did not carry</td>
<td>13.6 8.3</td>
<td>21.1 23.9</td>
<td>20.1 21.4</td>
</tr>
<tr>
<td>None, this category</td>
<td>66.3 67.7</td>
<td>59.0 56.9</td>
<td>58.1 59.8</td>
</tr>
<tr>
<td>30 minutes or less</td>
<td>12.6 12.5</td>
<td>9.4 8.4</td>
<td>9.4 9.2</td>
</tr>
<tr>
<td>31-59 minutes</td>
<td>4.2 3.0</td>
<td>3.0 2.0</td>
<td>3.4 2.1</td>
</tr>
<tr>
<td>60 minutes or over</td>
<td>1.0 1.5</td>
<td>1.4 2.3</td>
<td>1.2 2.0</td>
</tr>
<tr>
<td>Total</td>
<td>100.0 100.0</td>
<td>100.0 100.0</td>
<td>100.0 100.0</td>
</tr>
<tr>
<td>Special one time, one-side</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Do not carry</td>
<td>1.4% 4.5%</td>
<td>6.3% 4.5%</td>
<td>7.3% 6.7%</td>
</tr>
<tr>
<td>** Did not carry</td>
<td>13.6 8.3</td>
<td>21.1 23.9</td>
<td>20.1 21.4</td>
</tr>
<tr>
<td>None, this category</td>
<td>63.5 69.6</td>
<td>59.0 56.9</td>
<td>58.1 59.8</td>
</tr>
<tr>
<td>30 minutes or less</td>
<td>17.1 20.6</td>
<td>21.4 18.6</td>
<td>20.9 18.6</td>
</tr>
<tr>
<td>31-59 minutes</td>
<td>1.0</td>
<td>-</td>
<td>0.3 1.1</td>
</tr>
<tr>
<td>60 minutes or over</td>
<td>1.0</td>
<td>-</td>
<td>0.3 1.1</td>
</tr>
<tr>
<td>Total</td>
<td>100.0 100.0</td>
<td>100.0 100.0</td>
<td>100.0 100.0</td>
</tr>
</tbody>
</table>

* Stations with policies against carrying broadcasts of opinions on controversial issues.

** Stations which failed to carry any programs featuring opinions concerning public issues.
two-sided discussion; and (4) the increase in the use of single program series featuring two-sided discussion by television station. The last three probably were due to the availability of sports programs on Sunday afternoons during the 1959 survey period.

Two-sided discussion formats, especially regularly scheduled, two-sided presentations, were by far the most popular, yet 31.2 per cent of the stations carrying programs featuring controversial opinions did not carry a regularly scheduled, two-sided discussion program in 1959. In 1959, of the approximately 40 per cent which did use regularly scheduled, two-sided discussion as a means of meeting the duty to provide a fair representation of opposing opinions nearly half, 19.6 per cent, devoted thirty minutes or less per week to programs of this type.

The only other category utilized by as many as 25 per cent of the stations was the single program featuring two-sided discussion.

Between 20 to 23 per cent of the stations reported the use of special one-time, one-sided presentations during both the 1957 and 1959 survey periods. Major users of single or one-time, one-sided presentations for both studies were regional and local network-affiliated radio stations.

Geographically, the responses from stations for the 1959 study tended to follow the same pattern they did in 1957 except in the South and Midwest. Southern stations generally reported less quantity per station in 1959 than in 1957; and the Midwestern stations reported a slightly greater amount of time per station in
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1959 than in 1957. Eastern stations had the highest percentage of stations carrying opinions on controversial issues and they also had the highest average of quantity of time per station. In the East, the regularly scheduled, two-sided program was most popular, followed closely by the single program featuring two-sided discussion. Fewer than 15 per cent of the stations located in the East used one-sided programs, either regularly or as special, one-time-only programs. In the South, the two-sided categories were the most popular, but there was less use of two-sided presentations than in the East. Possibly because the demands of opinion holders for air time on certain issues might cause problems if a program were regularly scheduled, Southern stations indicated an increased use of single, two-sided programs. Midwestern stations indicated a surprisingly high use of one-sided programs. In 1959, 16 per cent of the Midwestern stations reported carrying regularly scheduled, one-sided programs. Ten per cent of the Midwestern stations averaged up to 30 minutes per week of regularly scheduled, one-sided programs, while the remaining 6 per cent averaged more than 30 minutes per week of regular one-sided presentations exclusive of news or commentary. Even so, the two-sided program categories, particularly regularly scheduled, two-sided programs, were most popular in the Midwest. Stations in the Southwest and West reported a lower percentage of stations carrying controversy in every category except one-time, one-sided presentations.

To summarize, (1) some stations devoted proportionately large amounts of time to opinions on controversial issues; (2) the
most popular form was two-sided discussion, particularly regularly scheduled programs, although only 40 per cent of the stations used this form; (3) in 1959, only 12 per cent of the stations devoted an average of one hour or more per week to regularly scheduled, two-sided broadcasts; (4) while formats offering high confrontation values were most popular, a sizeable percentage of stations reported using one-sided presentation forms (other than news and commentary) at least once, but few stations reported large quantities of time devoted to one-sided presentations; (5) those stations which used one-sided forms regularly and in quantity were centered in the Midwest; (6) one-time, one-sided presentations were used by more stations in the West and Southwest than any other geographic area; (7) for those stations carrying programs dealing with controversial issues, the average amount of time given per station per week to all broadcasts featuring opinions on controversial issues was 70 minutes in 1957 and 73 minutes in 1959; (8) if the telephone discussion format is removed from consideration, the 1957 figures for each station are reduced to 43 minutes and the 1959 figures are reduced to 43 minutes, 6 seconds; (9) furthermore, the figures include some stations which programmed up to and including 15 hours per week of opinions on issues usually because they used the telephone discussion format.

Sponsorship and the quantity of time devoted to carrying opinions on issues.—The use of the telephone discussion format had other effects. Not only was a great deal of the quantity of the time devoted by certain stations a result of the use of this type
of program, but a great deal of the amount of sponsored time was also a direct result of the heavy use of this format.

The specific role of the sponsor in broadcasting is that of a bill payer, and programs featuring holders of opinions on controversial issues require bill payers on many stations. Despite the possibility that he who pays the piper may call the tune, many stations cannot afford to carry such broadcasts in any significant quantity without sponsorship. This was especially true of the nearly 35 per cent of the AM radio stations which reported net losses for 1958 and 1959\textsuperscript{104} and the 25 per cent of the television stations which reported net losses for 1959\textsuperscript{105} The need for a bill payer for any type of program for these stations is obvious. In addition, a fairly substantial percentage of stations were just barely in the black. These stations probably were also in need of sponsorship for any program, including those featuring opinions on controversial issues.

The effect of the profit-loss situation is partially apparent in Table 3, page 105. The percentage of stations which reported some quantity of time devoted to sponsored programs featuring two-sided presentations of controversial issues decreased slightly in 1959. The percentage of stations reporting 60 minutes or more per week of sponsored time for regular, two-sided program series tripled in 1959. The heavy use of telephone discussion

\textsuperscript{104}News story in \textit{Broadcasting Magazine}, October 24, 1960, p. 109.

\textsuperscript{105}News story in \textit{Broadcasting Magazine}, September 5, 1960, p. 60.
### TABLE 3
QUANTITY OF SPONSORED TIME DEVOTED TO OPINIONS ON CONTROVERSIAL ISSUES BY BROADCASTING STATIONS

The percentages of stations devoting no time, 30 minutes or less, 31 to 59 minutes, and 60 minutes or over per week to sponsored network and locally originated programs in each of four categories for the periods January 1 to May 1, 1957, and June 1, 1959, to January 1, 1960

<table>
<thead>
<tr>
<th>Average Quantities of Sponsored Time Per Week</th>
<th>Television 1957</th>
<th>1959</th>
<th>AM Radio 1957</th>
<th>1959</th>
<th>AM-PM-TV 1957</th>
<th>1959</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>No. of Stations</strong></td>
<td>(103)</td>
<td>(134)</td>
<td>(604)</td>
<td>(652)</td>
<td>(730)</td>
<td>(852)</td>
</tr>
<tr>
<td><strong>Regular two-sided series</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Do not carry</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Did not carry</strong></td>
<td>1.4%</td>
<td>4.5%</td>
<td>6.1%</td>
<td>4.5%</td>
<td>7.3%</td>
<td>6.7%</td>
</tr>
<tr>
<td>• None, this category</td>
<td>13.6</td>
<td>8.3%</td>
<td>21.1</td>
<td>23.9</td>
<td>20.1</td>
<td>21.4</td>
</tr>
<tr>
<td>• 30 minutes or less</td>
<td>5.7%</td>
<td>3.0%</td>
<td>5.5%</td>
<td>2.8%</td>
<td>5.8%</td>
<td>2.8%</td>
</tr>
<tr>
<td>• 31-59 minutes</td>
<td>1.9%</td>
<td>1.4%</td>
<td>1.9%</td>
<td>1.4%</td>
<td>1.9%</td>
<td>2.2%</td>
</tr>
<tr>
<td>• 60 minutes or over</td>
<td>3.0%</td>
<td>3.0%</td>
<td>2.3%</td>
<td>7.6%</td>
<td>4.9%</td>
<td>6.0%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
</tr>
<tr>
<td><strong>Single program—two-sided</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Do not carry</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Did not carry</strong></td>
<td>1.4%</td>
<td>4.5%</td>
<td>6.1%</td>
<td>4.5%</td>
<td>7.3%</td>
<td>6.7%</td>
</tr>
<tr>
<td>• None, this category</td>
<td>13.6</td>
<td>8.3%</td>
<td>21.1</td>
<td>23.9</td>
<td>20.1</td>
<td>21.4</td>
</tr>
<tr>
<td>• 30 minutes or less</td>
<td>5.7%</td>
<td>3.0%</td>
<td>5.5%</td>
<td>2.8%</td>
<td>5.8%</td>
<td>2.8%</td>
</tr>
<tr>
<td>• 31-59 minutes</td>
<td>1.9%</td>
<td>1.4%</td>
<td>1.9%</td>
<td>1.4%</td>
<td>1.9%</td>
<td>2.2%</td>
</tr>
<tr>
<td>• 60 minutes or over</td>
<td>3.0%</td>
<td>3.0%</td>
<td>2.3%</td>
<td>7.6%</td>
<td>4.9%</td>
<td>6.0%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
</tr>
<tr>
<td><strong>Regular one-sided series</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Do not carry</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Did not carry</strong></td>
<td>1.4%</td>
<td>4.5%</td>
<td>6.1%</td>
<td>4.5%</td>
<td>7.3%</td>
<td>6.7%</td>
</tr>
<tr>
<td>• None, this category</td>
<td>13.6</td>
<td>8.3%</td>
<td>21.1</td>
<td>23.9</td>
<td>20.1</td>
<td>21.4</td>
</tr>
<tr>
<td>• 30 minutes or less</td>
<td>5.7%</td>
<td>3.0%</td>
<td>5.5%</td>
<td>2.8%</td>
<td>5.8%</td>
<td>2.8%</td>
</tr>
<tr>
<td>• 31-59 minutes</td>
<td>1.9%</td>
<td>1.4%</td>
<td>1.9%</td>
<td>1.4%</td>
<td>1.9%</td>
<td>2.2%</td>
</tr>
<tr>
<td>• 60 minutes or over</td>
<td>3.0%</td>
<td>3.0%</td>
<td>2.3%</td>
<td>7.6%</td>
<td>4.9%</td>
<td>6.0%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
</tr>
<tr>
<td><strong>Special one-time, one-side</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Do not carry</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Did not carry</strong></td>
<td>1.4%</td>
<td>4.5%</td>
<td>6.1%</td>
<td>4.5%</td>
<td>7.3%</td>
<td>6.7%</td>
</tr>
<tr>
<td>• None, this category</td>
<td>13.6</td>
<td>8.3%</td>
<td>21.1</td>
<td>23.9</td>
<td>20.1</td>
<td>21.4</td>
</tr>
<tr>
<td>• 30 minutes or less</td>
<td>5.7%</td>
<td>3.0%</td>
<td>5.5%</td>
<td>2.8%</td>
<td>5.8%</td>
<td>2.8%</td>
</tr>
<tr>
<td>• 31-59 minutes</td>
<td>1.9%</td>
<td>1.4%</td>
<td>1.9%</td>
<td>1.4%</td>
<td>1.9%</td>
<td>2.2%</td>
</tr>
<tr>
<td>• 60 minutes or over</td>
<td>3.0%</td>
<td>3.0%</td>
<td>2.3%</td>
<td>7.6%</td>
<td>4.9%</td>
<td>6.0%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

* Stations with policies against carrying broadcasts of opinions on controversial issues.

** Stations which failed to carry any programs featuring opinions concerning public issues.
programs by AM radio stations accounts for most of this increase. Television stations also reported substantial increases in the percentages of stations which reported sponsored programs in both categories of two-sided presentations, although these, generally, were not attributable to the use of telephone discussions. For both AM radio stations and television stations, the increases in the percentages of stations which reported sponsored programs in the two-sided presentation categories were evenly distributed across the country.

In 1959, there was a decrease in the percentages of stations reporting sponsored programs of both regularly scheduled and special, one-time, one-sided presentations.

Sponsorship of programs of opinions on controversial issues will play an even more important role in the future as a result of the FCC memorandum of July 29, 1960. Despite the concern of the critics of the media about the effect of sponsorship, the FCC clearly indicated in that memorandum that sponsored public service programs would count just as heavily as sustaining public service programs for license renewal. Since the statement also indicated the FCC now feels sponsorship permits better public service programs, the effect of the memorandum will be to stimulate additional sponsorship of public service programs including those featuring opinions about issues of public importance.

Summary. — 1. Approximately 7 per cent of the stations replying to the questionnaires for both the 1957 and 1959 studies volunteered the information that they had policies against carrying opinions on controversial issues.

2. An additional 20 to 21 per cent of the stations for both studies failed to carry any opinions on controversial issues during the periods January 1 to May 1, 1957, and June 1, 1957, to January 1, 1960. How many of these stations also had policies against permitting the use of the station's facilities by holders of such opinions but did not volunteer the information was not determined.

3. Approximately 72 per cent of the stations responding to the questionnaires broadcasted at least one program of opinion on controversial issue during each of the periods of the studies. These stations devoted an average of 1.1 per cent of their weekly broadcasting schedule to such programs. This amounted to 73 minutes per week per station in 1959 and represents an increase of three minutes per station over 1957.

4. However, 13 per cent of the stations equaled or exceeded 73 minutes per week.

5. Nine per cent of the stations reported devoting an average of 95 minutes or more per week to programs of the type under consideration. This group was composed primarily of full time, local, commercial AM radio stations.

6. The stations devoting 1.5 per cent of the broadcasting schedule or 95 minutes per week or more did so largely because of
the use of telephone discussion programs. In fact, if the telephone discussion programs were removed from consideration, the average amount of time per week per station to opinions on issues would be reduced to 43 minutes in 1957 and 43 minutes, 6 seconds in 1959. Practically all stations reporting in excess of 10 hours per week used this format extensively.

7. The use of telephone discussions also resulted in an increase in the percentages of stations reporting over one hour per week of sponsored programs. This accounts for the increase in sponsorship of two-sided presentations in 1959 over 1957.

8. No explanation is offered for the decrease in sponsorship of one-sided presentations.

9. For both studies, more stations reported using two-sided presentations than one-sided presentations, and the stations generally devoted more time to two-sided presentations than one-sided presentations.

10. Regularly scheduled, two-sided discussions were used by more stations than any other type of program formats. This type of program was used by 37.4 per cent of the stations in 1957 and 40.7 per cent of the stations in 1959; for both studies, approximately half the stations devoted less than 30 minutes per week to broadcasts of opinions on controversial issues. A further investigation of this type of program formats will be carried out in Chapter VII.

11. One-time or single, two-sided presentations were the next most popular type of program formats. These types were used
by 33.5 per cent of the stations in 1959, an increase of about 5 per cent over 1957. The increase was due almost entirely to the larger number of television stations reporting the use of the category.

12. One-sided presentations as a regular series of programs were not as popular with the stations as one-time, one-sided presentations. For both studies, less than 15 per cent of the stations reported regular, one-sided presentations, and less than 23 per cent of the stations reported one-time, one-sided presentations.
CHAPTER VII

TWO-SIDED, REGULARLY SCHEDULED DISCUSSIONS OF OPINIONS ON CONTROVERSIAL ISSUES

Regularly scheduled, two-sided programs were singled out for further investigation because these program formats: (a) have a superior degree of importance owing to their high confrontation and high advertising values; (b) were most frequently used by the stations for both study periods; (c) were most frequently used by stations reporting greater quantities of time devoted to carrying opinions on controversial issues; and (d) were most frequently used by stations reporting substantial quantities of sponsored time for opinions on controversial issues.

The information given previously about this category included the amount of time and the quantity of sponsored time for both network and local originations of regularly scheduled, two-sided presentations. The additional investigation of the category will look first at network originated, regularly scheduled, two-sided presentations and then at locally originated programs.

Network originated, regularly scheduled, two-sided presentations. — Theoretically, network programs of discussions of controversial issues are a major source of information on national issues for the entire nation. Because of their prestige, the major
networks are able to obtain highly qualified representatives of conflicting opinions for network programs. Generally, the major networks have been careful to program an adequate amount of time devoted to issues of national importance and, in doing so, have been fair to the both sides of the issues. However, because a network makes a program of this nature available does not mean the affiliated stations of that network will carry the program. The study of the "Civil Liberties Educational Foundation," previously quoted, is an excellent demonstration of the failure of network affiliated stations to carry regularly scheduled, two-sided discussion programs.

The failure of affiliates to carry network originated programs of this type can create a vicious cycle. If the affiliates do not carry the programs, the networks must certainly conclude that they are wasting valuable time and money. At this point the network officers may decide not to offer these programs. For example, in replying to the questionnaire for the 1957 study, the affiliated stations of the four major radio networks reported a total of sixteen different network program titles among the network programs carried by the stations featuring two-sided discussions. In 1959, the radio affiliates of these same networks named only six program titles, at least two of which were offered by the television networks, too. There were 227 AM radio stations affiliated with the four major networks in the 1957 sample. Among them these

107 Supra, pp. 52-4, footnote 65.
227 stations reported carrying a total of 168 network-originated, regularly scheduled, two-sided discussion programs. The sample for the 1959 study included 202 AM radio stations affiliated with the networks; they reported carrying only 101 network originated programs featuring regularly scheduled, two-sided discussions.

As can be seen from Table 4, page 113, 58.5 per cent of the network affiliated radio stations failed to carry a single network program of a two-sided discussion on a regularly scheduled basis in 1957, and 64.4 per cent of the stations did not carry any network originated programs of this type in 1959. Of the various types of AM radio stations affiliated with a major network, the clear channel radio stations reported more network programs per station and had the lowest percentage of stations which did not carry any network program of a two-sided discussion. For both studies, the clear channel stations affiliated with a network reported slightly less than half of them had carried no programs of the two-sided discussions regularly offered by the network. Of the regional AM radio stations affiliated with a network in 1957, 57.1 per cent reported carrying no network programs of this type. However, of the regional network affiliated stations, 18.2 per cent carried one network program; 10.4 per cent carried two programs; 9.1 per cent carried three programs; and 5.2 per cent carried four programs. In 1959, of the regional AM radio stations affiliated with a major network, 59.5 per cent carried no network programs of regularly scheduled, two-sided discussions of key issues; 23.2 per cent carried one program; 10.1 per cent carried two programs;
TABLE 4
PERCENTAGES OF NETWORK AFFILIATED STATIONS CARRYING NONE, ONE, TWO, THREE, OR FOUR NETWORK ORIGINATED PROGRAMS OF REGULARLY SCHEDULED, TWO-SIDED DISCUSSION OF CONTROVERSIAL ISSUES FOR THE PERIODS JANUARY 1, 1957, TO MAY 1, 1957, AND JUNE 1, 1959, TO JANUARY 1, 1960

<table>
<thead>
<tr>
<th>Number of Network Programs Per Station</th>
<th>Television 1957</th>
<th>Television 1959</th>
<th>AM Radio* 1957</th>
<th>AM Radio* 1959</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of affiliated stations</td>
<td>(93)</td>
<td>(122)</td>
<td>(227)</td>
<td>(202)</td>
</tr>
<tr>
<td>None**</td>
<td>43.0%</td>
<td>57.4%</td>
<td>56.5%</td>
<td>64.4%</td>
</tr>
<tr>
<td>One</td>
<td>22.6</td>
<td>25.7</td>
<td>21.1</td>
<td>22.3</td>
</tr>
<tr>
<td>Two</td>
<td>20.4</td>
<td>9.0</td>
<td>11.1</td>
<td>7.4</td>
</tr>
<tr>
<td>Three</td>
<td>9.7</td>
<td>2.5</td>
<td>6.2</td>
<td>5.9</td>
</tr>
<tr>
<td>Four</td>
<td>4.3</td>
<td>5.4</td>
<td>3.1</td>
<td>---</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

*Includes all AM network affiliates including clear channel, regional and local stations. In 1957, there were 14 clear channel stations, 77 regional and 136 local stations. In 1959, there were 17 clear channel, 69 regional and 116 local stations. No FM radio stations reported network affiliation with a major network in either survey.

**None** includes the stations in each category which failed to carry any opinions about controversial issues either by virtue of a policy against such programs or because they simply did not carry any programs of this nature; and the stations which carried at least one opinion on an issue but not on a program of this type.
and 7.2 per cent carried three programs. No station carried four programs of this type offered by the networks. In 1959, of the local, network affiliated stations, 61.8 per cent carried no network programs of regularly offered, two-sided discussions of controversial issues; 22.1 per cent carried one program; 11.7 per cent carried two programs; 2.9 per cent carried three network programs; and 1.5 per cent carried four programs. By 1959, the local network affiliated stations reported 69.9 per cent of the stations carried no network programs; 18.9 per cent carried one network program; 6.9 per cent carried two network programs; and 4.3 per cent of the stations carried three network programs. Nearly all of the AM radio stations which reported carrying two or more network programs were affiliated with the same major radio network.

Concerning the carrying of network programs of two-sided expressions of opinions on controversial issues by network affiliates, the television record for both study periods was slightly better than the AM radio station record. In 1957, the 93 television stations in the sample which were affiliated with major networks reported carrying a total of 96 network programs with 16 different program titles. The 122 television network affiliates replying to the questionnaire in 1959 reported carrying a total of 71 programs with 14 different program titles. While there was no major decrease in the number of programs available, there was a rather severe drop in the number of programs reported being carried by the affiliates.
Network produced, panel interview programs, such as "Face
the Nation" and "Meet the Press," represented slightly over 60 per
cent of the network programs of two-sided discussions reported by
both radio and television network affiliated stations in 1959.
Formats featuring opinions about world events and issues by network
employed correspondents and reporters sitting as a panel also were
popular formats with the radio and television network affiliated
stations. Approximately 25 per cent of the television stations and
13 per cent of the radio stations scheduling network programs car-
rried programs of this type in 1959. Actually, about the same number
of stations were carrying both of these types in 1957, however,
stations broadcasting panel discussion programs in 1957 either had
stopped carrying them or no longer had an opportunity to carry them
by virtue of the network having dropped them from the schedule.

According to their geographic locations, stations in the
East and Midwest reported the highest percentage of stations car-
rrying some network programs, while stations in the South and the
West-Southwest reported the highest percentage of stations carrying
no network program featuring two-sided discussions. Of the Southern
television stations affiliated with networks, 81 per cent did not
report carrying even one regularly scheduled, two-sided program
during the seven-month period in 1959. Of the Southern radio
stations affiliated with a network, 70 per cent did not report
carrying a single network program in this category during the seven-
month period in 1959. Incidentally, in 1957, Southern stations
also reported the highest percentage of radio and television network
affiliated stations which did not carry at least one network originated, two-sided discussion program.

In short, the use of local station facilities by holders of opinions on controversial issues through network originated, two-sided discussion programs appears to be a problem area if the broadcaster's obligation to provide a fair representation of all significant opinions is to be met satisfactorily. Certainly, a part of that duty is the providing of opinions on national issues. At least for the affiliated stations of the major television networks, the programs were available even though they did not carry these programs as frequently as they might have. For radio stations, the failure of the affiliated stations to carry the network programs resulted in a major cut in the network programming schedule with respect to regularly scheduled, two-sided programs. The programs most frequently removed from the schedule were panel discussions.

Locally originated, regularly scheduled, two-sided programs.—Table 2, page 100,\(^\text{108}\) indicates that a higher percentage of stations were carrying more than 30 minutes per week of regularly scheduled, two-sided discussions in 1959 than in 1957. This table refers to both network and locally originated programs. Since the carrying of network originated, regularly scheduled, two-sided discussion programs by both television and radio network affiliated stations was considerably less in 1959 than in 1957, the increase must be due to locally originated programs. Table 5, page 117, indicates

\(^{108}\) Cf. ante, p.100.
TABLE 5

PERCENTAGES OF STATIONS CARRYING NONE, ONE, TWO, THREE, OR FOUR OR MORE LOCALLY ORIGINATED, REGULARLY SCHEDULED PROGRAMS FEATURING TWO-SIDED DISCUSSION FOR THE PERIODS JANUARY 1, 1957, TO MAY 1, 1957, AND JUNE 1, 1959, TO JANUARY 1, 1960

<table>
<thead>
<tr>
<th>Number of Programs Per Station</th>
<th>Television 1957</th>
<th>Television 1959</th>
<th>AM Radio 1957</th>
<th>AM Radio 1959</th>
<th>FM Radio 1957**</th>
<th>FM Radio 1959</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Stations</td>
<td>(103)</td>
<td>(134)</td>
<td>(604)</td>
<td>(652)</td>
<td>(23)</td>
<td>(66)</td>
</tr>
<tr>
<td>None*</td>
<td>52.4%</td>
<td>49.3%</td>
<td>72.4%</td>
<td>68.9%</td>
<td>72.8%</td>
<td></td>
</tr>
<tr>
<td>One</td>
<td>35.0</td>
<td>30.6</td>
<td>19.4</td>
<td>21.6</td>
<td>21.2</td>
<td></td>
</tr>
<tr>
<td>Two</td>
<td>6.8</td>
<td>15.7</td>
<td>5.8</td>
<td>6.1</td>
<td>4.5</td>
<td></td>
</tr>
<tr>
<td>Three</td>
<td>5.8</td>
<td>4.4</td>
<td>1.2</td>
<td>3.4</td>
<td>1.5</td>
<td></td>
</tr>
<tr>
<td>Four or more</td>
<td>—</td>
<td>—</td>
<td>1.2</td>
<td>—</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>

*None includes those stations which failed to carry any opinions about any controversial issue and those stations which did not carry any programs of this type but carried at least one opinion about an issue in another category.

