SOME ASPECTS OF
POLITICAL BROADCAST POLICIES OF
RADIO AND TELEVISION STATIONS IN THE UNITED STATES

DISSERTATION
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CHAPTER I

THE PROBLEM OF POLITICAL BROADCASTING

Broadcasting in the United States is usually considered to date from November 2, 1920, when Station KDKA, Pittsburgh, broadcast the Harding-Cox election returns. The only receiving sets in the hands of the public in those days were largely confined to amateur telegraph operators. The audience for this first broadcast was probably limited to fewer than five hundred or a thousand persons.

Both sides in the election had predicted victory, but everyone knew either candidate might win and public interest was at fever pitch. As the returns were reported that night, they were flashed across the country by telegraph. Crowds stood for hours before outdoor bulletin boards to see the returns, many of them forced to endure driving rains.

In Pittsburgh, however, Station KDKA had a man read the telegraph reports into a microphone and his voice was transmitted over a radius of hundreds of miles. While most of the anxious population had to endure relative discomfort to get the election returns, many pioneer radio fans were hearing the same returns in the cozy climate of their own homes. Unlike the millions who depended on bulletin boards and successive editions of newspapers,
the small audience of radio listeners knew what was happening as it happened.

The KDKA experiment was far from a national sensation, but it did receive some attention from the press and stirred an interest in radio among the people. It marked the beginning of a type of regularly scheduled programming.

From three stations in 1920, the number rose to over 500 in 1923, and the sales of radio receivers rose from $2,000,000 to $136,000,000 in the same three-year period.\(^1\) In 1923, half of the stations were less than 100 watts in power and very few were more than 500 watts. The number of receiving sets had grown to 1,500,000.\(^2\)

Within a little over three decades, radio broadcasting and receiving grew from a plaything of amateurs into a giant industry and a most significant vehicle of communication. It grew so much that Brigadier General David Sarnoff, chairman of the board of the Radio Corporation of America, in his year-end statement for 1951, declared:


By election day ... in 1952 ... there will be approximately 18 million television sets in the United States with a potential audience of more than 60 million persons - exceeding the total population of the United States when Grover Cleveland campaigned for the presidency in 1884. For the first time coast-to-coast network facilities will be available for the national campaigns ....

Today there are 2,400 AM and 680 FM stations in the United States. Daily broadcasts cover 95% of the country. Approximately 12 million new radio sets were sold by the industry in 1951, lifting the total in this country close to the 100 million mark, including about 24 million automobile radios. There are 43 million radio equipped homes ...

On the threshold of 1952, it is difficult to imagine a world without radio, or homes without broadcast receivers and television sets ....

Thus in a little more than thirty years, radio has become a tremendous industry and its companion, television, is just beginning a career which seems likely to show a comparable expansion. The next few years will unquestionably see a growth in the number of television stations - some say as many as two or three thousand.

The number of stations and people engaged in the transmission of radio and television programs is powerful evidence of the important role broadcasting plays in our society.

Broadcasting, by giving new force to the spoken

The word, has become an uncommonly powerful medium to do good or evil in American society. Radio's persistent command of our attentions tends to make it an important creator of our values, desires, and tensions. Radio achieves its greatest impact on the public as a source of information, persuasion, and entertainment.

For public speakers, radio and television broadcasting has magnified the potential audience enormously and personalized the communicative bond. A single speaker and a great audience, spread over vast areas, divided into family units, yet intimately affected by the sound of the human voice, is the essence of the broadcast situation. It allows one individual to bring to bear, in a single moment, the full force of his vocal persuasiveness upon a nation of listeners.

In enslaved countries, radio is an arm of governmental policy. In many free countries, it is often a respectable narrow-meshed sieve which permits only occasional accents of political controversy to reach listeners. By contrast, the system of broadcasting in the United States can be considered an open public forum. The search of the American broadcaster is not to guard and guide the political tendencies of the country. It is to get broadcasts on the air.

The program service offered by American broadcasting is unusually complete. It is adapted to national
conditions and psychology. It is a democratically controlled service, the broadcaster giving those programs which constant research and direct expression of opinion indicate to be the most popular. It is necessary that he do this if he is to build station circulation with which to attract advertisers.