**In 1957, only one FM radio station reported carrying two locally produced, two-sided discussion programs on a regularly scheduled basis.
the percentages of stations carrying none, one, two, three, or four or more locally originated programs of two-sided discussions on a regularly scheduled basis for both 1957 and 1959.

As Table 5 indicates, there was a slight increase in the percentage of stations carrying locally originated, regularly scheduled programs featuring two-sided discussions. However, well over half of the stations did not carry a single program in this category for either study. Of course, included among the stations which carried "no" programs of locally originated, two-sided discussions were the 28 per cent of the stations which failed to carry any opinions on controversial issues.

A comparison of the results from the 1957 and 1959 studies reveals a decrease in the percentage of stations in each category carrying no programs of locally originated, regularly scheduled, two-sided presentations. Correspondingly, there was an increase in the percentages of stations carrying more than one program of this type. However, there were no stations carrying four or more programs of regularly scheduled, two-sided discussions in 1959. The most noticeable increase occurred among the FM radio stations. Only one station reported carrying this type of program in 1957; by 1959, at least one station was carrying three locally originated, regularly scheduled, two-sided programs. Twenty-seven per cent of the FM radio stations reported programming locally originated, two-sided discussions on a regular basis in 1959.

Of interest concerning the increase in the percentages of stations using locally originated, two-sided discussion programs
was the shifting patterns emerging from the replies of the AM radio stations. Table 6, page 120, shows the carrying of locally originated, regularly scheduled, two-sided programs by AM stations by types of stations. The clear channel AM radio stations carried more programs of locally produced, poly-sided presentations of opinions on controversial issues per station in both studies than the other types of AM radio stations. Those clear channel radio stations which reported the broadcasting of opinions on issues tended to carry two or three locally originated programs of this type in 1959. Even so, half of the clear channel stations in the sample did not carry a single, locally produced, two-sided discussion program on a regular basis in 1959. Regional radio stations, particularly the network-affiliated stations, also reported a trend toward having more stations producing local, two-sided discussion programs. But approximately 58 per cent of the regional AM radio stations in 1959 did not produce even one regularly scheduled program. Over 70 per cent of the local AM radio stations failed to produce a single local program on a regular basis.

The results for the independent radio stations in 1957 were generally true for these stations in 1959. Some of the radio network affiliates which were deprived of network originated, two-sided programs on a regular basis in 1959 filled the void with locally originated programs of the same type. However, not one of the categories of radio stations reported over 50 per cent of the stations in that category producing locally originated programs. In fact, only 32 per cent of all AM radio stations reported carrying
TABLE 6

PERCENTAGES OF AM RADIO STATIONS BY TYPES OF STATIONS CARRYING NONE, ONE, TWO, THREE, FOUR OR MORE LOCALLY ORIGINATED, REGULARLY SCHEDULED, TWO-SIDED DISCUSSION PROGRAMS FOR THE PERIODS JANUARY 1, 1957, TO MAY 1, 1957, AND JUNE 1, 1959, TO JANUARY 1, 1960

<table>
<thead>
<tr>
<th>Number of Programs</th>
<th>Regional Clear</th>
<th>Independent</th>
<th>Regional Network</th>
<th>Independent</th>
<th>Local Clear</th>
<th>Network</th>
<th>Local Clear</th>
<th>Independent</th>
<th>Local Clear</th>
<th>Independent</th>
<th>Local Clear</th>
<th>Independent</th>
<th>Local Clear</th>
<th>Independent</th>
<th>Local Clear</th>
<th>Independent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Stations</td>
<td>(26) (28) (53) (86)</td>
<td>(77) (69) (312) (353) (136) (116)</td>
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</tr>
<tr>
<td>None*</td>
<td>42.3% 50.0% 66.0% 61.5%</td>
<td>66.2% 52.2%</td>
<td>75.6% 75.9% 75.7% 67.2%</td>
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<td></td>
</tr>
<tr>
<td>One</td>
<td>43.6 7.1 20.7 29.0</td>
<td>23.4 37.7</td>
<td>17.5 17.0 17.6 24.1</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Two</td>
<td>19.2 28.6 7.6 5.9</td>
<td>6.5 5.8</td>
<td>5.1 4.8 3.7 5.2</td>
<td></td>
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<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Three</td>
<td>3.9 14.3</td>
<td>3.6</td>
<td>2.6 4.3 1.5 2.3 1.5 3.5</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Four or more</td>
<td>--- --- 5.7</td>
<td>1.3</td>
<td>--- .3 --- 1.5</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>100.0 100.0 100.0 100.0</td>
<td>100.0 100.0 100.0 100.0 100.0 100.0 100.0 100.0</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

*None includes those stations with policies against carrying opinions about controversial issues and which did not carry any opinions on any issues during the survey periods as well as those who reported no programs of this type but which carried some programs of opinions about issues in another category.
regularly scheduled, two-sided discussion programs produced by the station in 1959. This represents an increase of 4 per cent over 1957. Most of the increase was due to those network affiliated stations which programmed local programs in place of the network programs carried in 1957.

However, the increase in the percentage of television stations carrying more than one locally originated program and the substitution of locally originated programs for network programs by some network affiliates were not enough to offset the decrease in the carrying of regularly scheduled, two-sided, network programs. The increase comes from two sources. First, there was a realignment of the lengths of time devoted to programs of this type. Second, there was a realignment of the days on which these programs were offered. Specifically, there was an increase in the number of locally produced daily programs at the expense of one-time-per-week programs. Both realignments indicated the broadcaster was willing to experiment with what had been established norms. In the past, broadcasts featuring two-sided discussions of issues usually appeared on Sunday afternoon and lasted for 30 minutes. By 1957, this pattern was beginning to change; and, by 1959, the shift for both the days on which the programs were aired and the shift in program length was in full swing. Tables 7 and 8, pages 122 and 123, compare the 1957 and 1959 responses by the stations regarding the lengths of programs and the days on which the locally originated, two-sided, regularly scheduled broadcasts of the discussion of key issues were scheduled.
TABLE 7
PERCENTAGES OF LOCALLY ORIGINATED, REGULARLY SCHEDULED PROGRAMS
OF TWO-SIDED DISCUSSION OF CONTROVERSIAL ISSUES OF VARIOUS
LENGTHS REPORTED FOR THE PERIODS JANUARY 1, 1957, TO
MAY 1, 1957, AND JUNE 1, 1959, TO JANUARY 1, 1960

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of Programs</td>
<td>(68)</td>
<td>(101)</td>
<td>(242)</td>
<td>(287)</td>
<td>(2)</td>
<td>(23)</td>
</tr>
<tr>
<td>5 minutes</td>
<td>---</td>
<td>---</td>
<td>3.0%</td>
<td>1.7%</td>
<td>6.3%</td>
<td>---</td>
</tr>
<tr>
<td>15 minutes</td>
<td>20.7</td>
<td>11.9</td>
<td>27.7</td>
<td>25.8</td>
<td>39.1</td>
<td></td>
</tr>
<tr>
<td>30 minutes</td>
<td>74.9</td>
<td>67.2</td>
<td>51.8</td>
<td>39.4</td>
<td>100.0</td>
<td>26.1</td>
</tr>
<tr>
<td>60 minutes</td>
<td>4.4</td>
<td>5.9</td>
<td>12.0</td>
<td>13.8</td>
<td></td>
<td>13.1</td>
</tr>
<tr>
<td>Over 60 minutes</td>
<td>---</td>
<td>2.0</td>
<td>3.3</td>
<td>7.7</td>
<td>8.7</td>
<td></td>
</tr>
<tr>
<td>Insufficient data</td>
<td>---</td>
<td>---</td>
<td>3.3</td>
<td>7.0</td>
<td></td>
<td>13.0</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>
TABLE 8
PERCENTAGES OF LOCALLY ORIGINATED, REGULARLY SCHEDULED PROGRAMS
OF TWO-SIDED DISCUSSION OF CONTROVERSIAL ISSUES SCHEDULED ON
A WEEK DAY, DAILY, SATURDAY, OR SUNDAY FOR THE PERIODS OF
JANUARY 1, 1957, TO MAY 1, 1957, AND JUNE 1, 1959, TO
JANUARY 1, 1960

<table>
<thead>
<tr>
<th>Days</th>
<th>Television</th>
<th>AM Radio</th>
<th>FM Radio</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1957</td>
<td>1959</td>
<td>1957</td>
</tr>
<tr>
<td>No. of programs</td>
<td>(68)</td>
<td>(101)</td>
<td>(242)</td>
</tr>
<tr>
<td>Week day or night</td>
<td>44.2%</td>
<td>42.7%</td>
<td>28.2%</td>
</tr>
<tr>
<td>Daily</td>
<td>----</td>
<td>12.9</td>
<td>31.0</td>
</tr>
<tr>
<td>Saturday</td>
<td>10.3</td>
<td>3.9</td>
<td>11.9</td>
</tr>
<tr>
<td>Sunday</td>
<td>45.5</td>
<td>32.7</td>
<td>28.9</td>
</tr>
<tr>
<td>Insufficient data</td>
<td>----</td>
<td>7.8</td>
<td>----</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>
Obviously, there was a trend toward longer program lengths. This was particularly true for the programs reported by the independent AM radio stations. Thus, regional, independent AM radio stations using program formats over 60 minutes in length rose from 3.1 per cent of these stations in 1957 to 9.1 per cent in 1959; local, independent radio stations showed a corresponding increase in the use of longer-than-60-minute program lengths from 3.0 per cent of the stations in 1957 to slightly above 10 per cent in 1959.

The most noticeable trend concerning the days on which programs were offered was the increase in percentage of locally originated, two-sided programs offered daily by some radio and television stations. The independent stations, particularly local, independent AM radio stations, led the way in the scheduling of daily programs. Daily programs accounted for 57.6 per cent of the program offerings of the local independent AM radio station programs in 1959, an increase of nearly 20 per cent over 1957 for this type of program on this category of station.

Daytime stations produced an interesting phenomenon, for not only was there a definite increase in the use of the daily two-sided, locally originated program but there was also a definite increase in the percentage of those programs which were offered during the morning hours—from 29.3 per cent in 1957 to 47 per cent in 1959 were offered during the hours of 8 A.M. to 12 noon. For full time AM radio stations, there was an 8 per cent increase in the percentage of daily programs offered after 10 P.M. with a
corresponding decrease in the percentages of daily programs offered at other hours.

For those programs aired on a single weekday, there was evidence that the hours between 7 and 10 P.M. were increasing in favor for all stations except, of course, daytime AM radio stations.

Little change was noted in the hours used for Saturday programs of locally originated, regularly scheduled, two-sided discussions. However, the percentage of these programs offered on Saturdays showed a marked drop.

This drop was also noted for Sunday programs of this type offered by television stations. Among regional and local AM radio network affiliated radio stations, Sunday programs showed a slight move away from afternoon hours to evening hours. Clear channel radio stations, however, still scheduled this type of program predominantly on Sunday afternoon hours and, in fact, used Sunday afternoon more in 1959 than in 1957.

The general increase in program length plus the indicated shift to daily programs resulted in a slightly higher quantity of time per station for broadcasts of opinions on public issues for 1959 than for 1957. These two factors more than made up for the loss of quantity resulting from the decline in radio network offerings of regularly scheduled, two-sided discussions and the decline in the carrying of network programs by the affiliated radio and television stations.

The pattern of the formats used for two-sided presentations and the pattern of sponsorship of these formats was definitely
related to the shifts in frequency of program offering and the lengths of two-sided, regularly scheduled, locally originated programs. Much, if not most, of the increase in both program length and use of daily formats was attributable to the increased use of telephone open-line formats.

Table 9, page 127, shows the distribution of the program formats used for two-sided, regularly scheduled, locally originated programs for 1957 and 1959 according to types of formats and types of stations. As shown in Table 9, for regularly scheduled, two-sided discussion programs of local origin, the most popular format was the panel discussion. However, 1959's results indicate there was an increasing tendency to experiment. Thus, there was a slight decline in the use of the panel discussion and a greater use of other formats, notably telephone discussions and panel interviews. Radio and television network affiliates indicated increasing tendencies to follow the network lead by using panel interviews when originating local programs featuring two-sided discussions. The independent radio stations tended to use telephone discussions.

Independent radio stations also were responsible, in great measure, for the increase in sponsored regularly scheduled, two-sided programs of local origin. In fact, in 1959, 28 per cent of all locally originated, two-sided programs which were regularly scheduled were sponsored.

Among the local independent AM radio stations, the necessity of sponsorship (if any quantity of time was to be devoted to controversial issues at all) was evidenced by the fact that 48.3 per cent
### TABLE 9
PERCENTAGES OF LOCALLY ORIGINATED, REGULARLY SCHEDULED, TWO-SIDED DISCUSSION PROGRAMS OF DIFFERENT TYPES OF FORMATS FOR PERIODS
JANUARY 1, 1957, TO MAY 1, 1957, AND JUNE 1, 1959, TO JANUARY 1, 1960

<table>
<thead>
<tr>
<th>Format Types</th>
<th>AM Radio</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1957</strong></td>
<td></td>
</tr>
<tr>
<td>No. of programs</td>
<td>(68)</td>
</tr>
<tr>
<td>Drama,Documentary</td>
<td>--%</td>
</tr>
<tr>
<td>Variety</td>
<td>--</td>
</tr>
<tr>
<td>Reporter Roundups</td>
<td>10.3</td>
</tr>
<tr>
<td>Analysis</td>
<td>7.4</td>
</tr>
<tr>
<td>Panel Discussion</td>
<td>69.1</td>
</tr>
<tr>
<td>Panel Interview</td>
<td>4.4</td>
</tr>
<tr>
<td>Studio Interview</td>
<td>8.8</td>
</tr>
<tr>
<td>Telephone</td>
<td>--</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>100.0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Format Types</th>
<th>AM Radio</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>1959</strong></td>
<td></td>
</tr>
<tr>
<td>No. of programs</td>
<td>(101)</td>
</tr>
<tr>
<td>Drama,Documentary</td>
<td>1.0%</td>
</tr>
<tr>
<td>Variety</td>
<td>1.0</td>
</tr>
<tr>
<td>Reporter Roundups</td>
<td>3.9</td>
</tr>
<tr>
<td>Analysis</td>
<td>3.9</td>
</tr>
<tr>
<td>Panel Discussion</td>
<td>71.5</td>
</tr>
<tr>
<td>Panel Interview</td>
<td>10.9</td>
</tr>
<tr>
<td>Studio Interview</td>
<td>6.8</td>
</tr>
<tr>
<td>Telephone</td>
<td>1.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>100.0</td>
</tr>
</tbody>
</table>
of all locally originated, two-sided, regularly scheduled programs were reported as sponsored in 1959. Television stations reported the lowest percentage of sponsored programs. Among the television stations in the 1959 study reporting locally produced, two-sided discussions on a regular basis, only 14.9 per cent of the programs were sponsored which is the same percentage as in 1957. Clear channel AM radio stations, which had reported the lowest percentage of sponsored programs in 1957, showed an increase from 7 per cent in 1957 to 20 per cent of the programs in this category being sponsored by 1959. Both regional AM radio station types, independent and network affiliated, reported slightly more than 20 per cent of their regularly scheduled, locally originated, two-sided programs were sponsored in 1959. Local AM radio network affiliated stations reported the percentage of two-sided, regularly scheduled, locally originated programs which were sponsored dropped slightly to 30.7 per cent in 1959.

However, one effect of sponsorship seems to have been a reduction in the use of the difficult-to-sell, panel discussion formats. In 1957, 58 per cent of all regularly scheduled, locally originated, two-sided discussion programs were panel discussions, and 16 per cent of these programs were sponsored. By 1959, 49 per cent of the two-sided, regularly scheduled, locally originated programs were panel discussions, but only 15.7 per cent of these were sponsored which was the lowest percentage for any of the formats. The only other program formats reporting less use were the commentary
programs and the reporter roundups featuring both sides. Again, a corresponding decline in the percentage of sponsored programs was noted.

For all other program formats, not only was there greater use of the format, but the percentage of sponsored programs of each type of format increased, too. The most significant increase in sponsorship of regular, two-sided program formats was shown by the telephone discussion. In 1957, only 8.3 per cent of the locally originated, regularly scheduled, two-sided programs reported were telephone discussions, and 54.9 per cent of these programs were sponsored. By 1959, 13.6 per cent of the locally originated, regularly scheduled, two-sided programs reported by the stations were telephone discussions, and 69.7 per cent of these programs were sponsored. The bulk of the sponsorship of telephone discussions was reported by local stations; 71.5 per cent of the local AM radio independents and 60.6 per cent of the local AM radio network affiliates carrying telephone discussion programs reported the programs were sponsored. Obviously, the program type is used very heavily by local independent radio stations.

From the above data an obvious conclusion must be reached. For an increasing number of stations no program of this type would, or perhaps could, be aired without commercial support. Whether or not this was an end result, a causal factor, or a by-product of the broadcasters programming practices was not determined. Certainly, the need for commercial support for broadcasts of opinions on controversial issues appeared to be true for an increasing percentage
of local AM radio stations without regard for size of market or geographic location. The shift in sponsorship to formats other than the panel discussion and commentary and news reports was indicative not only of the willingness of stations to experiment but also of the fact that these other formats were able to be sold more easily.

Summary.--1. The most popular category of program formats for the stations were the regularly scheduled, two-sided discussion programs. These programs demonstrated an increasing tendency to be locally produced.

2. Owing to a general decline in the number of this type of network programs, especially the radio network offerings, the amount of time each station devoted to network programs featuring two-sided discussion on a regularly scheduled basis decreased steadily.

3. However, the increase in 1959 in the quantity of locally originated, regularly scheduled, two-sided discussion programs seemed to be filling the gap left by the network programs, particularly in view of the increase in length and frequency of offering of these programs. But as far as reaching the public's ear on a national basis is concerned, the fact that locally produced programs were available was of little consolation.

4. Even with the increased quantity from locally produced programs, only 32 per cent of the radio stations were regularly scheduling locally produced, two-sided discussion programs in 1959.
5. This percentage would decrease considerably if the telephone discussion format were removed from the category of locally originated, regularly scheduled, two-sided discussion of controversial issues; and there is some doubt as to the efficacy of the format.

6. The surprise of the 1959 study was the great increase in the number of FM stations now programming two-sided discussions. In 1957, only two FM radio stations of the 23 returning the questionnaire reported carrying any opinions on controversial issues at all. By 1959, 27 per cent of the FM stations in the sample were carrying programs of two-sided, locally originated, regularly scheduled discussions.

7. Among the stations carrying at least one program, sponsorship became more important in 1959. This was especially true of locally produced, two-sided discussion formats, of which 28 per cent were sponsored in 1959.

8. This importance was dramatically illustrated in the case of local, independent AM radio stations where the trend toward sponsorship reached 48 per cent of two-sided, regularly scheduled programs of local origin.

9. Sponsorship or the ability of a program to appeal to sponsors had an effect upon the frequency with which program formats were named, especially among radio stations of lower power. Thus, the panel discussion format declined slightly both in popularity and incidence of sponsorship.
10. There was a direct relationship between the use of the telephone discussion format and its ability to be sold. The stations which used telephone discussions were responsible for a definite increase in the percentage of stations reporting 60 minutes or more of sponsored time each week.
CHAPTER VIII

ISSUE AND SPEAKER SELECTION

Thus far, this report has been concerned with how many stations were willing to permit the use of their facilities for the broadcasting of opinions on controversial issues and how much time the stations devoted to the broadcasting of such opinions. Whether or not an opinion holder is permitted to present his viewpoint over the air depends upon whether or not the person controlling the selection of the issue believes the issue to be important, and, further, whether or not he feels the station should devote air time to responsible viewpoints about the issue. Even when an issue is judged to be important, other factors may prevent the granting of air time for the expressions of viewpoints about it. For any specific viewpoint about the issue to gain air time, whoever controls the selection of speakers must be convinced that the viewpoint is significant and worthy of air time.

Issue and speaker selection.—Assuming that a station is willing to carry broadcasts featuring opinions about public controversial issues, a matter of primary importance is the selection of speakers and issues. The organization or individual able to control the selection of issues and speakers is in practical control of the broadcasting of opinions about controversial issues by non-
broadcasters. As a result, that organization or individual potentially controls the outcome of any conflict about the issue.

Of course, the final responsibility for the programming of the station belongs to the licensee. However, he may delegate authority to others to act in his name as long as he retains final responsibility and authority for what goes over the air from his facility. This delegation of authority is a common practice. Not only is authority over certain types of program materials granted the licensee's staff, but if the station is affiliated with a network, a considerable amount of authority for programming is given the network. And for certain other types of programming some control of the selection of program materials is granted to people outside the broadcasting industry. For example, a ministerial alliance may control the selection of religious speakers, or a school of agriculture may control the content of a broadcast to farmers.

For controversial issues normally there are five groups in whom the selection of issues and speakers might be vested: (1) the station licensee and his employees; (2) the sponsor; (3) an outside agency, such as a listener council, whose members are named by the station; (4) a special outside agency, such as a debate society or the "League of Women Voters," whose members are not named by the station, and (5) holders of opinions on controversial issues. Four of these groups may control the selection of speakers and issues for all issues. The fifth, the holders of opinions on controversial issues, can control speaker and issue selection only with respect to a specific issue or a series of related issues.
These groups have different degrees of self-interest in the selection of issues and speakers. Because of the element of self-interest, each of these groups has a different sense of obligation to observe fairness in selection of issues and speakers. True, certain factors may indirectly affect both issue and speaker selection. For example, someone may exert financial or political pressure on the station to keep a particular issue or speaker off the air. This type of influence was not considered in this report.

Theoretically, because of his obligation to operate in the public interest, the station licensee and his employees should have a high sense of obligation for fairness and a low self-interest in the outcome of a conflict of opinions regardless of the issue. If selection of issues and speakers is in the hands of the licensee and his employees, then issues should be selected fairly and the speakers should represent the best available spokesmen. The same should be true when a listener council or a special agency selects either the issues or speakers. If control of the selection of issues and speakers is directly vested in a sponsor, there is a possibility of a greater degree of self-interest and this may offset the sense of obligation for fairness to both sides of certain issues. If the selection of the issues and speakers is given to a spokesman of a point of view, a high degree of self-interest follows as a matter of course.

Tables 10 and 11 show the replies of the stations to the two questions, "Who usually selects issues?" and "Who usually selects the speakers?" Table 10, page 136, presents the figures for the
### TABLE 10

**PERCENTAGES OF STATIONS PERMITTING VARIOUS GROUPS TO SELECT THE SPEAKERS ON CONTROVERSIAL ISSUES FOR THE PERIODS JANUARY 1, 1957, TO MAY 1, 1957, AND JUNE 1, 1959, TO JANUARY 1, 1960**

<table>
<thead>
<tr>
<th>Group</th>
<th>Television 1957</th>
<th>Television 1959</th>
<th>AM Stations 1957</th>
<th>AM Stations 1959</th>
<th>AM-FM-TV Total 1957</th>
<th>AM-FM-TV Total 1959</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of stations</td>
<td>(103)</td>
<td>(134)</td>
<td>(604)</td>
<td>(652)</td>
<td>(730)</td>
<td>(852)</td>
</tr>
<tr>
<td>Station</td>
<td>38.8%</td>
<td>37.5%</td>
<td>27.2%</td>
<td>34.8%</td>
<td>28.5%</td>
<td>35.4%</td>
</tr>
<tr>
<td>Sponsor</td>
<td>1.0</td>
<td>5.3</td>
<td>4.1</td>
<td>3.0</td>
<td>3.8</td>
<td>3.0</td>
</tr>
<tr>
<td>Listener Council</td>
<td>3.9</td>
<td>.8</td>
<td>2.7</td>
<td>2.2</td>
<td>3.0</td>
<td>1.9</td>
</tr>
<tr>
<td>Special Agency</td>
<td>6.8</td>
<td>4.3</td>
<td>2.5</td>
<td>1.2</td>
<td>3.2</td>
<td>1.5</td>
</tr>
<tr>
<td>One Side</td>
<td>18.4</td>
<td>16.4</td>
<td>28.0</td>
<td>23.6</td>
<td>26.6</td>
<td>21.2</td>
</tr>
<tr>
<td>Station; Special Agency</td>
<td>2.9</td>
<td>2.9</td>
<td>1.4</td>
<td>1.7</td>
<td>1.5</td>
<td>1.7</td>
</tr>
<tr>
<td>Station; One Side</td>
<td>14.6</td>
<td>16.4</td>
<td>11.1</td>
<td>11.8</td>
<td>11.6</td>
<td>12.2</td>
</tr>
<tr>
<td>No Answer*</td>
<td>13.6</td>
<td>16.4</td>
<td>23.0</td>
<td>21.7</td>
<td>21.8</td>
<td>23.1</td>
</tr>
<tr>
<td>Totals</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

*No answers include those stations with policies against carrying opinions on controversial issues and some stations which did not carry any opinions on public issues during survey periods.*
selection of speakers. Table 11, page 138, presents the figures for the selection of issues. Respondents were permitted to check any of the five groups. Since the respondents were permitted to check more than one group, two extra categories appear in each table for stations which share control over the selection process with other groups.

The speakers were selected primarily by the station, either by itself or in conjunction with representatives of the conflicting points of view. Direct control of the selection of speakers by the sponsor was allowed on only 3.8 per cent of the stations in 1957 and 3.0 per cent of the stations in 1959. As a result, direct control of speaker selection by sponsors appears to be a minor issue. A possible exception occurred among the television stations, where there was a slight, probably insignificant, increase in sponsor control of issues and speakers. This was also true of the regional, independent AM radio stations. In response to this question, of the regional, independent, AM radio stations, 5.2 per cent reported direct control of speaker selection by sponsors in 1959—an increase over the 3.5 per cent of the stations reporting sponsor control of the selection of speakers in 1957.