In the span of years since the broadcasting of the Harding-Cox election returns at Pittsburgh in 1920, radio and television broadcasting have become agencies of mass communication comparable to the press. The broadcasting station has become the public platform as the forum for debate of current issues, for presenting the claims of rival candidates for public office, and for dissemination of opinions and ideas over the entire range of human interests.

In a word, broadcasting is at present far and away the most impressive claimant for the protection under the constitutional guaranty of the freedom of speech, just as the newspaper is the principal claimant for protection under the sister guaranty of the freedom of the press.

Broadcasting is used for political persuasion in election campaigning and in building up political causes and personalities. Experienced political candidates plan their radio and television campaigns with care. Political parties now assign progressively larger portions of their
campaign budgets to buy radio and television time. In turn, the broadcast speeches, plus the radio and television coverage of political conventions and campaign news, appear to induce a greater turnout at the ballot box. The increase in the number of voters in the last seven presidential elections parallels the increase in the number of families that have acquired radios, and outstrips the general population increase during that period. This suggests that the relationship between broadcasting and voting is somewhat more than coincidental.

Inasmuch as radio and television do appear to have an effect on voting, the conditions governing political broadcasts are obviously important to the American people. Does the broadcasting industry, as an instrument for public enlightenment and political control, serve the democratic cause in effective fashion?

As a matter of fact, the broadcasting industry and the Communications Commission have not evolved a clear and satisfactory concept of the broadcaster's responsibilities in the matter of political broadcasts. The attitudes and philosophies of the Commission are well-known to broadcasters, but these are not always translated into actual practice. It is the individual broadcaster who

4Chester and Garrison, op. cit., p. 10.
establishes policies covering the presentation of political broadcasts on the individual station. It follows, then, that individual station political policy exercises influence on the political materials which reach the listening public.

This thesis is a study of individual radio and television station political broadcasting policies. It represents an attempt to discover what these stations actually do in the matter of deciding which political materials will be broadcast and which will not. If the relationship between broadcasting and voting is more than coincidental, the actions of individual broadcasters in political matters are of interest and importance. It is held by the writer of this thesis that the relationship is a valid one.

A. HISTORY OF POLITICAL BROADCASTING

Radio was not accorded an immediate recognition as a major factor in political life. In contrast with the intensive preparations for broadcast campaigning in 1952, utilization of radio for political purposes in the early 1920's was sporadic and localized. One early instance of such campaigning took place on September 12, 1921, when William A. Magee, candidate for mayor of Pittsburgh, used radio to make a campaign speech by talking over
Station KDKA, Pittsburgh. Special receiving stations were set up in auditoriums throughout the voting area in order to reach the electorate, few of which owned home receiving sets.

June 21, 1923 was an historic day in the use of broadcasting for bringing the government and its political personages to the people. It marked the first time that a President of the United States talked to the people through the medium of radio. Warren G. Harding stopped off in St. Louis on a cross-country tour to the Pacific Coast and into Alaska. He spoke on the country's participation in the World Court, the most important public issue of the day. Station KSD originated the program and transmitted the speech over telephone lines for simultaneous broadcasting by Station WEAF, New York. Other stations in the country agreed to remain silent as a courtesy to the President while KSD and WEAF transmitted the speech. By today's communications standards this appears to be a primitive arrangement, but in 1923 it made important broadcasting history. The talk drew messages, telegrams, and letters from many listeners in

6Ibid., pp. 255-256.
the several states in which the broadcast could be received.

By 1924 radio was ready to assume a role of some importance in the national political conventions. A special network of 16 stations in 12 cities was formed to cover the 1924 Republican Convention, held from June 10 to 12 in Cleveland. The 1924 Democratic Convention from June 24 to July 9 was carried from New York's Madison Square Garden on a similar special network of 18 stations in 14 cities.7

This was the famous Democratic Convention "marathon" which made the recurrent echo of "Alabama casts twenty-four votes for Oscar W. Underwo-w-o-d" an expression of national interest. This convention was even planned to overcome the static of summer daytime reception. The Republican Convention had shown the Democratic Party the importance of the radio audience to such an extent that the Keynote Address, which was to have been given during the opening day, was postponed until the evening in order that the mass of radio fans might be able to listen in.8

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7Ibid., p. 257.
Both conventions registered vividly in the minds of listeners. All of the color, the speeches, the personalities, and the results of the balloting brought to the ears of millions the political impact of radio. As limited as this coverage may seem by today's standards, it was decidedly ambitious for the times. It set the stage for the elaborate use of radio in presidential campaigns to follow. It also stimulated radio stumpings by candidates for lesser offices. The city, county or state candidates had their individual stations just down the block, and regional hook-ups if needed, to carry campaign promises to more constituents in a single broadcast than could be reached in hundreds of personal appearances.