Comparing the results of the study according to geographic location, the selection of speakers was centered more and more in the hands of the station for three of the four geographic areas. The fourth area, the East, showed a decrease in the percentage of stations controlling the selection of speakers. In the East, there were corresponding increases in the percentage of stations using
### TABLE 11
PERCENTAGES OF STATIONS PERMITTING VARIOUS GROUPS TO SELECT THE ISSUES ABOUT WHICH SPEAKERS WILL BE GRANTED AIR TIME FOR THE PERIODS JANUARY 1, 1957, TO MAY 1, 1957, AND JUNE 1, 1959, TO JANUARY 1, 1960

<table>
<thead>
<tr>
<th>Group</th>
<th>Television 1957</th>
<th>Television 1959</th>
<th>AM Stations 1957</th>
<th>AM Stations 1959</th>
<th>Total AM-FM-TV 1957</th>
<th>Total AM-FM-TV 1959</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of stations</td>
<td>(103)</td>
<td>(134)</td>
<td>(604)</td>
<td>(652)</td>
<td>(730)</td>
<td>(952)</td>
</tr>
<tr>
<td>Station</td>
<td>66.0%</td>
<td>62.0%</td>
<td>51.6%</td>
<td>59.2%</td>
<td>53.8%</td>
<td>58.2%</td>
</tr>
<tr>
<td>Sponsor</td>
<td>1.0</td>
<td>2.2</td>
<td>3.8</td>
<td>1.9</td>
<td>3.2</td>
<td>2.1</td>
</tr>
<tr>
<td>Listener Council</td>
<td>3.9</td>
<td>4.5</td>
<td>2.6</td>
<td>2.5</td>
<td>2.8</td>
<td>2.8</td>
</tr>
<tr>
<td>Special Agency</td>
<td>7.8</td>
<td>3.0</td>
<td>1.7</td>
<td>1.2</td>
<td>2.5</td>
<td>1.4</td>
</tr>
<tr>
<td>One Side</td>
<td>4.9</td>
<td>5.2</td>
<td>7.8</td>
<td>5.9</td>
<td>7.4</td>
<td>5.3</td>
</tr>
<tr>
<td>Station; Special Agency</td>
<td>1.0</td>
<td>4.5</td>
<td>1.3</td>
<td>1.7</td>
<td>1.3</td>
<td>2.1</td>
</tr>
<tr>
<td>Station; One Side</td>
<td>3.9</td>
<td>3.7</td>
<td>7.9</td>
<td>7.2</td>
<td>7.4</td>
<td>6.0</td>
</tr>
<tr>
<td>No Answer*</td>
<td>11.5</td>
<td>14.9</td>
<td>23.3</td>
<td>19.4</td>
<td>21.6</td>
<td>21.1</td>
</tr>
<tr>
<td>Totals</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

*No answers include stations with policies against broadcasting opinions on public issues and many of the stations which did not carry any broadcasts of expressions of points of view on controversial issues during the periods named.*
listener councils and special agencies to select the speakers. Only stations located in the West reported an increase in the percentage of stations permitting the sponsor to control speaker selection, a rise from 2.4 per cent of the stations in 1957 to 6.5 per cent in 1959.

As Table 11, page 138, shows, the selection of issues was generally in the hands of the station alone. A higher percentage of television stations reported using listener councils and special agencies than either AM or FM stations.

What little control sponsors had over the selection of issues was apparently centered primarily in regional AM radio stations, both network affiliated and independent stations. Geographically, 5 per cent of the Western stations in 1959 reported that sponsors controlled the selection of issues—an increase over the 1.8 per cent of the Western stations which permitted sponsor control of issue selection in 1957. This corresponds with the results regarding the selection of speakers, where the stations located in the West reported a higher percentage of stations on which the sponsor controlled the selection of speakers, too. As was the case with selection of speakers, all other areas reported considerably lower percentages of stations permitting control of the selection of issues by the sponsor.

The selection of issues was in the hands of the licensee or his employees on nearly two-thirds of the stations. There was no appreciable difference in pattern according to station type or geographic area except in the West, where sponsors were permitted
more control over issue selection than they were elsewhere. Sponsor control over the selection of issues was most apt to take place on regional, independent AM radio stations.

The station, by itself or in combination with representatives for conflicting points of view, was most likely to control the selection of the speaker; however, many stations permitted the representative of each point of view to control the selection of the speaker for their side, a practice which cannot be said to be injurious in any way. Again, the stations located in the West, particularly the regional, independent radio stations, were more likely to permit direct control of the selection of speakers by the sponsor, but the percentage of stations permitting it was not too great.

Which issues were felt to be important.—Since the broadcaster generally controlled the selection of issues, the next question is, which issues are considered to be important by the broadcaster? Accordingly, the stations were requested to indicate the three "hottest" issues in their communities during each of the survey periods and to indicate if any part of the issues had been granted time on the air. The request for three issues was an arbitrary judgment indicating a desire for a response based only on the important issues before the community. As indicated previously, the request for this information was asked of the broadcaster because he has the final responsibility and authority for the control of programming.

In 1957, the stations in the sample reported a total of 1,256 issues the broadcasters considered as being important in their
local communities. In the 1959 sample, the stations reported 1,670 such issues. For both studies, well over 90 per cent of the issues designated as being locally important were reported by stations which had broadcast at least one opinion on an issue during the two survey periods. The remaining issues were reported by stations which had failed to carry any opinions on controversial issues during the two periods. Obviously, even among the stations which reported they had broadcast at least one opinion about a controversial issue, not all stations reported three issues.

Subjective judgment was used to classify these issues into categories. As a result, certain errors in classification probably were made owing to a lack of familiarity with all conditions in the communities in which the responding stations were located. Generally, however, the similarity of the issues named and the frequency with which certain issues were named made such judgments relatively easy to make. Five general categories were decided upon: (1) issues referring to international problems; (2) issues pertaining to national problems, including those pertaining to the federal government; (3) issues relative to state problems, including those referring to the state government; (4) issues about local government problems; and (5) issues concerning other local problems.

The distinction between local government issues and "other local" issues was made because many of the local issues did not pertain directly to the local government. The placing of an issue in the local government category was based upon whether or not the issue was one which generally would be able to be solved by means
of a local government action, such as a city council action, a
mayor's office action, or an action which could be performed by a
local government official or which pertained to a specific function
or service of the local government. Where the issue was one which
required a vote of the population, the distinction was made accord-
ing to the effect of the issue. Those issues affecting the local
government, such as a city manager versus a mayor form of govern-
ment, were included as part of the local government issues. Those
affecting the social life of the community, such as prohibition of
liquor, Sunday store hours, or Sunday amusement hours, were placed
in the "other local issues" category even though enforcement of
the public's decision might depend upon local government officials.

As indicated above, certain errors of judgment were bound
to happen. In some cases precise placement of an issue in a cate-
gory was arbitrary. One issue which was difficult to place ac-
curately because of its all-pervading nature was the issue of
integration-segregation of Negroes. In 1957, this issue could have
been placed either as a national issue stemming from certain govern-
ment actions, or as a state issue, or as a local issue, depending
upon the specific nature of the arguments and the geographic lo-
cation of the station. The arbitrary judgment made by the author
was to include the integration issue as a national issue in both
studies.

The distribution of issues among the five categories may be
found in Table 12, page 143. As might be expected, issues pertain-
ing to local government led all other categories by a wide margin;
TABLE 12

THE FREQUENCY WITH WHICH CERTAIN TYPES OF CONTROVERSIAL ISSUES WERE REPORTED TO BE OF LOCAL IMPORTANCE BY THE STATIONS FOR THE PERIODS JANUARY 1 TO MAY 1, 1957, AND JUNE 1, 1959, TO JANUARY 1, 1960

<table>
<thead>
<tr>
<th>Categories of Issues</th>
<th>Number of Issues Reported</th>
<th>Percentage of Total Issues</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1957</td>
<td>1959</td>
</tr>
<tr>
<td>International</td>
<td>12</td>
<td>14</td>
</tr>
<tr>
<td>National</td>
<td>114</td>
<td>165</td>
</tr>
<tr>
<td>State</td>
<td>92</td>
<td>154</td>
</tr>
<tr>
<td>Local Government</td>
<td>832</td>
<td>1076</td>
</tr>
<tr>
<td>Other Local</td>
<td>206</td>
<td>261</td>
</tr>
<tr>
<td>Totals</td>
<td>1256</td>
<td>1670</td>
</tr>
</tbody>
</table>

This table does not indicate whether opinions on these issues were broadcast by the stations but only which types of issues the respondents felt were of local importance.

Issues pertaining to international problems were a poor last. The distribution of the issues according to the geographic location of the stations appears in Table 13, page 144. Table 14, page 145, shows the distribution of issues by types of stations excluding FM stations. No FM stations reported an issue in 1957. A total of 75 issues were reported in 1959 by FM stations; they included 2 international issues, 9 national issues, 7 state issues, 41 local government issues, and 16 "other local issues."

Communism, the problems with Russia, and the possibility of atomic war were the themes of practically all the international issues reported in both studies.
<table>
<thead>
<tr>
<th>Category of Issues</th>
<th>East</th>
<th>South</th>
<th>Midwest</th>
<th>West</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of Issues:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>(282)</td>
<td>(308)</td>
<td>(362)</td>
<td>(299)</td>
<td>(1256)</td>
</tr>
<tr>
<td>1959</td>
<td>(341)</td>
<td>(353)</td>
<td>(524)</td>
<td>(452)</td>
<td>(1670)</td>
</tr>
<tr>
<td>International</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>1.4%</td>
<td>--%</td>
<td>.8%</td>
<td>1.6%</td>
<td>1.0%</td>
</tr>
<tr>
<td>1959</td>
<td>1.5</td>
<td>--</td>
<td>--</td>
<td>1.9</td>
<td>.8</td>
</tr>
<tr>
<td>National</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>8.1</td>
<td>18.8</td>
<td>3.3</td>
<td>7.0</td>
<td>9.1</td>
</tr>
<tr>
<td>1959</td>
<td>8.5</td>
<td>20.4</td>
<td>5.5</td>
<td>7.8</td>
<td>9.9</td>
</tr>
<tr>
<td>State</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>11.0</td>
<td>4.9</td>
<td>3.0</td>
<td>11.7</td>
<td>7.3</td>
</tr>
<tr>
<td>1959</td>
<td>7.0</td>
<td>6.3</td>
<td>8.7</td>
<td>13.7</td>
<td>9.2</td>
</tr>
<tr>
<td>Local</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>67.8</td>
<td>60.7</td>
<td>68.9</td>
<td>66.2</td>
<td>66.2</td>
</tr>
<tr>
<td>1959</td>
<td>64.3</td>
<td>60.0</td>
<td>70.9</td>
<td>60.6</td>
<td>64.5</td>
</tr>
<tr>
<td>Other Local</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>11.7</td>
<td>15.6</td>
<td>24.0</td>
<td>16.4</td>
<td>16.4</td>
</tr>
<tr>
<td>1959</td>
<td>18.7</td>
<td>13.3</td>
<td>14.9</td>
<td>16.0</td>
<td>15.6</td>
</tr>
</tbody>
</table>

This table does not indicate whether opinions on these issues were broadcast by the stations but only which types of issues the respondents felt were of local importance.
TABLE 14
PERCENTAGES OF ISSUES OF EACH CATEGORY OF ISSUES REPORTED BY STATIONS OF DIFFERENT TYPES FOR THE PERIODS JANUARY 1 TO MAY 1, 1957, AND JUNE 1, 1959, TO JANUARY 1, 1960

<table>
<thead>
<tr>
<th>Category of Issues</th>
<th>Television清频道</th>
<th>Regional Radio</th>
<th>Local Radio</th>
<th>AM Radio</th>
</tr>
</thead>
<tbody>
<tr>
<td>1957</td>
<td>(211)</td>
<td>(66)</td>
<td>(232)</td>
<td>(747)</td>
</tr>
<tr>
<td>1959</td>
<td>(285)</td>
<td>(63)</td>
<td>(340)</td>
<td>(907)</td>
</tr>
<tr>
<td>International</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>-- %</td>
<td>3.2%</td>
<td>3.0%</td>
<td>.4%</td>
</tr>
<tr>
<td>1959</td>
<td>.7</td>
<td>--</td>
<td>1.5</td>
<td>.5</td>
</tr>
<tr>
<td>National</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>12.0</td>
<td>10.5</td>
<td>16.5</td>
<td>5.8</td>
</tr>
<tr>
<td>1959</td>
<td>13.0</td>
<td>12.7</td>
<td>12.1</td>
<td>7.7</td>
</tr>
<tr>
<td>State</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>11.5</td>
<td>15.3</td>
<td>8.7</td>
<td>5.0</td>
</tr>
<tr>
<td>1959</td>
<td>15.4</td>
<td>6.3</td>
<td>10.6</td>
<td>7.0</td>
</tr>
<tr>
<td>Local</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>63.5</td>
<td>48.4</td>
<td>57.0</td>
<td>71.6</td>
</tr>
<tr>
<td>1959</td>
<td>57.6</td>
<td>63.5</td>
<td>59.6</td>
<td>69.2</td>
</tr>
<tr>
<td>Other Local</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>13.0</td>
<td>22.6</td>
<td>14.8</td>
<td>17.2</td>
</tr>
<tr>
<td>1959</td>
<td>13.3</td>
<td>17.5</td>
<td>16.2</td>
<td>15.6</td>
</tr>
</tbody>
</table>

*Exclusive of FM radio stations.

This table does not indicate whether opinions on these issues were broadcast by the stations but only which types of issues the respondents felt were of local importance.
Owing to the problem of the integration of Negroes, the South reported a high number of national issues for both studies. Other national issues reported by the stations were related to taxation, business conditions, and, in 1959, the steel strike.

The specific state issues reported indicate very little relationship existed between the two studies with respect to which issues were reported. However, nearly all the state issues were related to state legislature activity for both studies and could not be expected to show similarities.

No clear-cut patterns of issues pertaining to "other local issues" emerged from the two studies. Issues in 1957 in this category centered around local crime problems such as juvenile delinquency. By 1959, there was some increase in the frequency with which issues related to Sunday store hours, prohibition, Sunday amusement hours, and the use of trading stamps were reported. However, no year after year continuing problem of great interest to all people appeared. Issues reported as a part of the "other local issues" category appeared to depend upon whatever happened to be the currently popular whipping boy.

However, issues which were related to local government remained remarkably stable for both periods, although the emphasis on certain issues shifted slightly. The controversial issues named most frequently for both studies in the local government category were those related to traffic problems, annexation and re-zoning, local government building programs, educational problems, and city manager versus mayor form of government.
For both studies the AM radio stations reported mostly local government issues and relatively few other types. This was particularly true of local AM radio stations. Regional AM radio stations reported a few more state issues and national issues than the local AM radio stations, but, still, over one-half of the issues the regional AM radio stations felt were important were local government issues. Clear channel AM radio stations indicated a shift toward more concern with local government issues. In 1957, clear channel radio stations reported slightly less than 50 per cent of the issues in the local government category. By 1959, 63.5 per cent of the issues named by clear channel stations were local government issues.

Television stations had a pattern of issues similar to the local AM radio stations in 1957; by 1959, the television station pattern approximated that of a regional radio station, probably because of the trend toward higher TV antennas and increases to maximum power which resulted in television coverage patterns similar to the coverage patterns of regional AM radio stations.

The frequency with which air time was given to opinions on locally important issues by the broadcasters remained relatively stable for both survey periods. In 1957, air time was given to one or both sides of 82.4 per cent of all the issues reported to be of importance to the local community. No opinions were broadcast on 17.6 per cent of these issues of importance. In 1959, points of view on 84.6 per cent of the issues named by the broadcasters to be
locally important were given air time; no air time was given to viewpoints for 15.4 per cent of the issues.

By categories of issues for both studies, the giving or not giving of air time to supporters of opinions on issues named as important is shown in Table 15, on page 149. Table 16, page 150, shows the percentages of issues which were given air time by the different types of stations. Table 17, page 151, shows the percentages of issues holders of opinions were or were not granted air time by stations located in each of four geographic areas. All three tables give the results of both studies with respect to the percentages of issues which at least one side of the issue was or was not given air time. The questionnaire did not ask whether or not both sides of these issues were granted air time.

The information given in these three tables may be summarized as follows:

1) Generally, the pattern of whether opinion holders on issues falling in any given category received broadcast time remained fairly stable. The slight increase in the giving of air time to one or more opinions about issues in 1959 as compared with 1957 reflects the increase in the granting of broadcast time to opinion holders about national issues.

2) In 1959, television stations reported a significant increase in the percentage of issues about which viewpoints were broadcast. This increase was due primarily to the granting of broadcast time to holders of points of view on 90 per cent of the local government issues named as important. In 1959, television
TABLE 15
THE FREQUENCY WITH WHICH HOLDERS OF OPINIONS WERE GRANTED AIR
TIME ON ISSUES NAMED LOCALLY IMPORTANT

The percentages of issues named locally important about which
holders of opinions were or were not granted broadcast time
by categories of issues for the periods January 1 to May 1,
1957, and June 1, 1959, to January 1, 1960

<table>
<thead>
<tr>
<th>Category of Issues</th>
<th>1957</th>
<th>1959</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Aired</td>
<td>Not Aired</td>
</tr>
<tr>
<td>No. of Issues</td>
<td>(1035)</td>
<td>(221)</td>
</tr>
<tr>
<td>International</td>
<td>91.7%</td>
<td>8.3%</td>
</tr>
<tr>
<td>National</td>
<td>68.4</td>
<td>31.6</td>
</tr>
<tr>
<td>State</td>
<td>83.7</td>
<td>16.3</td>
</tr>
<tr>
<td>Local Government</td>
<td>84.2</td>
<td>15.8</td>
</tr>
<tr>
<td>Other Local</td>
<td>81.0</td>
<td>19.0</td>
</tr>
<tr>
<td>Totals</td>
<td>82.4</td>
<td>17.6</td>
</tr>
</tbody>
</table>

stations granted broadcast time to opinions on 88.1 per cent of the
issues named as important to the local community.

3) Among the AM radio stations, the percentages for all
issues about which opinions were or were not given time on the
air remained stable for both studies. The most significant change
occurred with respect to national issues. Local stations granted
air time to holders of opinions on national issues 80 per cent of
the time in 1959 as compared with 47.7 per cent in 1957.

4) The 1959 increase in the percentage of local stations
which, after naming a national issue to be of local importance,
TABLE 16
PERCENTAGES OF ISSUES NAMED LOCALLY IMPORTANT ABOUT WHICH HOLDERS OF OPINIONS WERE GIVEN AIR TIME OR WERE NOT GIVEN AIR TIME BY DIFFERENT TYPES OF STATIONS DURING THE PERIODS JANUARY 1 TO MAY 1, 1957, AND JUNE 1, 1959, TO JANUARY 1, 1960

<table>
<thead>
<tr>
<th>Category of Issues</th>
<th>Television</th>
<th>AM Radio</th>
<th>Clear Channel Radio</th>
<th>Regional Radio</th>
<th>Local Radio</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Aired</td>
<td>Not-Aired</td>
<td>Aired</td>
<td>Not-Aired</td>
</tr>
<tr>
<td>No. of Issues:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>(169)</td>
<td>(42)</td>
<td>(54)</td>
<td>(12)</td>
<td>(196)</td>
</tr>
<tr>
<td>1959</td>
<td>(251)</td>
<td>(34)</td>
<td>(54)</td>
<td>( 9)</td>
<td>(294)</td>
</tr>
<tr>
<td>International</td>
<td>1957</td>
<td>100.0%</td>
<td>--</td>
<td>100.0%</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>1959</td>
<td>50.0</td>
<td>50.0</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>National</td>
<td>1957</td>
<td>72.0</td>
<td>28.0</td>
<td>100.0</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>1959</td>
<td>83.8</td>
<td>16.2</td>
<td>62.5</td>
<td>37.5</td>
</tr>
<tr>
<td>State</td>
<td>1957</td>
<td>87.5</td>
<td>12.5</td>
<td>80.0</td>
<td>20.0</td>
</tr>
<tr>
<td></td>
<td>1959</td>
<td>86.4</td>
<td>13.6</td>
<td>75.0</td>
<td>25.0</td>
</tr>
<tr>
<td>Local Gov't</td>
<td>1957</td>
<td>80.4</td>
<td>19.6</td>
<td>81.2</td>
<td>18.8</td>
</tr>
<tr>
<td></td>
<td>1959</td>
<td>90.1</td>
<td>9.1</td>
<td>87.5</td>
<td>12.5</td>
</tr>
<tr>
<td>Other Local</td>
<td>1957</td>
<td>79.4</td>
<td>20.6</td>
<td>73.3</td>
<td>26.7</td>
</tr>
<tr>
<td></td>
<td>1959</td>
<td>84.2</td>
<td>15.8</td>
<td>100.0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>1957</td>
<td>79.9</td>
<td>20.1</td>
<td>81.7</td>
<td>18.3</td>
</tr>
<tr>
<td></td>
<td>1959</td>
<td>88.1</td>
<td>11.9</td>
<td>85.7</td>
<td>14.3</td>
</tr>
</tbody>
</table>

FM radio excluded.
TABLE 17
PERCENTAGES OF ISSUES NAMED IMPORTANT TO LOCAL COMMUNITIES ABOUT WHICH HOLDERS OF OPINIONS WERE OR WERE NOT GRANTED AIR TIME BY STATIONS LOCATED IN EACH OF FOUR GEOGRAPHIC AREAS FOR THE PERIODS JANUARY 1 TO MAY 1, 1957, AND JUNE 1, 1959, TO JANUARY 1, 1960

<table>
<thead>
<tr>
<th>Category of Issues</th>
<th>East</th>
<th>South</th>
<th>Midwest</th>
<th>West</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Not-Aired</td>
<td>Aired</td>
<td>Not-Aired</td>
<td>Aired</td>
</tr>
<tr>
<td>No. of Issues:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>(241)</td>
<td>(41)</td>
<td>(229)</td>
<td>(79)</td>
</tr>
<tr>
<td>1959</td>
<td>(288)</td>
<td>(53)</td>
<td>(276)</td>
<td>(77)</td>
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<tr>
<td>International</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>100.0%</td>
<td>--</td>
<td>--</td>
<td>100.0%</td>
</tr>
<tr>
<td>1959</td>
<td>100.0%</td>
<td>--</td>
<td>--</td>
<td></td>
</tr>
<tr>
<td>National</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>82.6</td>
<td>17.4</td>
<td>52.2</td>
<td>44.8</td>
</tr>
<tr>
<td>1959</td>
<td>86.2</td>
<td>13.8</td>
<td>68.0</td>
<td>32.0</td>
</tr>
<tr>
<td>State</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>90.3</td>
<td>9.7</td>
<td>73.4</td>
<td>26.6</td>
</tr>
<tr>
<td>1959</td>
<td>79.2</td>
<td>20.8</td>
<td>90.0</td>
<td>9.1</td>
</tr>
<tr>
<td>Local</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>83.6</td>
<td>16.2</td>
<td>79.7</td>
<td>20.3</td>
</tr>
<tr>
<td>1959</td>
<td>82.6</td>
<td>17.4</td>
<td>80.2</td>
<td>19.8</td>
</tr>
<tr>
<td>Other Local</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>90.9</td>
<td>9.1</td>
<td>77.1</td>
<td>22.9</td>
</tr>
<tr>
<td>1959</td>
<td>90.6</td>
<td>9.4</td>
<td>78.7</td>
<td>21.3</td>
</tr>
<tr>
<td>Total</td>
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<td>1957</td>
<td>85.4</td>
<td>14.6</td>
<td>74.4</td>
<td>25.6</td>
</tr>
<tr>
<td>1959</td>
<td>84.5</td>
<td>15.5</td>
<td>78.2</td>
<td>21.8</td>
</tr>
</tbody>
</table>
broadcast viewpoints about those national issues was due largely to a willingness of stations in the South to air opinions on the integration of Negroes. In 1957, of the local stations naming that issue important, 61.8 per cent denied air time to all viewpoints on the issue, nearly all of them from the South. In 1959, of the local stations in the South, 68.2 per cent of the stations naming integration as an important issue permitted holders of opinions on the issue to express their views over the air.

5) The influence of the Southern stations becomes obvious from Table 17, page 151. Southern stations did not give air time to any opinions on 25.6 per cent of the issues named as important in 1957 and 21.8 per cent in 1959.

6) In 1959, clear channel radio stations reported a slight increase as compared with 1957 in the percentage of issues about which opinions were broadcast.

7) The percentages for issues about which holders of points of view received air time remained about 85 per cent for both studies for regional AM radio stations.

8) Local AM radio stations showed a slight increase in 1959 in the percentage of issues about which opinion holders were granted air time. This increase was largely the result of an increase in permitting holders of opinions on national issues to present their views over the air, specifically the segregation-integration of Negroes.

9) The differences in the percentages of state issues on which opinions were broadcast or not broadcast depended almost
entirely upon whether the legislature was in session. Generally, in the East and Midwest, the state legislatures were in session during the 1957 period and not during the 1959 period. The situation was reversed for the South and West.

10) Among the issues respondents named as being important in their communities, air time was denied both sides for about one in every seven issues.

11) Broadcast time to at least one viewpoint was granted to five of every six issues named as being important by the stations.

Obviously, the issue of segregation of Negroes was one of major importance during both the survey periods; among the national issues reported by the stations, this issue accounts for the largest single subcategory. In 1957, of the 114 stations that reported national issues, this issue was named as being of local importance by 77 stations. By 1959, the issue was named by 68 of the 165 stations which reported national issues as being important in their community. In 1957, 42.9 per cent of the stations which named the issue as being important failed to grant broadcast time to opinion holders. By 1959, nearly 70 per cent of the stations naming the integration issue as important granted air time for an opinion about the issue. And 75 per cent of the local AM radio stations broadcast an opinion on the issue—including 68.2 per cent of the local AM radio stations in the South.

Incidentally, if the Negro integration issue were removed from the sample entirely, the percentage of national issues about which persons with opinions were given air time would rise to 83.3
per cent and the percentage of national issues about which opinions were not given air time would fall to 16.7 per cent. Were this issue removed entirely from the sample, for all the issues reported, the difference would be less than 1 per cent increase in the percentage of locally important issues about which opinions were broadcast.

The issues most frequently named as being of local importance were essentially the same for both surveys; time on the air was granted to holders of opinion more frequently for the issues named most often. For example, the issue on whether or not the local government should be headed by a city manager was named 96 times in 1957 and opinions on this issue were granted air time 87.6 per cent of the times named; in 1959, broadcast time was given to this issue by 92.8 per cent of the stations which named this as an important issue. Traffic problems were named by 113 stations in 1959 and air time was devoted to them by 85.8 per cent of the stations.

The most frequently named issue in 1957 was named by 144 stations. Opinions on this issue, local government building and construction, were aired by 86.8 per cent of the stations which named the issue as being of local importance. In 1959, only 64 stations nominated the issue but 86 per cent granted air time to opinions on it. One of the most frequently named group of issues in 1959 was that of education. Holders of opinions on this group of issues gained broadcasting time 91 per cent of the times the issues were named. Incidentally, of the 142 stations nominating
issues concerned with education in 1959, 108 were local AM radio stations.

Also among the subcategories of issues about which supporters of points of views were likely to be granted air time were the issues related to taxation and bond issues. Both in 1957 and 1959, issues related to taxation and bond issues were aired by over 89 per cent of the stations naming those issues as being important. Nearly 20 per cent of all stations returning questionnaires in 1959 named an issue falling into this subcategory.

Apparently, issues related to local government activities, education, and taxation and bond issues were most likely to have an opinion about them presented over the air. Issues related to these topics were those which would affect a large number of people and therefore would attract a sizeable audience. However, viewpoints about certain other issues were not given broadcast time nearly as frequently. One of these, as shown above, was the Negro integration issue.