The first inaugural address ever broadcast by a President of the United States was delivered by Calvin Coolidge on March 4, 1925. It was carried by the originating station in Washington and relayed for transmission to twenty other stations throughout the country.  

The campaign of 1924 had demonstrated the effectiveness of radio as a political force. By 1928, the politicians were willing to make radio one of the largest items in the Republican and Democratic budgets and spent

about two million dollars for campaigning purposes. 10 The entire Republican Convention was broadcast from Kansas City and this was followed shortly by the National Democratic Convention from Houston, Texas. Throughout the campaign, speeches, political playlets, and musical numbers indicative of Republican and Democratic history went out over the ether. On the climactic election night, the listening audience numbered in the millions.

The next important political use of broadcasting came about four years later. Within a month of his inaugural, Franklin D. Roosevelt revealed the high regard in which he held the power of broadcasting. On March 12, 1933, he delivered his first "fireside chat" and explained the banking moratorium, farm relief, the drought, the progress of his administration and kindred subjects. Broadcasting became a vital tool in the functioning of government through times of stress. 11

By means of this appearance and subsequent utilization of the medium, Roosevelt revealed the real impact of radio as a communications force. Many came to regard him as the first radio president, just as many predict the emergence of the first television president in the 1952 or 1956 election campaigns.

Radio played an important role in the campaigns of 1936, 1940 and 1944. In the 1948 campaign, television

10 Goldsmith and Lescarboula, op. cit., p. 204.
11 Shurick, op. cit., p. 262.
served portions of convention and campaign proceedings to a limited audience.

Radio and television executives began planning for the 1952 campaign well in advance of the conventions. There were evidences that sight-and-sound reporting, especially with television operating over a large part of the nation, would sway votes as they had never been swayed before. Both of the major parties earmarked millions for radio and television campaign activities. For the first time, too, the national political conventions were presented as sponsored coverage.

By 1952, therefore, radio and television coverage had become a force to be reckoned with on the political scene. It was a fact clearly recognized by Presidential, gubernatorial, Congressional, state and local candidates and campaign managers.

B. REGULATION OF BROADCASTING

It was stated early in this report that the broadcasting industry and the Federal Communications Commission have not been able to evolve a clear and satisfactory concept of the broadcaster's responsibilities in the matter of political broadcasts. In order to understand this statement, one first has to gain a knowledge of the peculiar position of a broadcast licensee in the United States.
First, it is important to draw a distinction between the conditions under which newspapers and radio stations operate. It is true they are great media of mass communication. They share many problems and many techniques in common. They serve much the same purpose in our democratic society. Both are equally protected by the guarantees of free speech and a free press, which are contained in the First Amendment to the Constitution of the United States.

There is an obvious difference, however, between newspaper and broadcast operation. A newspaper can adopt and foster a course of editorial action, attacking and defending as it pleases, and no one can do anything about it. In practice, a newspaper is a free agent. Broadcasters, on the other hand, must operate within the framework of governmental regulation.

The answer to this difference between newspapers and broadcast operations is one of limitation. In the United States, anyone can print a newspaper and there is no limit on the number of newspapers permitted. One may choose to quibble over the economic reality of this statement, but the fact remains that no legal limitations are in effect. On the contrary, the number of radio and television stations is clearly limited by available frequencies. It was because of this technical situation that the Federal Government felt it necessary to regulate the broadcast industry.
1. The role of government in the regulation of the broadcast industry.

Radio stations in the early 1920's were not the complex and highly organized business enterprises which are in operation at present. The early stations were small transmitters, generally 10 or 15 watts although a few had as much as 50 or 100 watts power. The major stations of the day, those programming the greatest number of hours on the air and conducting the greatest amount of experimentation, were owned by the manufacturers of radio equipment, electrical firms like Westinghouse and General Electric. As manufacturers, they were concerned with the making of equipment. The making of programs was a sideline. Radio programming, as we know it today, was for them simply a means of extending the sale of the receiving sets they made. It was from selling sets, not from selling time on the air, that they looked for profits.