Other issues named as important by the stations but about which opinion holders were less likely to be given air time were issues about recessions, Sunday store hours, insurance rates, and false advertising. For these issues, time on the air was granted on only 76 per cent of the stations which named the issues as being important in 1957 and 77.6 per cent of the stations in 1959. Issues pertaining to labor versus management had viewpoints aired about them only 64.6 per cent of the times named in 1957 and 73.6 per cent in 1959. This last group of issues was named by 17 stations
in 1957 and 53 stations in 1959. In 1959, it was apparent that the further away the actual location of the labor-management conflict was from the station, the more likelihood holders of opinion would receive air time. Thus, opinions about the 1959 steel strike were more frequently aired in communities where workmen were not on strike than in communities in which the workmen were on strike. 109

In response to a question in the 1957 study only which asked for information about which issues the broadcaster would not handle, or would not permit supporters of opinions to use his facilities, a total of 159 issues were named. Of the 159 issues named, 32.1 per cent of the issues dealt with racial intolerance; 42.7 per cent were concerned with religious controversy, particularly when it involved atheism; 13.8 per cent were related to moral issues such as birth control, divorce, and sex education; 4.4 per cent named matters of local politics; 1.3 per cent stated they would not handle issues containing anti-American ideology; 2.5 per cent of the issues specified local social issues, such as the legalization of liquor; and 3.1 per cent of the issues reported dealt with labor problems.

An interesting fact gleaned from the list of issues the stations reported they would not handle was the indication that 68 of the 159 issues nominated by stations had to do with religious controversy—specifically atheism. Nearly 10 per cent of the stations reporting in the 1957 study felt that atheism was an issue

109 Unfortunately, the question did not ask whether or not air time was granted both sides in any of the above instances for either of the two studies.
about which they would not permit the holder of a viewpoint to express his beliefs. In view of this, the determination of what editorial judgment would result if the respondents were presented with a restatement of the Scott atheist situation appears to be highly interesting, especially since the Scott atheist case twice came before the Federal Communications Commission as a matter specific to the problems of granting time on the air for minority views on problems.\footnote{Supra, pp. 23-4, footnote 34.}

Table 18, page 158, and Table 19, page 159, give the results of the replies to the question, "Assuming the issue is one of local importance would you, personally, provide time—either on a free or paid basis—for a program attacking the validity of all religion?" Respondents were permitted to check an "unqualified yes," an "unqualified no," or a "qualified yes." Table 18 gives the response for 1957 and 1959 according to geographic areas. Table 19 indicates the response by station types to the same question.

In neither survey period would more than 28 per cent of all the stations consider handling the issue. Network affiliated stations were apparently more willing than independent stations to provide the time. Eastern stations were more willing to provide time for such a program than were stations in other geographic areas. Clear channel radio stations seemed to have been more willing to air such a program than other stations types in 1959 but even this group did not exceed 30 per cent of the clear channel stations.
TABLE 18
THE PROVISION OF TIME FOR A PROGRAM ATTACKING THE VALIDITY OF ALL RELIGIONS BY STATIONS IN EACH OF FOUR GEOGRAPHIC AREAS FOR THE PERIODS JANUARY 1 TO MAY 1, 1957, AND JUNE 1, 1959, TO JANUARY 1, 1960

The percentages of stations from each of four geographic areas which would; would with qualifications; or would not provide time for a program attacking the validity of all religions either on free or paid time

<table>
<thead>
<tr>
<th>Year*</th>
<th>Geographic Areas</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>East</td>
<td>South</td>
<td>Midwest</td>
<td>West</td>
<td></td>
</tr>
<tr>
<td>Would, unqualified</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>21.4%</td>
<td>10.4%</td>
<td>11.7%</td>
<td>13.5%</td>
<td></td>
</tr>
<tr>
<td>1959</td>
<td>15.6</td>
<td>11.9</td>
<td>8.0</td>
<td>9.9</td>
<td></td>
</tr>
<tr>
<td>Would, qualified</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>19.3%</td>
<td>9.3%</td>
<td>14.5%</td>
<td>15.4%</td>
<td></td>
</tr>
<tr>
<td>1959</td>
<td>10.8</td>
<td>12.4</td>
<td>17.2</td>
<td>14.2</td>
<td></td>
</tr>
<tr>
<td>Would not</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>56.4%</td>
<td>74.4%</td>
<td>67.3%</td>
<td>62.4%</td>
<td></td>
</tr>
<tr>
<td>1959</td>
<td>61.6</td>
<td>66.8</td>
<td>68.0</td>
<td>64.3</td>
<td></td>
</tr>
<tr>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>2.9%</td>
<td>4.9%</td>
<td>6.5%</td>
<td>8.7%</td>
<td></td>
</tr>
<tr>
<td>1959</td>
<td>12.0</td>
<td>8.9</td>
<td>6.8</td>
<td>11.6</td>
<td></td>
</tr>
</tbody>
</table>

*In the 1957 study, there were 730 replies to the question; in the 1959 study, there were 852 replies to the question.
TABLE 19
THE PROVISION OF TIME FOR A PROGRAM ATTACKING THE VALIDITY OF ALL RELIGIONS BY VARIOUS TYPES OF STATIONS

The percentages of stations of different types which would; would with-qualifications; or would not provide time for a program attacking the validity of all religious beliefs either on free or paid basis for the periods January 1 to May 1, 1957, and June 1, 1959, to January 1, 1960

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of Stations</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>(103)</td>
<td>(26)</td>
<td>(53)</td>
<td>(77)</td>
<td>(312)</td>
<td>(136)</td>
</tr>
<tr>
<td>1959</td>
<td>(134)</td>
<td>(28)</td>
<td>(86)</td>
<td>(69)</td>
<td>(353)</td>
<td>(116)</td>
</tr>
<tr>
<td>Would, unqualified:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>13.6%</td>
<td>19.3%</td>
<td>7.5%</td>
<td>13.0%</td>
<td>12.4%</td>
<td>18.4%</td>
</tr>
<tr>
<td>1959</td>
<td>7.5</td>
<td>10.7</td>
<td>7.0</td>
<td>14.5</td>
<td>13.0</td>
<td>9.5</td>
</tr>
<tr>
<td>Would, qualified:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>15.5</td>
<td>3.8</td>
<td>11.5</td>
<td>22.2</td>
<td>12.7</td>
<td>15.4</td>
</tr>
<tr>
<td>1959</td>
<td>16.4</td>
<td>21.4</td>
<td>8.2</td>
<td>10.1</td>
<td>12.7</td>
<td>17.2</td>
</tr>
<tr>
<td>Would not:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>66.0</td>
<td>73.1</td>
<td>56.5</td>
<td>59.8</td>
<td>69.8</td>
<td>62.5</td>
</tr>
<tr>
<td>1959</td>
<td>68.6</td>
<td>53.6</td>
<td>74.3</td>
<td>69.6</td>
<td>64.2</td>
<td>67.3</td>
</tr>
<tr>
<td>No answer:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>4.9</td>
<td>3.8</td>
<td>24.5</td>
<td>2.6</td>
<td>5.1</td>
<td>3.7</td>
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<td>1959</td>
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<td>14.3</td>
<td>10.5</td>
<td>5.8</td>
<td>7.1</td>
<td>6.0</td>
</tr>
</tbody>
</table>

*FM excluded.
Apparently, the types of issues about which viewpoints were held that the broadcasters did not wish to put on the air were those which involved emotional arguments and about which beliefs were strongly held by many listeners. This would include segregation, religious controversy, and labor versus management. Noticeably rare in the lists of issues named as being important by the broadcasters were issues pertaining to moral questions--divorce, birth control, and so on.

Summary.--1. The selection of issues and speakers seemed for the most part to be a matter of achieving rapport between the station and the holders of opinions on an issue.

2. The stations generally controlled the selection of issues, although on a few stations neutral outside agencies directly controlled the selection.

3. Many of the stations gave more freedom to outside organizations, including the sponsor, in the selection of speakers than in the selection of issues.

4. However, the tendency was for an increase in the percentage of stations to select both the issue and the speakers, although speakers were selected by representatives of a point of view on more than 20 per cent of the stations replying to the questionnaire.

5. A higher percentage of Western stations permitted the sponsor to control both speaker and issue selection than did stations located in any other geographic area.
6. Regional, independent AM radio stations and television stations were more apt to permit a sponsor to control issue and speaker selection than any other type of station.

7. Generally, opinion holders were granted air time for five of every six issues the stations named as important to the local community.

8. There are some issues to which the stations would prefer not to give broadcast time; included among these are issues related to atheism and the integration of Negroes.

9. Stations were more likely to grant air time for the more frequently named local government issues, such as traffic problems, form of government, zoning and annexation, local government building and construction, education, and taxation and bond issues.

10. Air time was more likely to be granted to issues of wide audience interest, especially when those issues related to local government.

11. Issues related to business conditions, labor versus management, false advertising, and integration were less likely to be granted air time.
CHAPTER IX

FAIRNESS AND TWO-SIDED PRESENTATIONS

The remainder of the report section of this dissertation is concerned with the problem of the policies and practices of broadcasters regarding the fair treatment of opposing opinions on controversial issues. One of the responsibilities of the broadcaster is to provide a balance of opinions on the issues he selects for air time. This responsibility is not based upon the concepts of freedom of speech or of the press but upon the public's need for knowledge of ideas and opinions on controversial issues so that it may make broad policy decisions. The granting of broadcast time fairly to conflicting views is not a matter of equal treatment for every individual with an opinion. Instead, it is a matter of providing the public with an opportunity to hear the pertinent, responsible opinions on controversial issues.

The determination of what constitutes a pertinent, responsible opinion is the responsibility of the broadcaster. This responsibility is the broadcaster's because he inevitably must select from the people who wish to appear before a microphone or camera those who are to be permitted to reach the public ear. The public relies upon the broadcaster to see that the significant opinions are presented in some sort of balanced or fair fashion.
Within this concept, there are four problems which affect "balance" or fairness to both sides of an issue. The basic problem is whether or not the broadcasters accept the duty to provide a balance of opinions. Branching out from this central problem are the other three problems—fairness to opposing views in two-sided presentations; fairness to opposing holders of opinions in situations involving one-sided presentations by non-broadcasters; and fairness to opposing points of view when the license or his representatives have editorialized. Two of these problems are treated in this chapter: first, the acceptance by the broadcasters of their responsibility to provide a balance of viewpoints on any issue the station selects; and, second, the attainment of a fair representation of opposing viewpoints in two-sided presentations. The broadcasters' practices and policies relative to fairness and one-sided presentations by non-broadcasters and to fairness and editorializing by broadcasters are reported in Chapters X and XI respectively.

The central problem of maintaining a balance of opinion about public issues.—The central problem in the fair treatment of opinions is whether or not the broadcaster feels an obligation to insure the airing of both sides of a controversial issue he has selected. This duty, though not a legal obligation, is clearly an ethical obligation. As explained previously, the broadcaster is under no direct legal obligation to air both sides of any controversy, except

111 Supra, p. 162.
possibly when the facility has been used by the broadcaster himself.\footnote{Letter to WLIP and FCC Docket #8516, In the Matter of Editorializing by Licensees, 1949.} However, the acceptance of the duty to insure the airing of both sides of issues is a basic part of the ethical obligation. Accordingly, respondents to the questionnaire were asked: "Would you feel it the duty of your station to insure the airing of both sides—either on the same or separate programs—of any controversial issue aired by the station?"

As can be seen from Table 20, page 165, replies to this question both in 1957 and 1959 were remarkably consistent. Nearly 59 per cent of the respondents in both studies reported an "unqualified yes" that the station had such a responsibility. An additional group of respondents, between 25 and 27 per cent, believed the station had such a duty but attached certain unspecified qualifications. Only 7.5 per cent of the respondents felt no obligation to insure the airing of both sides. The remainder, less than 8 per cent of the respondents for each study, failed to answer the question. Nearly all the stations which failed to answer the question either had policies against carrying opinions about controversial issues or had failed to broadcast any opinions on controversial issues during the study periods. In essence, between 84 and 86 per cent of the stations replying to the questionnaire in 1957 and in 1959 felt some obligation to insure the airing of both sides of an issue.

While the overall results for both surveys on this question were remarkably consistent, certain noticeable internal shifts of
TABLE 20

**TYPES OF STATIONS AND RESPONSE TO QUESTION: WOULD YOU FEEL IT THE DUTY OF YOUR STATION TO INSURE THE AIRING OF BOTH SIDES—EITHER ON THE SAME OR ON SEPARATE PROGRAMS—OF ANY CONTROVERSIAL ISSUE AIREd BY THE STATION?**

<table>
<thead>
<tr>
<th>Answers to Question</th>
<th>AM Radio</th>
<th>TV- FM-</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Reg.</td>
<td>Reg.</td>
</tr>
<tr>
<td>TV Clear</td>
<td>Ind.</td>
<td>Net</td>
</tr>
<tr>
<td>No. of Stations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>(103)</td>
<td>(23)</td>
</tr>
<tr>
<td>1959</td>
<td>(134)</td>
<td>(66)</td>
</tr>
</tbody>
</table>

*Would, unqualified:*

<table>
<thead>
<tr>
<th></th>
<th>1957</th>
<th>1959</th>
</tr>
</thead>
<tbody>
<tr>
<td>AM</td>
<td>60.1%</td>
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</tr>
<tr>
<td>FM</td>
<td>26.1%</td>
<td>39.4</td>
</tr>
<tr>
<td>TV</td>
<td>65.4%</td>
<td>71.5</td>
</tr>
<tr>
<td>Reg.</td>
<td>37.8%</td>
<td>65.1</td>
</tr>
<tr>
<td>Reg.</td>
<td>65.0%</td>
<td>68.1</td>
</tr>
<tr>
<td>Loc.</td>
<td>58.6%</td>
<td>56.1</td>
</tr>
<tr>
<td>Loc.</td>
<td>59.6%</td>
<td>58.6</td>
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*Would, qualified:*

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<tr>
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<td>29.2</td>
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<tr>
<td>FM</td>
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</tr>
<tr>
<td>TV</td>
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<td>14.3</td>
</tr>
<tr>
<td>Reg.</td>
<td>33.9</td>
<td>19.7</td>
</tr>
<tr>
<td>Reg.</td>
<td>22.1</td>
<td>26.1</td>
</tr>
<tr>
<td>Loc.</td>
<td>28.2</td>
<td>28.0</td>
</tr>
<tr>
<td>Loc.</td>
<td>25.0</td>
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<td>27.0</td>
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*Would not:*

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<td>7.8</td>
<td>4.5</td>
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<td>FM</td>
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<td>9.1</td>
</tr>
<tr>
<td>TV</td>
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</tr>
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<td>Reg.</td>
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<td>Reg.</td>
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<td>1.5</td>
</tr>
<tr>
<td>Loc.</td>
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</tr>
<tr>
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*No answer:*

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</tr>
<tr>
<td>TV</td>
<td>3.8</td>
<td>10.6</td>
</tr>
<tr>
<td>Reg.</td>
<td>22.5</td>
<td>5.8</td>
</tr>
<tr>
<td>Reg.</td>
<td>5.2</td>
<td>4.3</td>
</tr>
<tr>
<td>Loc.</td>
<td>4.8</td>
<td>7.1</td>
</tr>
<tr>
<td>Loc.</td>
<td>2.2</td>
<td>3.4</td>
</tr>
<tr>
<td>AM</td>
<td>5.8</td>
<td>6.1</td>
</tr>
<tr>
<td>AM</td>
<td>7.1</td>
<td>8.6</td>
</tr>
</tbody>
</table>
policy occurred, particularly among the AM radio stations. In the replies to this question in 1957, the network affiliated radio stations reported a higher percentage of stations which felt an unqualified duty to insure the airing of both sides of an issue than did their counterpart independent radio stations. In 1957, independent radio stations reported a higher percentage of stations which felt the station had a "qualified" duty to insure airing both sides than did network affiliated radio stations. By 1959, the differences, while still present, were considerably less pronounced. (This general tendency to remove the difference between network affiliated stations and independent stations reported in the 1957 study was consistently noticeable throughout the 1959 study on questions pertaining to fairness.) The feeling that the station had an unqualified duty to insure the airing of both sides was more prevalent among radio stations of higher power than lower power regardless of network affiliation.

Among the television stations, the VHF stations had a higher percentage of stations which believed they had the duty to insure the airing of both sides of any issue selected for attention than did the UHF television stations.

There were no significant differences noted according to the geographic location of the stations, the size of the markets in which the stations were located, or the hours of operation.

Despite the indicated failure of many broadcasters to satisfy completely the first part of the obligation, to carry opinions about

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113 See Table 20, page 165.
controversial issues, the responses to this question demonstrated that a large majority of broadcasters were prepared to fulfill their obligation to provide a balance of opinions about any issue the station carried. The previous chapters revealed that (1) a great quantity of time was devoted to presentations of opinions on controversial matters by only a very few stations, and (2) not as many stations reported broadcasting points of view concerning public issues as might have been expected. With respect to feeling a duty to insure a balance of viewpoints, the attitude of the broadcasters for an overwhelming majority of stations, between 84 and 86 per cent, indicated positively that the station has a duty to insure airing both sides of any issue aired by the station. Negative responses were given to this question by 7.5 per cent of the stations.

Fairness and two-sided presentations.—The problem of fairness in two-sided presentations of opinions is largely a matter of considering the ability of the program's format to satisfy a definition of what constitutes fairness. For two-sided presentations, this definition of fairness must include three elements: confrontation, adequate representation of opposing viewpoints, and adequate opportunity for those viewpoints to be fully expressed. Confrontation has been discussed at length several times already. Adequate representation of the viewpoints is simply a matter of the public's need to have the best possible spokesman for the viewpoint as a matter of efficiency. That the public's need-to-know includes
adequate opportunity for the opinion holders to fully express their opinions is axiomatic.

The responses to the question concerning the duty of broadcasters to insure the airing of both sides for any issue selected for air attention nearly completed the picture of the broadcasters' attitude toward balance and two-sided presentations. All that remains is a discussion of the ability of the format to adequately supply a balance of opinions and the determination of the role of sponsorship regarding two-sided presentations and balance. For two-sided presentations, the format controls the ability of the program to provide adequate confrontation, adequate representation of the viewpoint, and adequate opportunity to fully express the viewpoint.

Each of the formats used for two-sided presentations have different characteristics and the difference in characteristics results in different abilities to meet the requirements of balance. A panel discussion format has an adequate facility for confrontation of viewpoints, especially if cross-examination by each side is permitted, since each side usually faces each other physically on the program. Since the format features spokesmen from both sides frequently selected by the sides themselves, adequate representation rarely is a problem unless the panel is loaded to exclude opposition. During the course of the program, the ability of each side to fully express their viewpoint depends in large measure upon
the skill of the moderator. Generally speaking, this format gives an adequate opportunity to fully express the viewpoints. This format was the most popular form for airing regularly scheduled, locally originated, two-sided presentations of opinions on controversial issues for both studies. Slightly more than 49 per cent of the programs reported were in this category in 1959. Since adequate confrontation, adequate representation, and adequate opportunity to fully express a viewpoint are possible within this format, the format is able to meet the tests of balance.

According to the responses to the 1959 questionnaire, the panel interview format had increased in popularity with the broadcasters. In this format, emphasis normally is upon a cross examination of an individual news-maker or holder of a viewpoint by a panel of professional question askers who, by their questions, are to provide conflict and confrontation. However, some facets of a balanced presentation for a two-sided discussion are missing. Generally, adequate representation of all significant views is not present since the panel is usually composed of newsmen who, while familiar with the arguments, are not advocates of these opinions. As a result, the adequate opportunity to express opposing views also is missing. A further limitation upon this format is the frequent introduction of more than a single topic or topic area. This format does not meet the tests of fairness for two-sided


115 Cf. ante, p. 127, Table 9.
presentations nearly as easily as the panel discussion format. However, as an off-setting factor, the element of conflict is generally heightened sufficiently enough to gain increased audience attention. Network originated programs featuring this format were carried more frequently than any other format in 1959; locally originated programs of this type were carried by 7.6 per cent of the stations in 1959.

All interview formats have essentially the same problems regarding balance whether the interview is conducted by a panel or a single question asker. These problems are heightened when the question asker is a single individual since opposing opinions from all pertinent sides may not be known to the interviewer and the representation of opposition is normally through questions, not statements.

For one two-sided format to which a great deal of attention has already been directed, considerable doubt exists as to the efficacy of the format to meet any of the tests of balance for two-sided presentations. The telephone discussion program normally does not permit confrontation in any complete fashion. There is an opportunity for some rebuttal, but this opportunity is limited and depends upon the ability of the individual to get a telephone call through to the studio. Cross-examination is virtually impossible. The users of the format are not overly concerned with adequate representation of viewpoints or, in many cases, with whether the views expressed are even germane to the topic under discussion.
For the few two-sided presentation forms using only a single voice, the difficulties for maintaining balance through confrontation, representation, and opportunity for each side to fully express views are obvious. For formats featuring a panel of reporters in a round-up of opinion and information, the major deterrent to a fair representation of opposing opinions is the fact that the reporters are generally not advocates of the opinions but interpreters. As a result, there is no opportunity for adequate cross-examination.

To recapitulate, the most popular format for two-sided presentations also provides the easiest means for the broadcaster to maintain fairness to responsible opposing opinions on an issue. The tendency of this format to be used slightly less in 1959 than in 1957 gives some cause for concern, especially since the formats which replaced it generally do not meet the fairness requirements as well. While experimentation concerning the use of formats for presenting opinions about controversial issues is excellent and should be encouraged, the maintenance of balance is nevertheless at least of equal importance. Certain of the formats used for two-sided presentations, notably the telephone discussion, lack the characteristics required for balance. Co-incidentally, the formats used to present views of more than one side which lacked all or some of the characteristics of balance—adequate confrontation, adequate representation, and adequate opportunity for expression—were usually those most frequently sponsored.

Sponsorship of two-sided presentations of viewpoints about public issues. Because several of the formats used for two-sided
presentations were frequently sponsored, a special question was asked. Earlier, in Chapter VIII, in answer to a question about who controls the selection of issues and speakers, it was noted that the replies indicated that the sponsor exerted direct control of speaker selection on approximately 3 per cent of the stations and of issue selection on fewer than 3 per cent of the stations in 1959. When this information was compared with the probable necessity for many stations to require sponsors for any program, let alone one which features controversy, it appeared that sponsors were not aware of the potential power available to them, or did not care to avail themselves of this power. Further indication of the availability of this power was reflected in the responses to the question: "Would you permit a sponsor of a program featuring two-sided discussions of controversial issues to have veto power over issues or speakers?"

In response to the above question in 1957, 22.6 per cent of the broadcasters were willing to permit the sponsor this power either without qualifications (3.7 per cent) or with certain unspecified qualifications (18.9 per cent). By 1959, the percentage of stations willing to give this power to sponsors had dwindled to 15.6 per cent. As revealed by Table 21, page 173, 2.2 per cent had no qualifications about permitting this power to be given the sponsors and 13.4 per cent reported they would do so but with qualifications.

The shift in pattern of response to this question was fairly consistent for all types of stations, particularly the AM radio
TABLE 21

TYPES OF STATIONS AND RESPONSE TO QUESTION: WOULD YOU PERMIT A SPONSOR OF A PROGRAM FEATURING TWO-SIDED DISCUSSIONS OF CONTROVERSIAL ISSUES TO HAVE VETO POWER OVER ISSUES OR SPEAKERS?

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<th>AM Radio</th>
<th>Answers to Question</th>
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<th>FM</th>
<th>Clear</th>
<th>Reg.</th>
<th>Ind.</th>
<th>Loc.</th>
<th>Net</th>
<th>Ind.</th>
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<td>(353)</td>
<td>(116)</td>
<td>(652)</td>
<td>(852)</td>
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</tr>
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<td></td>
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<td>---</td>
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<td>78.5</td>
<td>75.6</td>
<td>85.6</td>
<td>74.8</td>
<td>69.0</td>
<td>75.1</td>
<td>74.1</td>
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<td>24.5</td>
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<td>7.8</td>
<td>11.3</td>
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stations. In 1957, better than 22 per cent of the respondents from each category of AM radio stations reported a willingness to grant the sponsor this power. By 1959, only the local AM radio stations reported above 22 per cent of the stations willing to give the power of veto over issue or speaker selection to the sponsor.

This still left a good many broadcasters, especially those representing lower powered AM radio stations, willing to permit veto power over issue or speaker selection to rest in the hands of the sponsor.

Summary.—A part of the obligation imposed upon broadcasters is the duty to be fair in granting the use of the station's facilities to holders of opposing views. With respect to the practices and policies of broadcasters regarding the fair treatment of both sides of an issue, the results of the surveys may be summarized as follows:

1. The central problem regarding fairness is whether or not the broadcaster feels the station has a duty to insure the airing of both sides of any controversial issue aired by the station either on separate programs or on the same program. Fifty-nine per cent of the respondents in both the 1957 and 1959 studies felt the station had an unqualified duty to air both sides and an additional 25 per cent to 27 per cent believed the station had this duty but with unspecified qualifications. Only 7.5 per cent of the respondents did not feel the station had any duty to insure airing both sides of issues.

2. Furthermore, for two-sided presentations of opinions, the maintenance of balance is dependent upon the type of format used and the ability of that format to permit confrontation, adequate
representation of the viewpoints, and adequate opportunity to fully express the opinions. Some formats, notably the panel discussion format, were more likely to accomplish these objectives than were other formats.

3. The increasing popularity of formats among those used for two-sided presentations which did not satisfy these requirements easily was and is a source of concern. This was true particularly of the telephone discussion format.

4. In general, the use of formats permitting two-sided presentations provided the easiest and most direct means of achieving fair treatment of opposing viewpoints.

5. Approximately one-fifth of the stations in 1957 and one-sixth of the stations in 1959 were willing to grant the sponsor veto power over issues or speakers for two-sided discussion programs. AM radio stations with lower power reported the highest percentages of stations willing to permit sponsors this power.
CHAPTER X

FAIRNESS TO BOTH SIDES IN SITUATIONS INVOLVING

ONE-SIDED PRESENTATIONS BY NON-BROADCASTERS

Presumably, the large majority of the stations who believed they had a duty to insure the airing of both sides of a controversial issue were willing to permit the use of their facilities by both sides on two-sided presentations. Not only would so doing have provided a means for confrontation, but the use of two-sided formats provides the easiest means of meeting the requirement of fairness. Often, however, direct confrontation of opposing points of view is not the best means of achieving full expression of them. More frequently, direct confrontation is not desired by one or more viewpoints. The result is a request for a one-sided presentation.

Questions that arise regarding fairness and one-sided presentations of opinions on controversial issues include: Would the broadcaster be willing to arrange separate programs if requested to do so? Would the broadcaster be willing to permit a one-sided presentation without rebuttal time to the opposition because one side of a controversy refuses to voice an opinion? Which formats would the broadcaster be willing to use for one-sided presentations? Would the broadcaster permit sponsorship of one-sided presentations?
To determine the attitude of broadcasters in a situation where balance could be attained by arranging separate but equal programs and to determine the willingness of the broadcasters to accede to a demand for indirect confrontation, the following question was asked: "Would you arrange for two one-sided presentation, each side getting one complete program, if one side preferred to make a presentation which did not involve free debate of the issue?"

As in the case of the responses to the central question regarding balance, the overall responses to this question were nearly identical for both surveys. Again, as in the question on the duty to insure airing both sides, noted differences between network affiliated stations and independent stations in 1957 tended to lessen in 1959. Between 41 and 42 per cent of all stations in both studies reported an "unqualified yes" and therefore would have arranged two separate programs. In 1957 and in 1959, nearly 38 per cent of the respondents reported a "qualified yes" to the question. Less than 12 per cent reported they would not arrange two separate programs, one to each side, if one side preferred no free debate of the issue. The remaining 8.1 per cent to 9.6 per cent failed to answer the question in both 1957 and 1959.

In 1957, a higher percentage of network affiliated stations answered the above question with an "unqualified yes" than independent stations of the same categories. A higher percentage of network affiliated stations of each station category answered the question with a flat "no" than did independent stations in 1957. By 1959, these differences had disappeared almost entirely.
Further, there was an inverse relationship between the power of a radio station and its willingness to supply two separate programs if one side wished no free debate of the issues. Thus, a higher percentage of local AM radio stations were willing to supply the two programs than were regional AM radio stations; and regional AM radio stations reported a higher percentage of stations willing to provide two separate programs than clear channel AM stations or television stations. Apparently, the more powerful a station was, the more that station could demand two-sided appearances by the holders of opposing points of view.

While 84 per cent of all stations, either with or without qualifications, felt the station had a duty to insure the airing of both sides, a slightly lower percentage, 79 per cent, were willing to insure a balance of opinions by arranging two separate programs for each side if one side preferred no free debate of the issue.

A question was also asked to determine the broadcaster's attitude toward an FCC guidepost on the proper action of a station when one side refuses to appear after time is offered both sides. The hypothetical situation was further complicated by the fact that the broadcaster was committed to the importance of the issue by virtue of having offered time for two-sided discussion. This was also precisely the situation in the FCC position. Specifically, the question read: "Would you permit a one-sided presentation if the speakers for the opposing viewpoint refused to appear after you offered to make time available for a two-sided discussion of the issue?"
In view of the fact that the guide position has never received much publicity, it is doubtful that many respondents to the questionnaire were aware of its existence. As a result, the reaction probably was based solely upon the broadcaster's response to the hypothetical question. The question stems from a situation involving radio station WWJ, Detroit, Michigan. The station had offered time to both the United Auto Workers Union and the Chrysler Corporation for a discussion of a strike then in progress. The Chrysler Corporation refused to go on the air, whereupon the station wished to cancel the program entirely. This action brought about a complaint to the FCC from the union. In a letter to the station, the FCC indicated that if the issue was important enough to have been offered air time for a two-sided debate "... it was obviously not in the public interest to allow spokesman for one side of a controversy to have veto power over the presentation by refusing to broadcast its position."\textsuperscript{117}

The results of the question for both surveys are given in Table 22, page 180. Regardless of whether or not the FCC position was well publicized, an overwhelming percentage of the stations, either with or without qualifications, would have provided the program to the remaining side.

Unlike the slight but present direct relationship between the answers to the central problem of whether or not the respondent

\textsuperscript{116} News story in \textit{Broadcasting Magazine}, May 1, 1950, p. 29.

\textsuperscript{117} \textit{Broadcasting Magazine}, loc. cit.
TABLE 22
PERCENTAGES OF STATIONS BY STATION TYPES AND RESPONSE TO QUESTION: WOULD YOU PERMIT A ONE-SIDED PRESENTATION IF THE SPEAKERS HOLDING THE OPPOSING VIEWPOINT REFUSED TO APPEAR AFTER YOU OFFERED TO MAKE TIME AVAILABLE FOR A TWO-SIDED DISCUSSION OF THE ISSUE

<table>
<thead>
<tr>
<th>Answers to Question</th>
<th>Television</th>
<th>FM Radio</th>
<th>AM Radio</th>
<th>AM-FM-TV Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1957</td>
<td>(103)</td>
<td>(23)</td>
<td>(604)</td>
<td>(730)</td>
</tr>
<tr>
<td>1959</td>
<td>(134)</td>
<td>(66)</td>
<td>(652)</td>
<td>(852)</td>
</tr>
</tbody>
</table>

Would, without qualifications:
| 1957                | 47.6%      | 17.4%    | 56.7%    | 54.2%          |
| 1959                | 40.4%      | 31.8%    | 53.6%    | 49.1%          |

Would, with qualifications:
| 1957                | 40.7%      | 21.7%    | 29.9%    | 31.0%          |
| 1959                | 44.8%      | 27.3%    | 32.4%    | 34.7%          |

Would not:
| 1957                | 7.8%       | --       | 7.4%     | 7.4%           |
| 1959                | 8.9%       | 7.6%     | 8.3%     | 8.3%           |

No answer:
| 1957                | 3.9%       | 60.9%    | 6.0%     | 7.4%           |
| 1959                | 5.9%       | 33.3%    | 5.7%     | 7.9%           |
felt the station has a duty to insure airing both sides and the question of arranging two separate programs when one side preferred no free debate of the issue, there seemed to be no clear-cut relationship between replies to the question of whether or not a one-sided presentation would be permitted when one side refuses to appear and any other question. Generally speaking, however, 83 per cent would have been willing to broadcast the opinion of the remaining side. Whether qualifications were thought necessary or not apparently depended upon the individual broadcaster, for no discernable pattern was found either from previous answers or according to the type of station.

Sponsorship and one-sided presentations.—A hypothetical question asked to determine the broadcasters attitude toward maintaining a balance of opinions in one-sided presentations concerned the disposition of time-for-reply after one viewpoint has been granted air time. If the original expression of belief was by a person or group of individuals not employed as broadcasters, the problem of maintaining a balance of opinions normally would be solved simply by giving air time to other groups on the same basis as the initial grant. The real problem in the maintenance of a balance of opinions in time-for-reply situations occurs when the initial exposure has been granted a spokesman employed to express opinions on controversial issues and the holders of opposing opinions feel that any time-for-reply should be on a free basis.

Hence, the specific question asked the respondents was, "Would you feel an obligation to provide free time-for-reply to a
sponsored commentator on your station who presented a highly partisan viewpoint on a local issue?" Results are given in Table 23, page 183.

Considerable question existed in the minds of the broadcasters concerning the feasibility of giving free time-for-reply to a sponsored commentator. Thirty to thirty-five per cent of the respondents stated they would not have given free time-for-reply to the sponsored commentator. And the majority of the 55 to 59 per cent of the respondents who would have granted free time-for-reply to the opposing sides would do so with qualifications. Incidentally, a few written comments by respondents with respect to this question indicated that not only were some respondents leery about permitting the opposing points of view free time-for-reply unless absolutely necessary but they were strongly against giving free-time-for-reply to sponsored commentators. Several indicated that were they to permit a commentator on-the-air, the station would feel the providing of time-for-reply to be the sponsor's concern.

In both studies, the network affiliated stations reported a higher percentage of stations which would have given free time-for-reply either with or without qualifications than the independent stations. As was true for other questions related to the fair treatment of conflicting views, the differences between independents and network affiliated stations tended to lessen in 1959.

Comparing the responses to this question with responses to the central question on whether or not the station has an obligation to insure airing both sides revealed that many respondents, both in
TABLE 23

PERCENTAGES OF STATIONS BY STATION TYPES AND RESPONSE TO QUESTION: WOULD YOU FEEL AN OBLIGATION TO PROVIDE FREE TIME FOR REPLY TO A SPONSORED COMMENTATOR ON YOUR STATION WHO PRESENTED A HIGHLY PARTISAN VIEWPOINT ON A LOCAL ISSUE?

<table>
<thead>
<tr>
<th>Answers to Question</th>
<th>Television</th>
<th>FM Radio</th>
<th>AM Radio</th>
<th>AM-FM-TV Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of stations:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>(103)</td>
<td>(23)</td>
<td>(604)</td>
<td>(730)</td>
</tr>
<tr>
<td>1959</td>
<td>(134)</td>
<td>(66)</td>
<td>(652)</td>
<td>(852)</td>
</tr>
<tr>
<td>Would, without qualifications:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>19.4%</td>
<td>13.0%</td>
<td>24.5%</td>
<td>23.4%</td>
</tr>
<tr>
<td>1959</td>
<td>26.8%</td>
<td>12.1%</td>
<td>27.9%</td>
<td>26.6%</td>
</tr>
<tr>
<td>Would, with qualifications:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>46.6%</td>
<td>8.7%</td>
<td>30.5%</td>
<td>31.9%</td>
</tr>
<tr>
<td>1959</td>
<td>32.9%</td>
<td>13.7%</td>
<td>34.2%</td>
<td>32.4%</td>
</tr>
<tr>
<td>Would not:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>26.2%</td>
<td>8.7%</td>
<td>38.9%</td>
<td>35.4%</td>
</tr>
<tr>
<td>1959</td>
<td>24.6%</td>
<td>28.8%</td>
<td>31.6%</td>
<td>30.3%</td>
</tr>
<tr>
<td>No answer:*</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>7.8%</td>
<td>69.6%</td>
<td>7.1%</td>
<td>9.3%</td>
</tr>
<tr>
<td>1959</td>
<td>15.7%</td>
<td>45.4%</td>
<td>6.3%</td>
<td>10.7%</td>
</tr>
</tbody>
</table>

*Among the no answers are included all non-commercial stations.
1957 and in 1959, who felt the station had a duty to insure the airing of both sides did not feel that obligation strongly enough to have extended it to include giving free time-for-reply. For example, of those responding "no, the station had no obligation to provide free time-for-reply to the sponsored commentator," 50.4 per cent of the respondents reported an "unqualified yes, the station did have a duty to insure airing both sides;" 36.6 per cent of the respondents reported a "qualified yes, the station had a duty to insure airing both sides;" and the remaining 13 per cent of this group said "no" to both questions.

An equally important situation involving sponsorship occurs when one side of an issue alone is presented on a program sponsored by an organization interested in that specific side. For one-sided presentations by local organizations intent upon gaining support for their solution to a given issue, the control of the program is virtually completely in the hands of the sponsor with the station exercising a form of veto power if necessary. For this situation a control over content by the sponsor is available and implied (1) provided the station sells time for the purpose of airing one side of controversial issues and (2) provided the station sells time for such purpose to local organizations to sponsor their own presentation.

Both sale of time for controversy situations obviously are based upon the FCC position on sponsorship indicated in the WHKC
incident" and re-iterated in several other instances during the 1940's. The Commission's position indicated the FCC feels the sale of time for controversial issues to a local organization on a fair and non-discriminatory basis should be a cornerstone of a station's policy relative to controversial issues so long as free time also is available. This necessity for the availability of free time was removed by the July 29, 1960, memorandum, but this memorandum was written after the data was collected for the author's studies. Although the premise established by the WHKC hearing has not been re-iterated or enforced during the last decade, no specific action of the FCC has overruled or superceded the position set forth in the WHKC incident.

The basic question about sponsorship for one-sided presentations is whether or not the station would sell time for a one-sided presentation. Strangely enough, despite the guide to the contrary, there were some indications that certain stations, more specifically, certain station types, were moving toward adoption of policies which would have refused the sale of time for one-sided presentations regardless of circumstances. These station types were the ones which, by virtue of the size and prominence of the station, could not easily plead ignorance of the FCC position. As indicated in Table 24, page 186, 23 per cent of the respondents to the question: "Would you refuse to sell time, regardless of circumstances, for the presentation of one-side of a controversial issue?"

118 Supra, p. 18, footnote 23.
119 Supra, p. 106, footnote 106.
TABLE 24
TYPES OF STATIONS AND RESPONSE TO QUESTION: WOULD YOU REFUSE TO SELL TIME, REGARDLESS OF CIRCUMSTANCES, FOR THE PRESENTATION OF ONE SIDE OF A CONTROVERSIAL ISSUE?

<table>
<thead>
<tr>
<th>AM-FM- TV</th>
<th>AM Radio</th>
<th>Reg. TV</th>
<th>Reg. FM</th>
<th>Loc. Ind.</th>
<th>Loc. Net</th>
<th>AM AM</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Clear</td>
<td>Ind.</td>
<td>Net</td>
<td></td>
<td>Ind.</td>
<td>Net</td>
</tr>
<tr>
<td>No. of stations:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>(103)</td>
<td>(23)</td>
<td>(26)</td>
<td>(53)</td>
<td>(77)</td>
<td>(312)</td>
<td>(136)</td>
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<td></td>
<td>(134)</td>
<td>(66)</td>
<td>(28)</td>
<td>(86)</td>
<td>(69)</td>
<td>(353)</td>
<td>(116)</td>
</tr>
<tr>
<td></td>
<td>(730)</td>
<td>(852)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Would, without qualifications:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>5.8%</td>
<td>4.3%</td>
<td>15.4%</td>
<td>7.6%</td>
<td>5.2%</td>
<td>4.5%</td>
<td>2.2%</td>
</tr>
<tr>
<td>1959</td>
<td>10.4%</td>
<td>9.1%</td>
<td>10.6%</td>
<td>4.6%</td>
<td>14.5%</td>
<td>5.9%</td>
<td>3.4%</td>
</tr>
<tr>
<td></td>
<td>4.8%</td>
<td>4.5%</td>
<td>14.5%</td>
<td>5.9%</td>
<td>3.4%</td>
<td>6.4%</td>
<td>7.3%</td>
</tr>
<tr>
<td>Would, with qualifications:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>12.6%</td>
<td>4.3%</td>
<td>19.2%</td>
<td>13.3%</td>
<td>14.3%</td>
<td>11.2%</td>
<td>19.9%</td>
</tr>
<tr>
<td>1959</td>
<td>17.2%</td>
<td>10.6%</td>
<td>17.9%</td>
<td>15.2%</td>
<td>15.9%</td>
<td>15.0%</td>
<td>18.1%</td>
</tr>
<tr>
<td></td>
<td>13.6%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Would not:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>73.8%</td>
<td>21.7%</td>
<td>61.6%</td>
<td>54.6%</td>
<td>75.3%</td>
<td>78.8%</td>
<td>75.0%</td>
</tr>
<tr>
<td>1959</td>
<td>58.2%</td>
<td>30.3%</td>
<td>50.0%</td>
<td>69.6%</td>
<td>59.5%</td>
<td>72.3%</td>
<td>74.1%</td>
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<tr>
<td></td>
<td>64.9%</td>
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<td></td>
<td></td>
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<tr>
<td>No answer:*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>7.8%</td>
<td>69.7%</td>
<td>3.8%</td>
<td>24.5%</td>
<td>5.2%</td>
<td>5.5%</td>
<td>2.9%</td>
</tr>
<tr>
<td>1959</td>
<td>14.2%</td>
<td>50.0%</td>
<td>21.5%</td>
<td>10.6%</td>
<td>10.1%</td>
<td>6.8%</td>
<td>4.4%</td>
</tr>
<tr>
<td></td>
<td>7.8%</td>
<td>12.1%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Non-commercial stations automatically were placed in the category of "no answer" given to this question.
either would have refused to sell time outright or would have preferred to refuse to sell the time. This 23 per cent of the respondents in 1959 was an increase from 1957's 18.5 per cent. The major portion of the shift was due to substantial increases in the percentages of stations with a policy of not selling time by the higher powered, network affiliated, radio stations and the VHF television stations also affiliated with networks. The increase was due almost entirely to stations which reported broadcasting at least one opinion on a controversial issue during the survey period of 1959.

In any event, 65 per cent of the stations would have sold time for a one-sided presentation of a controversial issue in 1959 compared with 73 per cent of the stations in 1957.

This pattern, which indicated an increase in the percentage of stations with a policy of refusing to sell time regardless of circumstances, becomes quite confusing in light of the slight shift in the response pattern to the question: "Would you permit a local organization, highly interested in one-side of a local issue, to sponsor a one-sided presentation by the organization?" See Table 25, page 188.

Obviously, the slight shift toward increased acceptance of local organization sponsorship of their own presentation reported in Table 25 is not significant by itself. However, viewed in relation to the results shown in Table 24, page 186, which indicates a tendency for more stations to be willing to refuse to sell time
TABLE 25
PERCENTAGES OF STATIONS BY STATION TYPES AND RESPONSE TO QUESTION:
WOULD YOU PERMIT A LOCAL ORGANIZATION, HIGHLY INTERESTED IN
ONE SIDE OF A LOCAL ISSUE, TO SPONSOR A ONE-SIDED
PRESENTATION BY THE ORGANIZATION?

<table>
<thead>
<tr>
<th>AM Radio</th>
<th>AM-FM- TV</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>TV FM Clear Ind. Net Loc. Ind. Net Loc. AM Total</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>No. of stations:</td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>(103)</td>
</tr>
<tr>
<td>1959</td>
<td>(134)</td>
</tr>
<tr>
<td>Would, without qualifications:</td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>24.3%</td>
</tr>
<tr>
<td>1959</td>
<td>37.3</td>
</tr>
<tr>
<td>Would, with qualification:</td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>46.6</td>
</tr>
<tr>
<td>1959</td>
<td>44.8</td>
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<tr>
<td>Would not:</td>
<td></td>
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<tr>
<td>1957</td>
<td>20.5</td>
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<tr>
<td>1959</td>
<td>6.7</td>
</tr>
<tr>
<td>No answer:</td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>9.6</td>
</tr>
<tr>
<td>1959</td>
<td>11.2</td>
</tr>
</tbody>
</table>

*Non-commercial stations automatically were placed in the category of "no answer" given to this question.
for one-sided presentations, a greater tendency toward refusing to permit a local organization to sponsor itself was indicated. Not only did this expected shift fail to materialize, but the same stations which were responsible for reporting they had policies of refusing to sell time regardless of circumstances were also the ones responsible for the increase in the percentage of stations which would have been willing to permit a local organization to sponsor itself.

An even more confusing response occurred in the next question, which asked: "Would you sell spot announcements to one side of a controversy for the purpose of outlining that side's viewpoint on the issue?" Apparently, as can be seen in Table 26, page 190, many stations did not regard spot announcements as counting as one-sided presentations, for in view of the percentage of respondents which would have refused to sell time regardless of circumstances for a one-sided presentation, many of these respondents must have been willing to sell spot announcements outlining a viewpoint.

Again, based upon the response to the question of the sale of time regardless of circumstances for a one-sided presentation, there should have been a lower percentage of stations willing to sell spot announcements in 1959 instead of the maintenance of the status quo from 1957. Even without a shift away from a willingness to sell spot announcements, the data included in this table were surprising. A one-sided presentation in a spot announcement form obviously can raise substantial problems in the maintenance of a balance of opinions by the station. In spite of the difficulties in maintaining a fairness
### TABLE 26
PERCENTAGES OF STATIONS BY STATION TYPES AND RESPONSE TO QUESTION:
WOULD YOU SELL SPOT ANNOUNCEMENTS TO ONE SIDE OF A CONTROVERSY
FOR THE PURPOSE OF OUTLINING THAT SIDE’S VIEWPOINT
ON THE ISSUE?

<table>
<thead>
<tr>
<th>AM Radio</th>
<th>AM-FM-TV Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>TV FM</td>
<td>Reg. Reg. Loc. Loc. AM Total</td>
</tr>
</tbody>
</table>
*Non-commercial stations automatically were placed in the category of "no answer" given to this question.*
to both sides of an issue, 75 per cent of the respondents would have sold "spot announcements" to one side for a one-sided presentation and only 30 per cent would have attached any qualifications to this statement. And the overall response pattern seemed to hold for both studies.

To recapitulate,

1) For both studies, 41 per cent of the stations reported an "unqualified yes" and 38 per cent of the stations reported a "qualified yes" they would have arranged two separate programs if one side did not desire a free debate of the issue.

2) In 1959, a slightly higher percentage of stations, 83 per cent, would have been willing to grant time to the remaining side if one side refused to appear.

3) Generally, the bulk of the stations would have been willing to grant the holders of opposing opinions free time-for-reply to a sponsored commentator who took a highly partisan stand on a local issue. However, a higher percentage of stations said "no" than gave a "qualified yes" or an "unqualified yes" alone. Less than 30 per cent felt they would have been willing to grant free time-for-reply on an unqualified basis. Again, this result was true for both studies.

4) The pattern of increasing similarity between network affiliated radio stations and independent radio stations continued throughout each of the above questions.

5) Twenty-three per cent of the stations would have refused to sell time for a one-sided presentation regardless of the circum-
stances, although nearly 16 per cent attached unspecified qualifications.

6) This response was peculiar in view of the replies to the question on whether the station would permit a local organization to sponsor their own presentation of opinion. Only 11 per cent of the respondents indicated they would have refused to permit the local organization to buy time; 78 per cent of the stations would have sold time to a local organization for the purpose of airing that organization's view on a local issue.

7) Again, there was a peculiar response to the question regarding whether or not the station would have sold spot announcements to one side of an issue for the purpose of outlining that side's views on an issue. Seventy-five per cent of the stations would have sold such spot announcements even though problems of fairness would result. Only 13 per cent would not sell such spots and many of these replies were from VHF television stations, FM radio stations, and clear channel AM stations. There was a considerably greater tendency to be willing to sell such spots among the lower powered AM stations—86 per cent of the local AM network affiliated station; 81 per cent of the local independent radio stations; 78 per cent of the regional independent radio stations were willing to sell them. Surprisingly, a higher percentage of AM network affiliates were more willing to sell spot announcements than the independent stations of the same category.
Formats and one-sided presentations.—The remaining problem concerning one-sided presentations for non-broadcasters concerns the choice of format. The choice of format for one-sided presentations can result in a straightforward presentation of viewpoint or, conversely, in the use of emotion laden scenes, music, or situations. In some cases, such as panel discussion or panel interview formats, the public has become accustomed to having both sides represented. Yet, by skillful loading of the panel, these formats may be used to provide a natural setting for a "band-wagon" propaganda effect.

Regarding the use of program formats for one-sided presentations, the stations were asked to indicate which of nine formats they would NOT use for completely one-sided presentation of opinions on a controversial issue. The nine formats offered were drama, variety, news reports, commentary, quiz programs, panel discussions, panel interviews, interviews, and religious programs. The question was based on the assumption that if the respondent failed to check a given type of format he would have been willing to use the format for a completely one-sided presentation. The question had several obvious faults including no provision for inclusion of additional program forms and the lack of a precise definition for the term "variety" program. However, Table 27, page 194, reveals some interesting facets of station policy regarding the use of program formats for one-sided presentations.

Since those stations with policies against carrying controversial issues would not have used any format for carrying contro-
### TABLE 27

PERCENTAGES OF RESPONDENTS WHICH WOULD NOT PERMIT VARIOUS TYPES OF PROGRAMS TO BE USED FOR A COMPLETELY ONE-SIDED PRESENTATION OF OPINIONS ABOUT A CONTROVERSIAL ISSUE FOR THE PERIOD JANUARY 1 TO MAY 1, 1957, AND JUNE 1, 1959, TO JANUARY 1, 1960

<table>
<thead>
<tr>
<th>Program Types for 1957*</th>
<th>AM Radio</th>
<th>Total AM-FM-TV</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drama documentary</td>
<td>49.5%</td>
<td>17.4%</td>
</tr>
<tr>
<td>Variety</td>
<td>58.3</td>
<td>13.1</td>
</tr>
<tr>
<td>News</td>
<td>74.9</td>
<td>34.8</td>
</tr>
<tr>
<td>Commentary</td>
<td>37.9</td>
<td>17.4</td>
</tr>
<tr>
<td>Quiz</td>
<td>60.3</td>
<td>13.1</td>
</tr>
<tr>
<td>Panel discussion</td>
<td>24.3</td>
<td>4.3</td>
</tr>
<tr>
<td>Panel interview</td>
<td>20.3</td>
<td>--</td>
</tr>
<tr>
<td>Studio interview</td>
<td>13.3</td>
<td>4.3</td>
</tr>
<tr>
<td>Religious</td>
<td>41.7</td>
<td>17.4</td>
</tr>
<tr>
<td>No Answer</td>
<td>14.6</td>
<td>60.9</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Program Types for 1959*</th>
<th>AM Radio</th>
<th>Total AM-FM-TV</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drama documentary</td>
<td>55.3</td>
<td>19.7</td>
</tr>
<tr>
<td>Variety</td>
<td>59.7</td>
<td>34.8</td>
</tr>
<tr>
<td>News</td>
<td>70.3</td>
<td>45.5</td>
</tr>
<tr>
<td>Commentary</td>
<td>32.1</td>
<td>18.2</td>
</tr>
<tr>
<td>Quiz</td>
<td>61.3</td>
<td>36.4</td>
</tr>
<tr>
<td>Panel discussion</td>
<td>31.4</td>
<td>27.3</td>
</tr>
<tr>
<td>Panel interview</td>
<td>29.1</td>
<td>22.7</td>
</tr>
<tr>
<td>Studio interview</td>
<td>17.2</td>
<td>16.6</td>
</tr>
<tr>
<td>Religious</td>
<td>47.1</td>
<td>25.7</td>
</tr>
<tr>
<td>No Answer</td>
<td>7.5</td>
<td>36.6</td>
</tr>
</tbody>
</table>

*Respondents were permitted to check as many program types as they wished.
versy, most of those stations failed to answer the question. Several of the stations with policies against carrying controversial issues answered the question and were included as a part of the response group. Respondents were permitted to check as many formats as they wishes.

There are two especially noteworthy items in Table 27. The first is related to the panel discussion format. Of the stations responding to the question in 1959, 39.1 per cent would not have used this format for a one-sided presentation. An additional 9.5 per cent failed to answer the question. In 1959, the remaining 51.4 per cent apparently would have aired a completely one-sided presentation using a format which has always implied two-sidedness and vis-a-vis confrontation of opinion. And, in 1957, 63.6 per cent of the stations apparently would have used a panel discussion for a one-sided presentation.

The second item of note reported a similar shift in the percentage of stations which would not have used the panel interview format for one-sided presentations. In 1957, only 16.6 per cent of the stations reported they would not have used a panel interview format for one-sided presentations; 68.7 per cent of the respondents would have used the panel interview format for a one-sided presentation. In 1959, 33.5 per cent of the respondents would not have used the panel interview format for a one-sided presentation; and 43 per cent would have used this format for a one-sided presentation of an opinion about an issue.
Apparently, 25 per cent of the broadcasters would have permitted a one-sided newscast; 35 per cent would have permitted a one-sided presentation on a quiz program; 45 per cent would have permitted a one-sided presentation on a religious program; and between 40 per cent and 45 per cent would have permitted a one-sided presentation on a drama or variety program. Oddly, for both commentary and straight interview programs, between 20 per cent and 30 per cent of the stations would have refused to present a completely one-sided presentation using these formats which appear to be almost perfect for one-sided presentations.

Television stations did not deviate appreciably from the pattern established for all the stations. There were a few indications that television stations were not as zealous in 1959 as they were in 1957, especially about one-sided newscasts and quiz programs.

FM radio stations seemed to be undergoing great shifts in thinking not only about controversial issue broadcasting with respect to the quantity carried but also in respect to the amount of attention being focused on controversy.

Network affiliated stations were more zealous about keeping news programs from presenting only one side than were independent stations.

Geographically, the percentages for radio and television stations which would not have used the formats for a one-sided presentation showed rather distinct patterns in 1957 but not in 1959.
In 1957, Eastern and Southwest-Western stations assumed very similar patterns, while the stations from the South and Midwest were similar to each other. In the 1957 survey, stations in both the East and the Southwest-West reported consistently higher percentages for stations which would not use drama, variety, news reports, quiz programs and religious programs for one-sided presentations than did stations in the South and Midwest. Stations located in the East and West-Southwest reported lower percentages for stations which would not use interview formats for this purpose than did the stations located in the South and Midwest. Policies against the use of panel discussion, panel interview, and commentary formats for one-sided broadcasts of opinion were reported about equally by stations located in all four areas. By 1959, a leveling seems to have taken place, for the stations in all four areas reported very similar percentages for all the choices of formats except for the panel discussion format and the quiz format. The percentages for stations from each area which would not have employed a panel discussion for a broadcast of one-sided opinion were: East, 48.6 per cent; South, 39.6 per cent; Midwest, 30.4 per cent; and West-Southwest, 41.7 per cent. The percentages for stations for each area which would not have used a one-sided presentation for a quiz program were: East, 60.1 per cent; South, 60.3 per cent; Midwest, 52 per cent; and West-Southwest, 46.4 per cent.

The broadcaster's general attitude toward permitting the use of program formats for controversial opinion by speakers when the time has been granted for a purpose other than for controversy was
also of interest. When the question was framed for the 1957 study, the author felt that any deviation from a negative response would be significant. This was also based upon the prediction that a number of formats would not have been permitted to be used for one-sided presentations by an overwhelming majority of stations. The results of the preceding question which reported relatively few stations would have hesitated to use any format for a one-sided presentation obviously limited the value of the question: "Would you permit a speaker to present his opinions about local controversial issues on a program for which time has been donated or sold for a purpose other than the presentation of controversy or the presentation of news?" This question was asked in 1959 to determine if any significant change had occurred. No change occurred. Approximately 70 per cent of the stations said they would not have permitted the speaker to use a program format when the format was not designed for opinion presentation. Another 16 per cent indicated a "qualified yes" to the question and between 3 and 4 per cent indicated an "unqualified yes." The remainder failed to answer the question. Because of the willingness of many broadcasters to use almost any format for one-sided presentations, the replies to this question lost significance except for the information that the majority of broadcasters would not have permitted this practice.

Summary.—1. For both studies, 79 per cent of the respondents to the questionnaire, either with or without qualification would have arranged two separate programs if the supporters of each side desired separate programs.
2. A slightly higher percentage of stations, 83 per cent, either with or without qualification, would have granted air time to the remaining side if one side refused to appear.

3. Considerable question existed concerning the willingness of broadcasters to provide free time-for-reply to a sponsored commentator, but most respondents would have granted free time-for-reply if forced to do so.

4. Over one-fifth of the respondents reported they would have refused to sell time for a one-sided presentation. Most of the stations which would have refused to do so were those which carried broadcasts of opinions about controversial issues and were among the higher powered radio stations and the VHF television stations.

5. But many of these same stations also were among the 78 per cent of the stations which, either with or without qualifications, would have permitted a local organization to sponsor its own one-sided presentation.

6. And, many of these same stations, along with a great many others, would have been willing to sell spot announcements outlining one-side's viewpoint about a controversial issue.

7. The local AM radio stations were consistently more willing to sell time for one-sided presentations in all categories than any other station type.

8. Strangely, when the question becomes one of which formats the respondent would permit to be used for one-sided presentations, the response pattern indicated many stations would not
have used formats traditionally known as excellent one-sided vehicles and many would have permitted the use of formats for one-sided presentations which have always been known as good vehicles for two-sided presentations.

Generally, the pattern of responses indicates the acceptance by many of the broadcasters of the duty to be fair to both sides when granting broadcast time to one-sided presentations by non-broadcasters.
CHAPTER XI

FAIRNESS TO BOTH SIDES OF AN ISSUE IN
SITUATIONS INVOLVING EDITORIALIZING

Editorializing, or the "use of radio facilities by the licensees for the expression of the opinions and ideas of the licensee on the various controversial and significant issues of interest to the general public afforded radio or television service by the particular station," has long been a bone of contention between the broadcasters and the regulatory agencies. During the earliest days of radio, editorializing was a common practice and licensees of broadcast facilities frequently used their stations as sounding boards for their opinions and ideas. However, by 1926, many Congressmen and a few influential broadcasters representative of a changing climate of opinion, agreed that no station owner should use a broadcasting facility for broadcasting editorial opinions. A few broadcasters even advocated that licensees should have policies against editorials. The Federal Radio Commission quickly established a "no editorializing" precedent by refusing to renew the license of radio station WCOT, Providence, Rhode Island,

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121 Hearings before Committee on Interstate Commerce, U. S. Senate, 69th Congress re Sen 1 and Sen 1754, pt. 3, 1926, p. 228.
because the licensee, among other erring practices, used the station
to campaign for public office, to attack his enemies, and to ex-
press opinions on subjects of interest to himself. The FCC
backed this policy in its next annual report.

At this point, interest in the subject apparently abated
and little was heard about the policy until 1939, when the Mayflower
Broadcasting Corporation asked the FCC for the broadcasting fre-
quency then held by radio station WAAB, Boston, Massachusetts. The
Mayflower Corporation charged that radio station WAAB had not been
serving the "public interest, convenience or necessity" the statu-
tory condition on which continuance of all radio licenses depends,
inasmuch as WAAB had been editorializing in favor of some political
candidates to the disadvantage of their opponents.

The FCC found the Mayflower Corporation unsuitable to hold
the radio frequency for which it had applied. Nevertheless, the
FCC felt obliged to take notice of the Mayflower Corporation's com-
plaint against radio station WAAB, especially since WAAB's license
was up for renewal. The FCC had the matter under consideration
until January, 1941, when it issued a Decision and Order known as
the "Mayflower Decision," in which it was stated:

... a truly free radio cannot be used to advocate
the causes of the licensee. It cannot be used to
support the candidacies of his friends. It cannot
be devoted to the support of principles he happens


to regard most favorably. In brief, the broadcaster cannot be an advocate.\textsuperscript{124}

Since the owner of WAAB had discontinued editorials in September, 1938, and had filed an affidavit stating he would not resume such practice, the FCC granted renewal of license.

Despite the knowledge that the FCC had never withheld renewal of license on the basis of a technical violation when coupled with a showing of "bona fides," no test case was made by the broadcaster of this ruling. It was not until some five years had passed, actually after the end of World War II, that any major protest actually was made. Then, the president of the National Association of Broadcasters, Justin Miller, began attacking the Mayflower decision publicly.\textsuperscript{125} Still no test case was entered in the courts and none ever was entered. However, Miller's attack stirred interest and eventually the FCC responded. On September 5, 1947, by its own motion, the FCC ordered hearings to begin on March 1, 1948. These hearings culminated in the rescinding of the initial Mayflower decision on June 1, 1949, by a vote of four to one.\textsuperscript{126} Once again, editorializing was permitted but with certain restrictions. The FCC held it was "against the public interest for the licensee to stack the cards by a deliberate selection of spokesmen for opposing points of view to favor one viewpoint at the expense of the other, whether or not the views of the spokesmen are identified

\textsuperscript{124}FCC, Decision and Order, January 16, 1941; 8 FCC 333 (1941).

\textsuperscript{125}News story in Broadcasting Magazine, August 26, 1946, p. 24.

\textsuperscript{126}Chairman Coy and Commissioner Walker not participating, Commissioner Hennock dissenting.
as the views of the licensee or of others.\textsuperscript{127} Later, the FCC held that when the licensee has editorialized, a duty devolves upon the licensee to affirmatively "invite" and "encourage" the opposition to use the licensee's facility.\textsuperscript{128}

Since the rescinding of the original Mayflower decision, a slow but steady increase in the number of stations editorializing has been noted, largely as a result of repeated, forceful urgings by the FCC. In the last several years there has been a noticeable increase in the percentage of stations editorializing. This increase is shown in Table 28, page 205, which compares the results from the 1957 survey with those of the 1959 survey. As the table indicates, over one-fifth of the stations which responded to the questionnaire in 1959 indicated their stations did take direct editorial stands on a more or less regular basis and an additional 47 per cent indicated they editorialized occasionally. For many stations, the indication that they editorialized occasionally probably means, "We have editorialized at least once in the past and we are willing to editorialize again should the proper occasion arise." In short, in 1959, 69.4 per cent of the respondents reported they were willing to exercise the right to editorialize. This represents a considerable increase over 1957 and is considerably higher than the figures reported by Broadcasting Yearbook.\textsuperscript{129} Because of a probable

\textsuperscript{127}\textit{In the Matter of Editorializing by Broadcast Licensees, Paragraph 14, Docket 8516 (1949).}

\textsuperscript{128}New Broadcasting Co., 6 R. R. 258 (1950); and Letter from M. S. Novik to T. J. Slowie, Sec. FCC, March 6 (1950), photostat in author's possession.

\textsuperscript{129}\textit{Supra, pp. 56-7, Fig. 2.}
TABLE 28
PERCENTAGES OF STATIONS BY STATION TYPES AND RESPONSE TO QUESTION: DOES YOUR STATION TAKE A DIRECT EDITORIAL STAND ON NATIONAL AND LOCAL IMPORTANT ISSUES? REGULARLY? IN EXCEPTIONAL CASES? NEVER?

<table>
<thead>
<tr>
<th></th>
<th>AM Radio</th>
<th>AM-FM- TV Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>TV</td>
<td>FM</td>
</tr>
<tr>
<td>No. of Stations:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>103</td>
<td>23</td>
</tr>
<tr>
<td>1959</td>
<td>134</td>
<td>66</td>
</tr>
<tr>
<td>Regularly:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>4.8%</td>
<td>---</td>
</tr>
<tr>
<td>1959</td>
<td>17.9</td>
<td>6.1</td>
</tr>
<tr>
<td>Exceptionally:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>47.6</td>
<td>13.1</td>
</tr>
<tr>
<td>1959</td>
<td>45.5</td>
<td>27.3</td>
</tr>
<tr>
<td>Never:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>44.7</td>
<td>30.4</td>
</tr>
<tr>
<td>1959</td>
<td>30.6</td>
<td>37.8</td>
</tr>
<tr>
<td>No Answer:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>2.9</td>
<td>56.5</td>
</tr>
<tr>
<td>1959</td>
<td>6.0</td>
<td>28.8</td>
</tr>
</tbody>
</table>
bias in the author's study, this percentage probably represents the highest percentages for broadcasting stations which were willing to editorialize.130

While no one type of station is directly responsible for the increase, the percentages for stations in the Midwest and West-Southwest which reported they editorialized showed large increases. Approximately 15 per cent more stations in each of these areas editorialized in 1959 than in 1957. Stations in the East and South showed increases in editorializing of 5 to 6 per cent from 1957 to 1959.

The above refers to both national and local issues. On the question of whether or not the respondents would have permitted the station to editorialize on one side of a highly controversial local issue, an increase was also noted in the percentage of stations willing to take an editorial stand. In 1957, 29.4 per cent of the respondents answered this question with an "unqualified yes;" 23 per cent said they "would have editorialized on a local issue" but with "qualifications;" and 40 per cent of the respondents would not have permitted the station to take an editorial stand on a highly controversial local issue. In 1959, in response to the same question, 39.4 per cent answered with an "unqualified yes;" 30.2 per cent with a "qualified yes;" and only 22.2 per cent said they would not have permitted the station to editorialize on one side of this hypothetical, highly controversial local issue.

130 Cf. ante, p. 72.
The expected difference that some stations would be willing to editorialize on national issues only did not materialize in 1959, although 6 per cent of the stations fell into this category in 1957. The relationship between stations taking a direct editorial stand on national and local issues either regularly or exceptionally and those willing to take a stand on a local issue either with or without qualifications was nearly perfect in 1959.

The problems of maintaining a balance of opinions about an issue when the licensee has editorialized was investigated along two lines of inquiry. The first line of inquiry explored the relationship between a station's tendency to editorialize on a local issue and its feeling of obligation to insure the airing of both sides. The second line of inquiry explored the relationship between a station's tendency to editorialize on one side of a local issue and its feeling of obligation to "seek out" and affirmatively "encourage" the holders of an opposing viewpoint to use the station's facilities whenever the station had editorialized on one side of a local controversial issue.

The second line of inquiry follows the FCC position stated in the correspondence exchanged between the FCC and Mr. Novik, President of New Broadcasting Company, Incorporated. 131

Table 29, page 208, shows the relationship between the responses to the questions "Would you permit your station to editorialize about a highly controversial local issue?" "Would you feel

131 Supra, footnote 130, p. 206.
TABLE 29
RELATIONSHIP BETWEEN RESPONSES TO QUESTION OF PERMITTING STATION TO EDITORIALIZE ON LOCAL ISSUES AND RESPONSES TO QUESTION ON DUTY OF STATION TO INSURE AIRING OF BOTH SIDES

<table>
<thead>
<tr>
<th>Response to Question on Permitting Local Editorializing</th>
<th>Response to Question on Insuring Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>TV</td>
</tr>
<tr>
<td>YES</td>
<td></td>
</tr>
<tr>
<td>(332) 43.0%</td>
<td></td>
</tr>
<tr>
<td>Yes, without qual.</td>
<td>73.9%</td>
</tr>
<tr>
<td>Yes, qualified</td>
<td>21.7</td>
</tr>
<tr>
<td>No</td>
<td>4.4</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
</tr>
<tr>
<td>YES QUALIFIED</td>
<td></td>
</tr>
<tr>
<td>(250) 32.4%</td>
<td></td>
</tr>
<tr>
<td>Yes, without qual.</td>
<td>64.1%</td>
</tr>
<tr>
<td>Yes, qualified</td>
<td>28.2</td>
</tr>
<tr>
<td>No</td>
<td>7.7</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
</tr>
<tr>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>(191) 29.7%</td>
<td></td>
</tr>
<tr>
<td>Yes, without qual.</td>
<td>65.0%</td>
</tr>
<tr>
<td>Yes, qualified</td>
<td>30.0</td>
</tr>
<tr>
<td>No</td>
<td>5.0</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Note: Only 1959 responses used and only those returns responding to both questions were used.
it the duty of your station to insure the airing of both sides—
either on the same program or separate programs—of any controversial
issue aired by the station?" Only the responses to the 1959 ques-
tionnaire were used.

Apparently, the broadcasters who reported a willingness to
editorialize on one side of a local issue were little different from
the broadcasters who were not willing to editorialize on one side of
a local issue when it came to ensuring the airing of both sides of
the issue.

Accordingly, the expectation was that the broadcaster would
feel an obligation to seek out and encourage the opposing viewpoint
when the station editorialized on one side of a local issue. The
response to a question asking if the respondent would feel the
station had such an obligation is shown in Table 30, page 210.
Again, only the responses to the 1959 questionnaire were used.

Only 32.6 per cent of the respondents reported they un-
qualifiedly felt the station was obligated to affirmatively "seek
out" opposition; an additional 26.3 per cent felt the station was
obligated but with certain qualifications. Incidentally, several
comments were attached to the questionnaire by stations reporting
a "qualified yes" to the question of finding someone to represent
the opposing side. Some of these comments indicated these respon-
dents felt certain types of topics required no response and they
felt that the station should not actively seek out an opposing
reply for such topics. Among the types of topics cited were those
pertaining to racial and religious intolerance. Several respondents
TABLE 30
PERCENTAGES OF STATIONS BY STATION TYPES AND RESPONSE TO QUESTION:
WOULD YOU FEEL AN OBLIGATION TO FIND SOMEONE TO REPRESENT THE
OPPOSING VIEWPOINT IF THE STATION EDITORIALIZES ON ONE
SIDE OF A LOCAL CONTROVERSIAL ISSUE?

<table>
<thead>
<tr>
<th>Answers to Question</th>
<th>AM Radio</th>
<th>AM-FM-</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>TV</td>
</tr>
<tr>
<td>No. of Stations:</td>
<td>(134)</td>
<td>(66)</td>
</tr>
<tr>
<td>Would, without</td>
<td>38.8%</td>
<td>19.7%</td>
</tr>
<tr>
<td>qualifications:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Would, with</td>
<td>30.6</td>
<td>18.2</td>
</tr>
<tr>
<td>qualifications:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Would not:</td>
<td>22.4</td>
<td>28.8</td>
</tr>
<tr>
<td>No Answer:</td>
<td>8.2</td>
<td>33.3</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Note: Only the returns for the 1959 study were used.

pointed out that they felt that having the station prepared to give
air time to the opposition if such a request was made would be a
satisfactory substitute for affirmative action. This same comment
was made by a few respondents who replied "no, the station did not
have the obligation to seek out" or find an opposing viewpoint when
the station editorialized. These few respondents by no means
represent all of the 32.2 per cent who responded "no" to the question.
Any many of the 32.2 per cent of the respondents who felt the station
had "no obligation to seek out the opposing side" were the same ones
who also reported the station regularly took a direct editorial stand on one side of an issue.

In fact, as shown in Table 31, page 212, those respondents who felt no obligation to "seek out" the opposing viewpoint were more likely to editorialize on a local issue than those respondents who accepted, either wholly or partially, the obligation to seek out the opposing view.

Among certain of the AM radio station categories, this tendency for a station not to feel obligated to seek out the opposition but to be unqualifiedly willing to editorialize on a local issue became quite pronounced. For example, 65.2% of the local network affiliated AM radio stations which indicated they felt no obligation to seek out the opposition would have editorialized about a local issue. Identical position was taken by 71.5% of the regional, network affiliated, radio stations; 64.4% of the regional, independent, radio stations; 49.3% of the local independents; 47.3% of the clear channel stations; and 57.2% per cent of the television stations.

Summary.—1. An increased number of stations were willing to use their facilities for editorial opinion.

2. An increased percentage of stations, 22.2 per cent in 1959 as compared with 10.4 per cent in 1957, editorialized on a more or less regular basis. Both in 1957 and in 1959 between 47 and 48 per cent of the stations reported they occasionally took an editorial stand on national and local issues.
TABLE 31
RELATIONSHIP BETWEEN RESPONSES TO QUESTION ON SEEKING OUT OPPOSITION WHEN THE STATION EDITORIALIZES AND TO QUESTION CONCERNING PERMITTING THE STATION TO TAKE AN EDITORIAL POSITION ON A LOCAL CONTROVERSIAL ISSUE

<table>
<thead>
<tr>
<th>Answer to Seek-Out and Encourage Opposition</th>
<th>Answer to Question on Editorializing AM Radio</th>
<th>AM-FM- TV</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>AM</td>
<td>FM</td>
</tr>
<tr>
<td></td>
<td>TV</td>
<td>Radio</td>
</tr>
<tr>
<td>YES (276)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>32.1%</td>
<td>7.7%</td>
</tr>
<tr>
<td>Yes Qual.</td>
<td>28.3</td>
<td>54.0</td>
</tr>
<tr>
<td>No</td>
<td>39.6</td>
<td>38.3</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
<td>100.0</td>
</tr>
<tr>
<td>YES QUALIFIED (217)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>34.1</td>
<td>16.7</td>
</tr>
<tr>
<td>Yes Qual.</td>
<td>39.1</td>
<td>50.0</td>
</tr>
<tr>
<td>No</td>
<td>26.8</td>
<td>33.3</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
<td>100.0</td>
</tr>
<tr>
<td>NO (269)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>57.2</td>
<td>47.2</td>
</tr>
<tr>
<td>Yes Qual.</td>
<td>25.0</td>
<td>26.0</td>
</tr>
<tr>
<td>No</td>
<td>17.8</td>
<td>26.4</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Note: Only 1959 returns were used and only stations answering both questions were used.

3. Those stations which favored ensuring the airing of both sides of an issue also favored permitting editorializing about a highly controversial local issue and favored permitting themselves to editorialize on one side of a local issue.
4. Only 32.6 per cent of the respondents felt an unqualified obligation, and 26.3 per cent felt a qualified obligation, to "seek out" the opposing viewpoint to reply to an editorial opinion expressed by the station.

5. Among the respondents who reported no feeling of obligation to seek out the opposing view, an extremely high percentage, 82.5 per cent, were willing to editorialize. In essence, there appears to have been opposition on the part of many stations which used their facilities for editorializing to the idea that broadcasters should affirmatively "seek out" the opposition. As a partial explanation, which seems reasonable, many of these stations pointed out a willingness to adopt a passive role insofar as they would have granted time if it were sought by the opposition.\(^{132}\)

\(^{132}\)A view specifically stated by the Illinois Broadcasters Association in a resolution requesting the National Association of Broadcasters to confer with the FCC to seek a common editorial policy which would read in substance as follows:

"That so long as the broadcaster follows a reasonable standard of fairness in the presentation of an editorial or an issue that the broadcaster may approve or oppose by editorial; and

"So long as the editorial is designated an editorial or opinion of the broadcaster, both before and after the editorial; and

"That when such editorial is so defined, it shall not be necessary for the broadcaster to affirmatively seek out a responsible person to present the other point of view, but when opposition desires to be heard either in writing, properly identified, or by personal appearance, it shall be the duty and obligation of the broadcaster to provide equal time and facilities for such opposing views."

CHAPTER XII

SUMMARY AND CONCLUSIONS

The purpose of this dissertation is to examine the practices and policies of American broadcasters regarding the broadcasters' obligation to provide the people of their communities with a fair representation of pertinent viewpoints about controversial issues. Essentially, this investigation was conducted along four lines of inquiry: the nature of the responsibility to provide the citizens with information and ideas about public issues; the role of the government with respect to this duty; the practices of broadcasters regarding the broadcasting of opinions about controversial issues; and the policies of broadcasters with respect to the fair treatment of both sides of an issue.

The nature of the responsibility.—The American broadcaster is responsible for providing a means of communications whereby the citizens of a free society such as ours can learn of the more important arguments and ideas concerning controversial public issues. Since the uniqueness of electronic communications restricts the number of radio and television stations available for broadcasting in the United States, broadcasters are also responsible for providing the public with a fair representation of the significant points of view concerning the major issues of interest to the citizens.
These responsibilities or duties are based upon the concept that in a democratic society the keeping of the decision making function in the hands of the people is fundamental to the existence of the society. When an issue exists in a democratic society, the decision making process is characterized by the opportunity for all members of the society to participate in the open discussion of the ideas offered as solutions to the problems projected by these issues. This process of decision making must result in solutions which lead to the attainment of the goals of the society.

Clearly, the quality of the decisions thus made depends upon the effectiveness of the discussion to inform the people of ideas and opinions concerning issues confronting the public. In turn, this effectiveness depends upon the availability of some means of communication capable of providing information to the citizens. There is no novelty in the observation that the advances of technology, the increases in the size of the population, and the complexities of modern society have made it increasingly difficult in recent years to rely upon personal, face-to-face communication in matters of this nature. Consequently, society has entrusted the task of providing this means of communication to the mass media.

The expectation that rational decisions will be made by the people of a free society obviously is based upon the premise that the people will have the opportunity to become informed of all pertinent ideas about the issues currently being discussed. This implies that no significant point of view will be barred from their hearing or will suffer some form of discrimination in terms of the
content of the message or the opportunity to reach the citizens. Any such discrimination would be contrary to the interest of the public.

For the media of mass communications other than radio or television, the people are somewhat assured of being presented with the necessary information either by the presentation of the viewpoint over existing facilities or by the ability of the spokesmen for that point of view to own and operate a mass communication's facility. However, the inherent nature of electronic communications places a restriction on the number of broadcasting stations able to operate at any given time. Thus, the alternative solution whereby the supporters of a given viewpoint would be able to own and operate a broadcasting station can not apply to radio and television. Because of the physical restriction on the number of available channels, the federal government licenses the ownership of broadcasting stations in the United States. In addition, the regulatory agency of the federal government concerned with the licensing of radio and television stations, the FCC, has indicated that it is not likely to grant a license to anyone who applies for a license with the sole purpose of advocating a point of view.133

Theoretically, there is not enough time available for a broadcasting station to grant the use of the station's facilities to every possible claimant for time. As a result, the broadcaster is given control over the selection of the issues about which opinions

133 In re: Young Peoples Association for the Propagation of the Gospel, 6 FCC 178, 181 (1938).
will be offered, and the selection of the speakers on those issues. This control is relatively absolute. Even though the broadcaster is licensed to operate his station in the "public interest, convenience, or necessity" by the federal government, the government—or any arm of the government such as the Congress or the FCC—is prohibited by the First Amendment to the Constitution from making any law, rule, regulation or taking any action which would abridge the freedom of the press or of speech. Any control of the programming of a radio or television station which included the selection of issues about which expressions of opinion would be presented to the public or the selection of the speakers to offer such presentations would be an exercise of editorial judgment in clear violation of the provisions of the First Amendment.

However, in view of the statutory condition under which licenses to broadcast are granted, broadcasters are required to operate their stations in the "public interest." Obviously, the public interest includes the requirement that the public be given the opportunity to learn of the pertinent ideas and opinions concerning important public issues. Since the only way such communication of information can take place using the radio and television media is with the permission of an existing licensee, the broadcaster has a duty not only to provide a means of communication by which the discussion of issues may take place but also has an obligation to provide the people with a fair representation of all responsible opinions concerning those issues.

\textsuperscript{134}Federal Communications Act of 1934, Sec. 307.
The role of the government.—With respect to the area of programming under discussion, the government has a regulatory role. The government is to make sure that the broadcasters operate their stations in the interest of the public. However, the government must accomplish this mission without exercising advance selection of program materials which would affect the programming of any station. As mentioned previously, such action is prohibited by the First Amendment to the Constitution of the United States.

Provided there is no violation of the provisions of the Constitution or the amendments thereunto, Congress has the power to enact laws concerning broadcasting. To regulate broadcasting, Congress created the Federal Radio Commission in 1927; this agency was superseded by the Federal Communications Commission in 1934.

At various times the regulatory agencies, the FRC and the FCC, have indicated by certain decisions, opinions, memoranda, and public letters what they have felt to be the interest of the public regarding the broadcasting of programs featuring discussions of public issues. These statements frequently have been issued in response to a loud complaint by an individual or organization that a broadcaster has been unfair to them concerning the use of station facilities. Rarely has more than one station been threatened with the loss of license even though the practice complained of may be widespread.

Included in the statements by the regulatory agencies have been the concepts that broadcasters have a duty to present opinions
about currently important issues and that broadcasters have an obligation to treat fairly both sides of an issue. When pressed, the FCC has also indicated that the licensee of a broadcasting station should (1) devote an adequate (but unspecified) amount of time to broadcasts of opinions about controversial issues, (2) present opinions about local issues of importance as well as national issues, (3) provide a balance of points of view about any given issue, (4) adopt no policy which does not permit the sale of time for presentations of ideas about public issues, (5) seek out and encourage supporters of an opposing view to present their opinions after the broadcaster has editorialized on an issue, (6) not permit one side of a controversy to veto all presentations about that issue by refusing to appear on the air.\(^\text{135}\)

The statements made by the regulatory agencies have added a form of legal pressure to the already existing moral obligation developed previously. However, the past actions of the Commissions in this area of programming have not been enforced consistently. Consequently, the pressure exerted by the government upon broadcasters with respect to the carrying of broadcasts of this type have not been highly effective. True, the present members of the FCC have indicated a willingness to adopt a stronger stand by their proposal to request additional information of applicants for original license and renewal of license. If the proposal becomes fact, this additional information would include the applicant's past practices and proposed practices concerning the broadcasts of

\(^{135}\text{Supra, pp. 18-19 and 179.}\)
expressions of opinions about issues. However, the Commission has not yet indicated specifically how this information is to be used or what penalties may occur for the failure of a licensee to program his station according to the promises made in the application.

The studies.—The broadcasters have indicated publicly their acceptance of a responsibility to offer discussions of controversial issues. This acceptance is stated in the provisions of the "Codes of Good Practices" and the "Television Code" of the National Association of Broadcasters, in the policy provisions of the major network organizations, and in the public statements of leading broadcasters.

However, many observers of the industry have felt that the broadcasters have not met their duty satisfactorily. These fall into two groups—those individuals who base their critical appraisals on personal observation and those individuals who base their conclusions on the collection of data through quantitative methods. Generally, the critics who based their conclusions on personal observations have concluded that broadcasters have not fulfilled their obligation in a satisfactory fashion. The quantitative studies of the practices and policies of broadcasters regarding this area of programming have not covered the entire scope of the problem. As a result, the beliefs of the critics who have offered conclusions based upon personal observation have been neither adequately supported nor contradicted by the quantitative studies.

The NAB represents over one-half the radio stations; two-thirds of the television stations and all the major networks in the country. As a result, the code statements represent, at least, the public policies of a majority of the broadcasters.
In examining the process of communication by which the public is presented with the necessary information concerning important issues, it is obvious that the broadcaster has almost complete control over the selection of the issues to be discussed, the selection of the speakers to offer ideas and arguments, the selection of the type of programs to be used, the selection of the day and the time of the day the public will be given an opportunity to hear opinions on issues, and the amount of time to be devoted to discussing any issue. As a result of this extensive control, the policies and practices of the broadcaster are vitally important to the effective use of radio and television for the broadcasting of ideas and beliefs about controversial topics.

Accordingly, a descriptive study of the practices and policies of broadcasters regarding this subject was in order. Two such studies were conducted by the author, one in early 1957 and the other in 1959. Completed questionnaires were returned by respondents from 730 and 852 broadcasting stations in 1957 and 1959 respectively. Information concerning the actual practices of the broadcasting station regarding the carrying of points of view about important issues was requested for the periods January 1 to May 1, 1957, and June 1, 1959, to January 1, 1960.

The two samples were generally proportionately representative of the types of broadcasting stations in the United States. Nearly all the returned questionnaires were completed either by an owner or by a member of the top levels of management of the stations.
There is a possibility that some bias exists concerning the replies of the stations in the sample. While the returned questionnaires were proportionately representative of the various types of stations, those managers and owners who took the time to answer the questions were more likely to be broadcasters interested in this problem. The similarity of the responses to the two questionnaires indicates that such bias, if present, was consistent.

The general areas of investigation of the studies reflect the broadcasters' responsibility with respect to this type of programming. Information was collected regarding the carrying of opinions about important issues and the policies of broadcasters concerning the fair treatment of both sides of an issue. In view of the importance and the nature of the responsibility, the public should be able to expect the broadcaster:

1) to make his station available for opinions on controversial issues

2) to demonstrate his acceptance of the obligation by devoting an adequate amount of time each week to presentations of opinions on public issues

3) to present points of view about the more important local issues

4) to offer programs which permit sufficient information about the issues to be communicated to the public

5) to accept the principle that both sides of an issue should be presented fairly
6) to have policies on such matters as sponsorship, the selection of the issues to be discussed, and the selection of speakers which will permit fair treatment of both sides of an issue.

Conclusions.

Were the broadcasting stations made available for presentations of positions about controversial issues?

The majority of broadcasters who returned questionnaires both in 1957 and 1959 made the facilities of their stations available for opinions on public issues. However, a significant proportion of the respondents did not make their stations available for programs featuring opinions about controversial issues.

Approximately 72 per cent of the stations reported carrying at least one opinion on an issue during the periods of time for which data were collected. However, approximately 28 per cent of the broadcasters both in 1957 and in 1959 indicated the station had not carried even one expression of an opinion about an issue. In fact, 7 per cent of the stations, one-fourth of those which failed to devote any time to the broadcasting of points of view about issues, volunteered the information that the station had a policy against scheduling such broadcasts. The remaining 21 per cent of the stations replying in each survey which failed to denote any time to discussions of issues simply did not carry any opinions on issues during either the four-month period in 1957 or the seven-month period in 1959. It is entirely possible that many of these stations also had policies against carrying such programs but did
not volunteer the information. It is also entirely possible that some of the stations located in small communities were unable to find anyone sufficiently informed and willing to present an opinion about an issue. However, there is little likelihood that there would be enough of these stations to equal 21 per cent of the stations in either sample. As a result, 7 per cent of the stations openly rejected a duty to carry opinions about issues. Many of the remaining 21 per cent of stations which did not carry any viewpoints about controversial topics probably also rejected the idea that they had an obligation with respect to the matter under consideration but did not volunteer this information.

Did the broadcasters demonstrate acceptance of an obligation by devoting a sufficient quantity of time to programs discussing public issues?

In the opinion of the author, generally, the broadcasters of the United States did not devote a sufficient amount of time to discussions of controversial issues.

There is no established standard by which to judge how much time a broadcaster should devote to such programs. In an earlier chapter a working standard of 1.5 per cent of the broadcasting schedule was used simply because that standard represented the consistent result reported in a series of studies examining the programming of television stations in our largest metropolitan cities. This standard represents 115 minutes of programming for a radio or television station on the air 128 hours per week and 75 minutes for

137 Supra, pp. 93-4.
a daytime radio station. This working standard was equaled or exceeded by only 9 per cent of all the stations included in the studies. This latter group of stations was composed primarily of full-time, local, commercial AM radio stations.

A few stations devoted as much as 15 hours per week to programs discussing important issues. Several other stations carried only one or two programs of this nature during the entire period of the study and these programs were only five minutes long. The average amount of time devoted by the 72 per cent of the stations which broadcast at least one position concerning an issue was 70 minutes per week in 1957 and 73 minutes per week in 1959.

For most communities 1.5 per cent of the total programming schedule of a station is probably an unreasonable amount of time to expect a station to provide. However, it would appear logical to expect a station to devote at least 30 minutes per week to such programs. On the basis of 30 minutes per week or more, less than 50 per cent of stations would have devoted an adequate amount of time to this activity for either study.

Were expressions of opinions about the more important local issues presented by the broadcasters?

Generally, at least one side of those issues which were named as being locally important were presented over the facilities of the stations.

Positions on at least one side of the issue were presented over the air for approximately five of every six issues which the
broadcasters felt were of importance to their communities. Ideas concerning one-sixth of the issues named locally important were not given the opportunity to be expressed over the air.

The issues which the broadcasters named as being of importance to their local communities most frequently were those issues of concern to a large number of people but about which strong emotional beliefs were unlikely to be present. Issues of concern to a large audience but about which only a few people were likely to have strong beliefs were also more apt to have opinions presented over the air. Accordingly, stations were more likely to grant time to spokesmen presenting opinions on issues concerned with traffic conditions, city manager versus mayor form of government, local government building and construction programs, zoning and annexation questions, education, and taxation and bond issues.

The slightly over 16 per cent of the issues for which no position received time on the air frequently reflected the types of issues about which some broadcasters prefer not to broadcast opinions. Among these issues were included controversies about business conditions; labor-management relationships, particularly with respect to strikes; false advertising; moral and religious problems, especially atheism; and racial problems. Of course, many stations did grant time on the air for positions on these issues. It must be remembered, however, that the issues named as being of local importance were named by the broadcasters, themselves. As a result, there was apt to be a tendency on their part
to report those issues for which positions had been broadcast over their stations.

While the broadcasters probably could be a little more courageous regarding issues involving strong emotional beliefs, nevertheless the record of the stations generally indicates that ideas about the more important issues were being presented to the public.

Were the programs offered by the broadcaster of a type which would permit efficient communication of information about the issues?

Generally, the formats of the programs offered by the broadcasters were those able to provide the necessary information efficiently.

However, too many stations do not carry any regularly scheduled programs of two-sided discussion either network originated or locally produced.

And, many of the formats which were used for two-sided discussion programs did not adequately provide for confrontation, representation of the pertinent viewpoints about an issue, or the adequate opportunity for these positions to be fully presented. In addition, many broadcasters apparently would use any type of program for a completely one-sided presentation on an issue regardless of the implications of its use.

There is no clear cut answer to this question. Several different conclusions are possible depending upon the different groupings of the types of programs.
Clearly, the types of programs which permit the contending points of view about a given issue to confront each other are more likely to be efficient in presenting the public with the necessary information about the issue. In addition, those programs offered on a regular basis have certain advantages of notification of the availability of the station's facilities for discussion programs both to the holders of opinions about issues and to the audience.

For both study periods, a higher percentage of stations reported carrying types of programs which permitted two-sided presentations of opinions concerning public issues than types of programs presenting only one side of issues. Programs featuring regularly scheduled, two-sided discussions were by far the most popular means of handling broadcasts featuring viewpoints on issues. This category of types of programs was employed by 37.4 per cent of the stations in 1957 and 40.7 per cent of the stations in 1959. (Both network originated and locally originated programs were included.) One-time or single presentations of two-sided discussions were the next most popular means of presenting opinions; such programs were used by 33.5 per cent of the stations in 1959 (an increase of nearly 5 per cent from 1957) and represented the only other category of program types used by more than one-fourth of the stations. One-sided presentations as a regular series were not as popular as one-time, one-sided presentations. For both studies, less than 23 per cent of the stations reported the use of one-time, one-sided programs and less than 15 per cent reported the use of regularly scheduled, one-sided presentations.
On the basis of the above information it would appear that the broadcasters were presenting programs capable of providing adequate information about public issues. This conclusion is further supported by the amount of time being devoted by the stations to broadcasts in each category of program types. A higher percentage of stations reported devoting quantities of time in excess of 30 minutes per week to programs of regularly scheduled two-sided discussion than any other category. 138

However, closer examination of the formats used in the regularly scheduled, two-sided discussion programs, of the quantity of time devoted to these types of programs, and of the number of these programs offered per station indicates certain questions about the amount and type of information able to be communicated to the public by these programs. There appear to be three areas of concern: the failure of the stations affiliated with the major networks to carry a sufficient number of programs produced by the networks; the lack of scheduling of locally produced programs by enough stations; and the inability of certain types of popular formats to communicate a maximum amount of information about opinions on controversial issues.

In 1957, a substantial percentage of the stations affiliated with the major radio and television networks indicated that they were not carrying any network produced, regularly scheduled, two-sided discussions. Forty-three per cent of the television stations and 58.5 per cent of the AM radio stations affiliated with the

138Cf. ante, Table 2, p. 100.
networks failed to broadcast a single network program of two-sided discussion. By 1959, 57.4 per cent of the television stations and 64.4 per cent of the radio stations affiliated with the major networks did not carry a single regularly scheduled, two-sided discussion or debate program produced by the networks. Further, the percentage of stations scheduling two or more network produced programs was lower in 1959 than in 1957 for both the AM radio stations and the television stations. For radio, at least, an excuse was available since the affiliated stations were able to report only six programs offered by the four networks in 1959 and at least two of those were being simulcast. In 1957, the radio networks were offering eighteen different programs of this type. The decline in the percentage of television stations carrying network programs can only be explained by the fact that many network programs of two-sided discussion were offered at times able to be sold for sports programs.

Further, there was no great increase in the percentage of stations producing their own local programs; in 1959 only 32 per cent of the stations produced even one locally originated program featuring two-sided discussion of issues on a regular basis. However, there were noticeable changes in the length of these programs and the days on which these programs were scheduled. In 1959, one of every eight television programs and better than four of every

139 One network offered three programs; another was originating two programs; the third network produced only one discussion program; and the fourth network produced no programs of this type.
ten radio programs of locally originated, regularly scheduled, two-sided expressions of opinions were offered daily. And, by 1959, nearly 8 per cent of the television stations and over 20 per cent of the radio stations were broadcasting locally produced, regularly scheduled programs of two-sided discussion that lasted for an hour or longer. Many of these programs were offered on a daily basis. Frequently, however, these longer programs which were presented daily used formats which, by nature of the format, failed to provide adequate information about the various positions held about an issue. Logically, a two-sided program should permit adequate confrontation of contending views on an issue, adequate representation of the pertinent points of view, and adequate opportunity to express the viewpoints fully.

Different types of programs permit the use of the station's facilities by different people with different degrees of confrontation, representation of pertinent viewpoints, and opportunity to express the viewpoints fully. Some formats, notably panel discussions or forums, are able to accomplish the goal of providing a fair representation of responsible, significant opinions easier than others. The panel discussion programs were the most popular two-sided programs for both studies. However, because panel discussions lack showmanship characteristics and, as a result, do not attract sponsors, several formats have shown a rapid rise both in the frequency of use and in the amount of time devoted to them because of their ability to attract sponsors. Specifically, two such types of programs were the panel interview and the telephone discussion. In
fact, if the telephone discussion format were removed from consideration, the average amount of time devoted to broadcasts of points of view about important issues would have been only 43 minutes in 1957 and 43 minutes, 6 seconds in 1959 for those stations which reported broadcasting at least one opinion about an issue. Nearly 70 per cent of the telephone discussion programs reported were sponsored in 1959. A third format also was becoming more popular—panels of news reporters and correspondents discussing the events of the day as these events pertain to the individual's news assignment. None of these types of programs is able to provide the same degree of confrontation of opposing opinions, the same degree of representation of viewpoints, or the same opportunity to express the viewpoint fully as a panel discussion.

The responses to a question asking which of several formats the respondent would not permit to be used for a completely one-sided presentation of opinion about an issue indicated that a substantial percentage of the broadcasters would use any type of program for a one-sided presentation including panel discussions, panel interviews and other formats traditionally reserved for two-sided presentations of opinions about issues. In 1959, at least 25 per cent of the respondents would have used any format for a one-sided presentation. More than half of all broadcasters would have permitted a panel discussion to be used for a one-sided presentation.

Do the broadcasters accept the principle that both sides of an issue should be presented fairly?
At least four of every five broadcasters both in 1957 and 1959 accepted the idea that both sides of an issue should be presented fairly.

The central policy problem regarding balance is whether or not the broadcaster feels he has an obligation to insure that both sides of a controversy will have the same opportunity to present their viewpoints to the public. The broadcasters' responses to a question on this were nearly identical for both studies. Fifty-nine per cent of the respondents in both 1957 and 1959 believed the station had a duty to insure the airing of both sides of an issue. These respondents attached no qualifications to this duty. An additional 25 to 27 per cent of the respondents felt a station had this duty but attached certain unspecified qualifications. Only 7.5 per cent of the respondents indicated they believed the station had no obligation to insure the airing of both sides of any issue.

Maintaining a balance of opinions about issues in situations involving one-sided presentations of opinions about controversial issues by non-broadcasters presents some problems. One such problem arises when supporters of one side of an issue do not desire a free debate of the issue. In response to a question asking if the broadcaster would be willing to arrange two separate programs if one side of a controversy preferred no free debate of the issue, 79 per cent of the respondents indicated they would be willing to do so although nearly half, 38 per cent, would do so with qualifications.
If supporters of one side refused to appear after time had been offered for a two-sided debate of an issue, 83 per cent of the broadcasters would have permitted representatives of the remaining side to go on the air with a one-sided presentation of viewpoints about the issue even though it would be nearly impossible to maintain balance.

Editorializing is a type of one-sided presentation which must be treated as a separate problem with respect to treating both sides of an issue fairly. The FCC has indicated that a broadcaster should seek out and encourage an opposing viewpoint to speak over the facilities of his station whenever the broadcaster takes an editorial stand on one side of an issue.140 With respect to a policy to insure fair treatment of both sides of an issue, there was no difference between those stations which reported they were willing to editorialize and those stations which were not willing to editorialize. However, there was a difference between these two groups of stations with respect to their responses to a question on whether or not the station had a duty to seek out and encourage opposing viewpoints when the station editorialized. A high percentage of those stations most willing to editorialize did not feel an obligation to "seek out" opposition. Apparently, this does not necessarily mean a negation of the duty to maintain balance by permitting the opposing side air time. These broadcasters did not feel they should "seek out" opposition when they editorialized but

140 New Broadcasting Co., 6 R. R. 258 (1950); and letter from M. S. Novik to T. J. Slowie, Sec. FCC, March 6, 1950, photostat in author's possession.
if a responsible holder of an opinion applied for time for rebuttal, they would be willing to give air time to him.

Were the broadcasters' policies concerning such matters as sponsorship, the selection of the issues to be discussed, and the selection of the speakers those which would permit fair treatment of both sides of an issue?

The policies of the large majority of the broadcasters regarding sponsorship of discussion programs were fully in keeping with their policies to treat both sides of an issue fairly. However, the policies of some broadcasters indicate a lack of consistency with respect to sponsorship and policies concerning balance.

Over 75 per cent of the respondents indicated their policies regarding the sponsorship of programs featuring expressions of opinions on public issues to be consistent with their own policies concerning balance and with the positions set forth by the FCC about sponsorship of discussion programs. This is even more meaningful in view of the fact that one of the trends noticed after comparing the replies from the 1959 study with those of 1957 was the increased reliance upon sponsorship of discussion programs if any opinions on issues were to be carried by the station. For example, in 1959, over one-fourth of all two-sided discussion programs reported by the respondents were sponsored. There is little question of the need for sponsorship of such programs when 35 per cent of the radio stations and over 25 per cent of the television stations in the country report a net loss each year. In fact, there will probably be an increase in the amount of sponsorship of these programs
in the future particularly if the present profit and loss situation continues and provided the FCC does not change its position taken in the July 29, 1960, memorandum accepting sponsorship of public service programs. 141

The effect of such sponsorship apparently has been to increase the popularity of certain types of programs which lack maximum confrontation values, do not have ability to adequately represent both sides of an issue, and lack optimum opportunity for viewpoints to be presented fully. However, these types of programs have more conflict and more showmanship values than panel discussions, forums and the like. As an example of the influence of sponsorship, the most significant increase in the use of any format was shown by telephone discussion programs; in 1959, about seven of every ten of these programs were sponsored. In that same year, less than two of every ten panel discussions were sponsored and there was a smaller percentage of panel discussion programs reported compared with 1957. Obviously, by his sponsoring or not sponsoring a program, the sponsor will indirectly control the selection of the format for discussion programs more and more.

While this creates a potential danger concerning the fair treatment of opposing views, certain policies of some of the broadcasters have moved toward compensating for this reliance on sponsorship of programs of this nature. Only 3 per cent of the broadcasters reported that on their stations sponsors controlled the

selection of issues or the selection of the speakers about those issues. In further support of this contention, there was a considerable decline in the percentage of stations willing to permit the sponsor to have some veto power over the selection of issues or speakers for two-sided discussion programs. In 1957, approximately one of every five stations would have permitted the sponsor to have such veto power, usually with some qualification. By 1959, only one of every six stations would have permitted the sponsor to have this power. In short, as sponsorship becomes more necessary, fewer stations are willing to permit the sponsor to exercise complete control over the programs.

However, certain responses to questions about sponsorship of one-sided presentations demonstrate a lack of consistency of policy on the part of some broadcasters. While the broadcasters who indicate this lack of consistency are by no means a majority, the percentage of respondents included in this group is sufficiently large to point out the haziness of the thinking of many broadcasters about these problems. As an example of this haziness, 23 per cent of the broadcasters in the 1959 sample said they would refuse to sell time for a one-sided presentation regardless of the circumstances. Yet only 11 per cent would refuse to sell time to a local organization to sponsor its own presentation on one side of a highly controversial issue. And only 13 per cent would have refused to sell spot announcements outlining the viewpoint of one side of an issue. Incidentally, the broadcasters who would refuse to sell time regardless of circumstances and those who would refuse to sell
time to a local organization to sponsor its own presentation had policies contrary to the principles of the WHKC case.\textsuperscript{142}

The tendency of many stations to permit spot announcements outlining the arguments of one side of an issue is disturbing. The use of an accepted form of commercial presentation to present information and argument raises problems concerning the fair treatment of both sides of an issue which are not easily solved. In addition, the use of such announcements is a questionable way of presenting information about serious public problems.

The policies of the broadcasters regarding the control of the selection of issues and speakers to present views on the issues appear to be fully consistent with their policies concerning the fair treatment of both sides of an issue.

The large majority of the broadcasters control the selection of the issues and the speakers and more stations appear to be adopting the policy of controlling the selection of issues and speakers. However, there was no indication that this control was exerted in a way which would be unfair to any side of an issue. In addition, many broadcasters indicated they shared this control with organizations concerned with the outcome of the public discussion of the issue or with organizations observing neutrality toward all sides of all issues such as the League of Women Voters, a debating society, or a listener council.

\textsuperscript{142}\textit{Supra}, p. 18, footnote 23.
Summary and recommendations.—Society has entrusted American broadcasters with a responsibility to broadcast ideas and arguments about controversial issues and a duty to be fair to both sides of an issue regarding the use of station facilities. These two obligations are given the broadcasters because the people of our democratic society require information about the points of view on controversial issues in order to perform their function of making decisions.

According to the results of this study, most of the broadcasters of the United States have policies which assure the people in their communities of the fair treatment of both sides of an issue. However, not enough stations were fulfilling their duty to provide an adequate amount of time to broadcasts of opinions on controversial issues. Naturally, a number of broadcasters were meeting their obligation satisfactorily by indicating that they did devote a sufficient amount of time to such broadcasts; that their programs were such that information was presented by someone adequately representing the viewpoint; and that the opinion was presented fully. However, many broadcasters, more than half the respondents to the questionnaires for either study, either did not present any information or did so through program formats of less than optimum efficiency. Hence, in the opinion of the author the broadcasters generally were not operating in the interest of the people of a democratic society regarding their practices in this area of programming.
There is little question of the need for the broadcaster to perform his function in the communication of ideas and opinions on issues well. That the broadcasters are not performing this function well appears obvious to the author. What to do about this is not obvious. There is no quick solution for this problem. In fact, there is not even a completely adequate solution.

Ideally, of course, the best remedy would be to have self-enlightened broadcasters regarding this area of programming. This enlightenment might be achieved through codes of good conduct or by the development of a professional attitude of pride in the public service function of broadcasting. For 22 years, there has been a provision on discussions of issues in the Code of Good Practices of the largest organization of broadcasters, the National Association of Broadcasters. Unquestionably, this code provision has had some effect in the direction of the broadcasters' acceptance of an obligation to provide a fair representation of opinions of issues. However, a code provision such as this can not really be enforced. What enforcement takes place is through gentle persuasion by industry leaders. This persuasion, however, in effect is simply saying, "perform for us or someone else will step in to make sure you do perform properly."

With respect to the development of a professional attitude by broadcasters, radio and television are not professions in the traditional sense. This does not mean that the behavior patterns of the traditional professions could not be adopted. However, the basic requirement for such patterns is the concept of belonging to
an elite, exclusive, group which has developed these behavior patterns over a number of years. Broadcasting has not been in existence for a sufficiently long period of time to develop these attitudes but there is some hope that broadcasters will eventually develop this professional attitude. Meanwhile, a democratic society in need of information about issues can not afford to wait for this attitude to develop.

The people of the United States through public opinion might be able to exert pressure on the broadcaster to meet the obligation under discussion in satisfactory fashion. However, the public can not be expected to be more enlightened on this matter than the broadcasters. Hence, public pressure will probably never be a major factor. The representative of the public, the Congress, might also take action. Congress could pass a law concerning the duty of broadcasters concerning the discussion of public issues. Of course, Congress has already passed the Communication Act of 1934 giving the FCC as much power in this area of programming as is possible under the provisions of the First Amendment. The enactment of a law specifically on this subject at best would have the short term effect of focusing attention on the subject.

Essentially, the FCC is the only organization capable of exerting continued pressure on the broadcaster to provide the necessary means of communication whereby the public can learn of the ideas and opinions on issues. Of course, the role of the Commission is limited by the First Amendment and no one would wish to have that role altered by excluding broadcasting from its provisions.
However, at the time of application for license, the FCC could exact promises from applicants to perform in a fashion which assures the public of the opportunity to learn of arguments about issues from the broadcaster. The Commission might then exert pressure on the broadcasters to live up to promises made in the application at each subsequent renewal of license by formal or informal inquiry into the practices of the broadcasters.

This approach was proposed by the present Commission on February 17, 1961. The proposal has not yet been put into effect. Regarding the broadcasting of programs of opinions on controversial issues of public importance, the proposal requests the applicant to:

State the past and proposed practice of the applicant with respect to the fair presentation of controversial issues of public importance, including the frequency of editorials . . . broadcast, or other types of programs, and the procedure followed . . . with respect to the presentation of opposing points of view. If this is an application for renewal . . . describe at least two leading community issues (local in nature) in each of the last three years and state whether specific programs and/or announcements have been broadcast in connection therewith, the number and length thereof, and the times at which broadcast. 143

In addition, the applicant would be required to submit statements concerning the results of conferences with civic leaders about the needs of their groups and the programs he proposes to satisfy the needs of the community.

At least, the proposal represents the strongest position by the Commission regarding this area of programming in many years. If

143 Federal Communications Commission’s notice on proposed revision of license application forms, February 17, 1961.
the proposal goes into effect and is supported by continued pressure from the FCC, the pressure on the broadcaster to program opinions about controversial issues and to be fair in the treatment of both sides of issues will be greater than ever before. This pressure should be somewhat effective in the future if consistently applied and may result in the more rapid development of a professional attitude.

There are certain aspects which detract from the effectiveness of the proposal as a solution. For example, the proposal depends upon the broadcaster to supply information about the important issues. As pointed out previously, the issues the broadcaster says are the most important locally may reflect only those about which supporters of an argument were granted time. A second weakness of the proposal is that it does not preclude the use of certain formats, such as telephone discussion, as a way of satisfying the Commission's requirements even though these formats are somewhat less than efficient in the supplying of information to the public.

Of course, no one knows how the FCC will use this information; what sort of pressure will result; or how long the pressure will last. But, in terms of the need of a free society today, this proposal seems to be the best available solution to the problem of making sure broadcasters provide the public with a fair representation of significant opinions about controversial public issues.
APPENDIX A

EXCERPTS OF SENATE BILL S-1333

80th CONGRESS
1st Session

Senator White

A Bill to Amend the Communications Act of 1934, as Amended, and for Other Purposes
"DISCUSSION OF PUBLIC OR POLITICAL QUESTIONS"

"SEC. 330. When and if a radio broadcast station is used for the presentation of political or public questions otherwise than as provided for in section 315 hereof, it shall be the duty of the licensee of any such station to afford equal opportunities for the presentation of different views on such questions. Provided, That the time, in the aggregate, devoted to different views on any such questions shall not be required to exceed twice that which was made available to the original user or users. Neither the licensee of any station so used nor the Commission shall have the power to censor, alter, or in any manner affect or control the substance of any program material so used; Provided, however, That no licensee shall be required to permit the broadcasting of any material which advocates the overthrow of the Government of the United States by force or violence; And provided further, That no licensee shall be required to broadcast any material which might subject the licensee to liability for damages or to penalty or forfeiture under any local, State, or Federal law or regulation. In all cases arising under this section, the licensee shall have the right to demand and receive a complete and accurate copy of the material to be broadcast a sufficient time in advance of its intended use to permit an examination thereof and the deletion therefrom of any material necessary to conform the same to the requirements of this section.

"SEC. 331. No licensee of any radio broadcast station shall permit the use of such station for the presentation of any public or political questions under section 315 or 330, unless the person or persons arranging or contracting for the broadcast time shall, prior to the proposed broadcast, disclose in writing and deliver to the licensee (a) the name of the speaker or speakers; (b) the subject of the discussion; (c) the capacity in which the speaker or speakers appear; that is, whether on their own account as an individual candidate or public officer, or as the representative, advocate, or employee of another; and how the time for the broadcast was made available, and if paid for, by whom. It shall be the duty of the licensee of the station so used to cause an announcement of the name of the speaker or speakers using the station, together with the other information required by this section, to be made both at the beginning and at the end of the broadcast; Provided, That in the case of a public officer speaking as such, the announcements shall specify only the subject of the discussion, the office held by him, whether such office is elective or appointive and by what political unit or political officer the power of election or appointment is exercised. Where more than one broadcast station or a network of such stations is used as herein provided, the requirements of this section will be met by filing the required material with the licensee of the originating station and by broadcasting the required announcements over all stations which broadcast the subject program."
APPENDIX B

POLICIES OF THREE INDIVIDUAL STATIONS AND THE MAJOR NETWORKS CONCERNING THE BROADCASTING OF OPINIONS CONCERNING CONTROVERSIAL PUBLIC ISSUES
Station policy of KOFO, Ottawa, Kansas

"Representatives of organizations of public recognition, comprised entirely of U. S. A. citizens and having duly elected officers and written by-laws, which organizations support sides of a public issue scheduled for public vote, other than election of a candidate for office, will be permitted equal opportunity to present their viewpoints within one broadcast of a quarter-hour or longer scheduled for that purpose by station management, free of charge; after which such proponents of the sides of the issues will be given opportunity to broadcast on the station at the same rates normally charged for any other kind of broadcasting.

"If there should arise within the community considerable controversy over some kind of public issue other than kinds referred to above, and if in the opinion of station management it would serve the public interest, convenience and necessity to broadcast the viewpoints on such issues, proponents of the viewpoints will be sought by the management and offered equal opportunity to present their viewpoints to the stations' audience. Such offer will be made only to U. S. A. citizens that appear to adequately represent a viewpoint that is shared by enough persons to be important to the issue."

Station policy of KFH and KFH-FM (CBS), Wichita, Kansas

"The Public Shall be Given Opportunity to Hear Both Sides of a Cause:

When it may be in the public interest to grant time to a proponent of a cause, such time shall be granted with the understanding that equal opportunity shall be extended to an opponent thereof, if any; if a request therefor shall be made by, or on behalf of, such an opponent.

Station policy of WHDL and WHDL-FM, Olean, New York

Controversial Issues.

"Freedom of expression is fundamental in the American system of broadcasting. Such freedom is bounded by considerations of good taste, decency and fair play, and within the definitions of the law. Stations' public interest policy provides time for discussion of public questions, discussions that include opposing views on subjects of a controversial nature."
In fairness to all parties in the arrangement of such controversial issue broadcasts, Station is guided by the following policy:

1) Free time is provided, or time is sold, for the discussion of public questions and controversial issues. Individual circumstances of each case shall determine whether the time shall be commercial or sustaining.

2) Station management will consider these factors in all request for time on controversial issues.
   A. Merit of subject.
   B. Community and public interest.
   C. Amount of public interest.
   D. Status of organization and/or individual requesting time with regard to recognized law and policy enforcement agencies and public welfare.

3) In allotting time for public questions and controversial issues, all other elements of balanced program scheduling will be considered.

4) 'Forum' types of programs containing discussions of public issues are permitted to be sponsored by product or service advertisers, provided that the choice of subjects, participants and discussion are under the direction of a moderator who is not a representative of, or in any way connected with, the sponsor, and that both sides of the issues are fully and impartially treated.

5) Commercial programs devoted entirely to service and product promotion are considered non-controversial.

6) Talk continuity must be submitted in duplicate to station management 48 hours before broadcast time for examination regarding truthful and factual statement, good broadcasting practices, decency and good taste.

7) Only program time of five minutes length or more is available for discussion of public questions and controversial issues. When time is allotted an organization for the purpose of presenting its views on a controversial issue, program material must consist solely of talk or speech form, delivered by an authorized representative of the organization. No product or service advertising is allowed, and program forms such as dramatizations, forums, audience participations, quiz, anonymous voices and similar practices are not permitted on such programs, except on a sustaining basis.

8) Where time is purchased for such public discussions the one-time rate is applicable.
Identification of sponsors of all broadcasts of controversial issues and public questions is required as set forth in the regulations of the Federal Communications Commission.

Policy of American Broadcasting Company (ABC)

**NEWS PROGRAMS**

"ABC has no editorial position to advance or to promote in its news broadcasts. As its sole editorial prerogative, it recognizes an obligation to keep the public informed on as many sides of as many vital issues as possible.

"No news broadcaster is asked or permitted to shade his broadcast to reflect any editorial opinion of the American Broadcasting Company or of a sponsor."

**PROGRAM CONTENT**

"If, in spite of this careful review, the company subsequently believes that a news commentator has been inaccurate or unfair to a person or group of persons, the error will be corrected on the commentator's program or on another broadcast period."

**POLICY FOR SALE OF TIME FOR CONTROVERSIAL ISSUE PROGRAMS OTHER THAN POLITICAL, NEWS, COMMENTARY AND FORUM PROGRAMS**

"No person speaking over ABC facilities is authorized to reflect any editorial stand for the company.

"The Company recognizes its responsibility in the public interest to safeguard and promote equal opportunity for the free discussion of controversial issues of general interest to the American people. It has made and will continue to make its facilities available to responsible individuals and organizations for controversial issue programs to the fullest extent consistent with a fair balance of opinion and maintenance of a sound program structure.

"The American Broadcasting Company will sell time for controversial issue programs on the following basis:

"ABC reserves the right to determine what subjects are of such immediate local, state, or national interest as to warrant sale of time for their presentation."
'"ABC reserves the right to decide whether individuals or organizations seeking to purchase time are qualified to discuss, and have a recognized interest in, the subject.

"The sale of time for controversial issue programs will in no way alter ABC's policy of devoting time on a sustaining basis for the presentation of controversial issue programs. ABC reserves the right to make time available on a sustaining basis for discussion of a particular controversial issue if, in the public interest, ABC concludes there has been an inadequate discussion of the issue due to presentation of sponsored programs."

"Comment on or discussion of current or proposed legislation or pending litigation will be permitted only on political, news, news commentary, discussion and controversial issue programs. Comment on or discussion of pending litigation must be within the bounds of fair comment in order not to prejudice the outcome.

"Dramatized material is permitted as follows:

"Specific persons may be portrayed by actors provided releases are furnished to ABC prior to the broadcast signed by the individual to be impersonated.

"Impersonations must be clearly announced as such at the closing of the program.

"Controversial issue programs may be broadcast only in time periods specifically scheduled for that purpose. The sale of goods and services will not be permitted on controversial issue programs.

"In addition to the indemnity which the contracting party signs, ABC requires all speakers on controversial programs to sign indemnities covering their portions of such broadcast.

"Controversial issue programs may not be identified as news broadcasts. The words "Flash," "Bulletin," "News," or similar terms commonly used in regular news broadcasts will not be permitted.

"Cross reference announcements are not permitted between sustaining and commercial controversial issue programs, or between regularly scheduled programs advertising goods and services and controversial issue programs.
"ABC will permit cross reference announcements to be made by a client only between commercial controversial issue programs over ABC facilities, sponsored by the same client.

"No solicitation of funds nor sale of publications will be permitted on controversial broadcasts."

Policy of Columbia Broadcasting System (CBS)

Excerpts from a speech by Mr. William S. Paley, Chairman of the Board of Columbia Broadcasting System; address delivered before the 32nd annual convention of the National Association of Radio and Television Broadcasters in Chicago on May 25, 1954:

"Our policies, briefly, are these: . . . significant viewpoints on important controversial issues are afforded which are allocated free of charge to outside people and organizations representing opposite viewpoints. The programs in these periods take the form of straight talks, debates and panel discussions.

"Opinion broadcasts must be labeled for what they are. In particular, opinion must be separated from news. The listener is entitled to know what he is receiving, news or opinion, and if it be opinion, whose opinion.

"In other types of information programs, such as the feature or documentary program, produced by us, the expression of opinion might properly take place. When it does take place, it should be by the decision of management or through the delegation of authority to a member of the staff producing a particular program. Such delegation, however, must be to one who is trained and responsible and in whose integrity and devotion to democratic principles we repose complete confidence.

"When opinion is expressed in any type of information program—excluding news and news analysis where opinion is not allowed—opportunity for reply is given to the person with whom issue has been taken, or to a responsible spokesman representing an opposite viewpoint.

"An advertiser who sponsors any type of information program produced by us does not thereby purchase, or in any way gain, any rights to control the contents of the program.

"Programs presenting news, news analysis, discussion, debates, feature or documentary material, or on-the-spot pickups are under our direct control and supervision and we bear full responsibility for such broadcasts. . . .
"On the question of editorialization by the broadcaster—that is, opinion which might be expressed by the broadcaster in his own name or in the name of the station or network; the broadcaster has the same right to editorialize and the same right to independent expression as the free press. I am not urging anyone to exercise this right. It is and should be a matter of personal preference. However, I would urge that we fight to preserve this right should it ever be threatened. In this connection, I would like to say that it is not the act of editorialization which puts the bite and the backbone into a news and public affairs operations. It is rather the fact of having a rounded and vital schedule which does the trick; of having a schedule of unbiased news which covers all categories, national, regional and local; of having a fair and objective analysis of that portion of the news which calls for background and interpretation; of having a schedule of controversy in which the issues of concern to the listeners will get full and responsible airing; of having public feature programs and documentaries which put the spotlight on conditions worthy of the listener's attention."

**Policy of the National Broadcasting Company (NBC)**

"Controversial Public Issues.

"NBC believes that radio and television provide a valuable forum for the expression of responsible views on public issues in controversy, and seeks to give fair representation to opposing sides of such issues which materially affect the life or welfare of substantial segments of the public. The provision of time for this purpose is guided by the following principles:

"a. Requests of individuals, groups or organizations for time to discuss their views on controversial public issues are considered on the basis of their individual merits, and in the light of the contribution which the use requested would make to the public interest and to a well balanced program structure.

"b. Programs devoted to the discussion of controversial public issues are identified as such, and are not presented in a manner which would mislead listeners or viewers to believe that the program is purely of an entertainment, news, or other character.

"c. NBC reviews material proposed for programs dealing with controversial public issues in order to assure that its facilities will not be used for illegal purposes or for the dissemination of inaccurate or seditious statements, and it reserves the right to pass on the qualifications of those who seek to speak on specialized, technical or scientific matters. Subject to the foregoing, NBC does not censor the opinions of speakers who have been permitted to use its facilities to present their views on controversial public issues."
APPENDIX C

QUESTIONNAIRE USED IN THE 1957 STUDY

QUESTIONNAIRE USED IN THE 1959 STUDY
Call letters: ___________________ Town: ___________________ (Respondent's Title)__________________

Please name the three hottest controversial issues in your community since January 1, 1957. Check in the column at the right whether your station has aired any part of this issue either as a one-sided or two-sided presentation of a controversial issue.

(Aired)

YES NO

a) ____________________________________________ __

b) ____________________________________________ __

c) ____________________________________________ __

If you carry any regularly scheduled network programs featuring two-sided discussion of controversial issues, please list the program titles below.

1) __________________________ 3) __________________________

2) __________________________ 4) __________________________

If you carry any local programs featuring two-sided discussion of controversial issues, please give: 1) the title of the program, 2) the program type, 3) the day and hour the program is aired and the length of the program, 4) whether the program is sponsored or sustaining.

<table>
<thead>
<tr>
<th>PROGRAM TITLE</th>
<th>PROGRAM TYPE</th>
<th>AIRED</th>
<th>SPONSORED OR SUSTAINING</th>
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<tr>
<td></td>
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<td>Day</td>
<td>Hour</td>
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<td>4</td>
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For any airing of controversial issues other than political broadcasts, (Please check)

Who usually selects the issues?

- the station
- the sponsors
- a listener council
- a special outside agency
- supporters of one side of the issue

Who usually selects the speakers?

- the station
- the sponsors
- a listener council
- a special outside agency
- each side selects its own
Next, we'd like some information on what you, personally, would do if confronted by certain situations. If your answer to the questions below is 'YES—without qualifications', check the first column. If your answer is 'YES—with qualifications', check the second column. If your answer is 'NO', check the last column.

Assuming the issue is one of real importance and interest to your audience, WOULD YOU:

1. feel that you are obligated to provide free time for reply to a sponsored commentator on your station who presented a highly partisan viewpoint on a local issue?  
2. provide time—either on a free or paid basis—for a program attacking the validity of all religions?  
3. feel it the duty of your station to insure the airing of both sides—either on the same program or separate programs—of any controversial issue aired by the station?  
4. feel an obligation to find someone to present the opposing opinion, if the station took to the air in support of one side of a local controversial issue?  
5. permit a local organization, highly interested in one side of a local issue, to sponsor a one-sided presentation by the organization?  
6. permit the station to editorialize on one side of a highly controversial local issue?  
7. permit a sponsor of a program featuring two-sided discussions of controversial issues to have veto power over issues or speakers?  
8. sell spot announcements to one side of a controversy for the purpose of outlining that side's viewpoint on the issue?  
9. permit a one-sided presentation if the speakers holding the opposing viewpoint refused to appear after you offered to make time available for a two-sided discussion of the issue?  
10. arrange for two one-sided presentations, each side getting one complete program, if one side preferred to make a presentation which did not involve a free debate of the issue?  
11. refuse to sell time, regardless of circumstances, for the presentation of one side of a controversial issue?  
12. permit a speaker to present his opinions about local controversial issues on a program for which time has been donated or sold for a purpose other than the presentation of controversy or the presentation of news?

Does your station take a direct editorial stand on important local or national controversial issues?  (Please check one.)

a) More or less regularly  
b) In exceptional cases
Listed below are some program forms. Would you check those forms on which you would NOT allow a completely one-sided presentation of a controversial issue.

- Dramas
- Variety Programs
- Newscasts
- Panel Discussions
- Commentary (News)
- Quiz Shows
- Panel Interviews
- Religious Programs
- Interview Programs

Are there any local issues—other than political—which might be considered 'hot', that you WILL NOT air? If so, would you please indicate below what issues you WILL NOT handle either as a two-sided discussion or as a one-sided presentation of a controversial issue. (We'd also like to know why.)

a) 

b) 

c) 

For the broadcasting of controversial issues, both local and network, from January 1, 1957, to May 1, 1957, approximately how much total time has your station devoted to:

<table>
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<th>Total Hours</th>
<th>Hours Sold</th>
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<td>a) regular programs series for two-sided discussions.</td>
<td>___ hrs.</td>
<td>___ hrs.</td>
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<tr>
<td>b) one time programs for two-sided discussions.</td>
<td>___ hrs.</td>
<td>___ hrs.</td>
</tr>
<tr>
<td>c) regular program series for one-sided presentations. (does not include commentary or newscasters)</td>
<td>___ hrs.</td>
<td>___ hrs.</td>
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<tr>
<td>d) special one time, one-sided presentations.</td>
<td>___ hrs.</td>
<td>___ hrs.</td>
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</table>

Does your station have any set of written policies--or any list of things the station 'won't do'--regarding the broadcasting of controversial issues?

YES  NO

If your station has a set of written policies or any list of taboos about the broadcasting of controversial issues, what officer drew up the policies?

If you have such a list, would you mind attaching a copy of it to this questionnaire when you return it?
Dear Sir:

A few weeks ago your station was sent a copy of the attached questionnaire asking information about the broadcasting of controversial issues on your station. So far, I've not received an answer—probably due to the press of business. In case the first copy has been lost, I'm including the attached questionnaire and another return addressed envelope with this letter. It shouldn't take more than ten minutes to fill out the questionnaire and at the same time provide some extremely worthwhile information. Neither you nor your station will be identified in any way in any report of the results of this survey. If you'd like a copy of the results, just indicate so on the questionnaire when you return it.

This study was first run almost three years ago. During the tabulation period it became obvious that the situation regarding the handling of controversial issues by both radio and television stations was changing very rapidly. From news reports and from those station managers I've been able to speak with, the situation seems to be stabilized now and so I'm running the more important questions again in the two pages attached. I'd appreciate it if you'd fill out the questionnaire and return it as soon as you can.

To make sure that the definitions of terms used on the attached pages are kept constant by all the broadcasters in all parts of the country, the following definitions are suggested:

1) A CONTROVERSIAL ISSUE IS A TOPIC ABOUT WHICH CONTRARY OPINIONS ARE HELD AND WHICH VITALLY AFFECTS THE PUBLIC EITHER ECONOMICALLY, POLITICALLY, OR SocialLY. This survey does NOT include political broadcasts by candidates or speeches made in behalf of candidates for public office.

2) A PRESENTATION OF A CONTROVERSIAL ISSUE IS A GENERAL TERM REPRESENTING ALL AIRINGS OF CONTROVERSIAL ISSUES REGARDLESS OF PROGRAM FORM.

3) A DISCUSSION OF A CONTROVERSIAL ISSUE IS THE PRESENTATION OF TWO OR MORE SIDES OR OPINIONS ON THE SAME PROGRAM.

4) A ONE-SIDED PRESENTATION IS THE AIRING OF ONE SIDE OF A CONTROVERSIAL ISSUE ON A SINGLE PROGRAM. Even when balance is maintained by giving the opposing viewpoint a separate program, each program represents a one-sided presentation.

Sincerely,

Joseph H. Ripley
Associate Director
CALL LETTERS: ___________________ CITY: ___________________ (Respondent's Title)

Please name the three hottest controversial issues in your community since June 1, 1959. Check in the column at the right whether your station aired any part of this issue either as a one-sided or two-sided presentation of a controversial issue.

(Aired) YES NO
a) ____________________________ ____________________________ ____________________________ ____________________________
b) ____________________________ ____________________________ ____________________________ ____________________________
c) ____________________________ ____________________________ ____________________________ ____________________________

If you carry any regularly scheduled network programs featuring two-sided discussion of controversial issues, please list the program titles below.

1) ____________________________ 3) ____________________________
2) ____________________________ 4) ____________________________

If you carry any local programs featuring two-sided discussion of controversial issues, please give: 1) the title of the program, 2) the program type, 3) the day and hour the program is aired and the length of the program, 4) whether the program is sponsored or sustaining.

<table>
<thead>
<tr>
<th>Program Title</th>
<th>Program Type</th>
<th>Aired (Day)</th>
<th>Hour</th>
<th>Length (M)</th>
<th>Sponsored or Sustaining?</th>
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</table>

For any airing of controversial issues other than political broadcasts, (Please check)

Who usually selects the issues?
☐ the station
☐ the sponsors
☐ a listener council
☐ a special outside agency
☐ supporters of one side of the issue
☐ each side selects its own

Who usually selects the speakers?
☐ the station
☐ the sponsors
☐ a listener council
☐ a special outside agency
☐ each side selects its own

For the broadcasting of controversial issues, both local and network, from June 1, 1959, to Jan. 1, 1960, approximately how much total time has your station devoted to:

<table>
<thead>
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<th>Total Hours</th>
<th>Hours Sold</th>
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A) regular programs series for two-sided discussions. ___________________ hrs. ___________________ hrs.
B) one time programs for two-sided discussions. ___________________ hrs. ___________________ hrs.
C) regular program series for one-sided presentations. ___________________ hrs. ___________________ hrs.
(Does not include commentary or newscasters)
D) special one time, one-sided presentations. ___________________ hrs. ___________________ hrs.

Listed below are some program forms. Would you check those forms on which you would not allow a completely one-sided presentation of a controversial issue.
☐ Dramas
☐ Variety Programs
☐ Newscasts
☐ Panel Discussions
☐ Commentary (News)
☐ Quiz Shows
☐ Panel Interviews
☐ Religious Programs
☐ Interview Programs
Next, we'd like some information on what you, personally, would do if confronted by certain situations. If your answer to the questions below is 'YES—WITHOUT QUALIFICATIONS', check the first column. If your answer is 'YES—WITH QUALIFICATIONS', check the second column. If your answer is 'NO', check the last column.

Assuming the issue is one of importance and audience interest, would you:

1. FEEL THAT YOU ARE OBLIGATED TO PROVIDE FREE TIME FOR REPLY TO A SPONSORED COMMENTATOR ON YOUR STATION WHO PRESENTED A HIGHLY PARTISAN VIEWPOINT ON A LOCAL ISSUE? □ □ □

2. PROVIDE TIME—EITHER ON A FREE OR PAID BASIS—FOR A PROGRAM ATTACKING THE VALIDITY OF ALL RELIGIONS? □ □ □

3. FEEL IT THE DUTY OF YOUR STATION TO INSURE THE AIRING OF BOTH SIDES—EITHER ON THE SAME PROGRAM OR SEPARATE PROGRAMS—OF ANY CONTROVERSIAL ISSUE AIRED BY THE STATION? □ □ □

4. FEEL AN OBLIGATION TO FIND SOMEONE TO PRESENT THE OPPOSING OPINION, IF THE STATION TOOK TO THE AIR IN SUPPORT OF ONE SIDE OF A LOCAL CONTROVERSIAL ISSUE? □ □ □

5. PERMIT A LOCAL ORGANIZATION, HIGHLY INTERESTED IN ONE SIDE OF A LOCAL ISSUE, TO SPONSOR A ONE-SIDED PRESENTATION BY THE ORGANIZATION? □ □ □

6. PERMIT THE STATION TO EDITORIALIZE ON ONE SIDE OF A HIGHLY CONTROVERSIAL LOCAL ISSUE? □ □ □

7. PERMIT A SPONSOR OF A PROGRAM FEATURING TWO-SIDED DISCUSSIONS OF CONTROVERSIAL ISSUES TO HAVE VETO POWER OVER ISSUES OR SPEAKERS? □ □ □

8. SELL SPOT ANNOUNCEMENTS TO ONE SIDE OF A CONTROVERSY FOR THE PURPOSE OF OUTLINING THAT SIDE'S VIEWPOINT ON THE ISSUE? □ □ □

9. PERMIT A ONE-SIDED PRESENTATION IF THE SPEAKERS HOLDING THE OPPOSING VIEWPOINT REFUSED TO APPEAR AFTER YOU OFFERED TO MAKE TIME AVAILABLE FOR A TWO-SIDED DISCUSSION OF THE ISSUE? □ □ □

10. ARRANGE FOR TWO ONE-SIDED PRESENTATIONS, EACH SIDE GETTING ONE COMPLETE PROGRAM, IF ONE SIDE PREFERRED TO MAKE A PRESENTATION WHICH DID NOT INVOLVE A FREE DEBATE OF THE ISSUE? □ □ □

11. REFUSE TO SELL TIME, REGARDLESS OF CIRCUMSTANCES, FOR THE PRESENTATION OF ONE SIDE OF A CONTROVERSIAL ISSUE? □ □ □

12. PERMIT A SPEAKER TO PRESENT HIS OPINIONS ABOUT LOCAL CONTROVERSIAL ISSUES ON A PROGRAM FOR WHICH TIME HAS BEEN DONATED OR SOLD FOR A PURPOSE OTHER THAN THE PRESENTATION OF CONTROVERSY OR THE PRESENTATION OF NEWS? □ □ □

Does your station take a direct editorial stand on important local or national controversial issues? (Please check one.)

A) More or less regularly □

B) In exceptional cases □

C) Never—under any circumstances □
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L. LETTERS

Letter from M. S. Novik to T. J. Slowie, Sec. FCC, March 6, 1950.
I, Joseph M. Ripley, Jr., was born in New York City. I received my secondary-school education in the public schools of New York City and Orlando, Florida, and my undergraduate training at Wagner Memorial Lutheran College and The Ohio State University. I received the Bachelor of Arts degree from The Ohio State University in 1952. From The Ohio State University, I also received my Master of Arts degree in 1953. In September of 1953, I was appointed an assistant in the Department of Speech at The Ohio State University while partially completing the requirements for the Doctor of Philosophy degree with a specialization in the field of Radio-Programming. In 1955, I was appointed as a lecturer at Southern Illinois University, Carbondale, Illinois. One year later, I was appointed as an instructor at Southern Illinois University. I have held that position since that time. In 1960, I was granted a sabbatical leave by Southern Illinois University and was appointed as an assistant instructor by the Department of Speech at The Ohio State University, while completing the requirements for the Doctor of Philosophy degree.