Other larger stations of the 1920's were owned by newspapers, department stores, and insurance companies. Many of the smaller stations - and these were in the majority in the early twenties - were owned by churches, colleges, or by amateurs simply broadcasting for the sheer satisfaction of being intimately associated with a new device.
The Radio Act of 1912 required the issuance of a license by the Secretary of Commerce and Labor as a condition to engaging in "commercial intercourse beyond the borders of a state or territory," such license to be issued only to a United States citizen and to be "revocable for cause." Each station was required to designate a certain definite wave length which "shall not exceed 600 meters or it shall exceed 1600 meters." Finally, each station was to "use the minimum amount of energy necessary."12

In 1919, the radio division of the Department of Commerce set aside a single wave length of 360 meters as the one for all private broadcasting, which meant that no single community could accommodate more than one station unless rival stations were willing to share time.13 In the summer of 1921, Secretary of Commerce Herbert Hoover designated two wave lengths, 360 and 400 meters, and licensed all stations to operate on whichever they pleased, thus raising the community potential to two full-time stations. Since the demand for stations exceeded the supply in some cities, this policy was soon tested in the


13Loc. cit.
Court of Appeals for the District of Columbia and Hoover's power to enforce such conditions was denied. 14

By November, 1925, the number of broadcasting stations had risen to 578, 197 of them using 500 watts or more power, with 175 applications on file. 15 Each of the channels in the broadcasting band was occupied by at least two stations, many by three or more. In congested urban areas, competitors were compelled to set up complicated time-sharing arrangements and were very restive under these conditions. Hoover pointed out that the numerous new applicants could be accommodated only at the expense of other radio services or by even more stringent limitations on time and power. He stated his belief that legislation was the only solution.

In February, 1926, Secretary Hoover had declined to give a Chicago station more than the two hours a week allotted to it on a frequency shared with another station. The Chicago station (WJAZ) promptly appropriated a wavelength reserved by international agreement for Canadian broadcasters. Secretary Hoover brought criminal action in a District Court of the United States in Illinois, but the ruling of the court found the defendant company not

14 Ibid., p. 120.
15 Ibid., p. 129.
guilty. The decision declared, in effect, that owing to the ambiguity of the Act of 1912 and to the necessity of construing a statute literally in criminal action, the government's case was not valid. 16

Buried in the decision was the significant warning that, if the Secretary had power to impose restrictions as to frequency and hours of operation, the statute might have to be construed as unconstitutional, since it failed to provide a standard of control for his discretion.

In July, 1926, the Acting Attorney-General submitted an opinion that the Secretary of Commerce had no authority under the Act of 1912 to regulate the power, frequency, or hours of operation of broadcasting stations. Hoover then announced he was abandoning all efforts to regulate radio and urged stations to undertake self-regulation. 17 His plea was unheeded. From July, 1926, to February, 1927, when the Congress finally enacted the Radio Act which became law in 1927, 194 new stations went on the air, using any frequencies that pleased them, regardless of the interference that resulted. Stations hopped from wave length to wave length and increased their power and hours of operation at will. When the sale

16Ibid., p. 130.
17Ibid., p. 131.
of radio sets dropped 12 1/2 per cent, the set manufacturers begged the Congress for speed in enacting the long-awaited law.\(^\text{18}\)

The Radio Act of 1927 established the Federal Radio Commission, which was given the task of regulating wavelengths and power through the distribution of licenses. The new law laid down certain broad principles:

The doctrine of free speech must be held inviolate, restrictions upon monopoly were to be applied to the realm of radio communication, and many of our traditional theories, under the commerce clause of the Constitution, were adapted to the new instrumentality .... There was to be no vested right in the use of the ether waves by licensees, and all grants were to be conditioned on the waiver of any claims of proprietorship. The granting of broadcast privileges must be on the consideration of public interest, convenience, or necessity. These were some of the fundamentals that found expression in the new law.\(^\text{19}\)

Ultimately the Congress abolished the Federal Radio Commission and created the Federal Communications Commission under the Radio Act of 1934, but the principles of the Act of 1927 carried over into the new law. To these original provisions, the FCC has added rules and regulations for the administration of the regulation of radio

\(^{18}\text{Ibid., p. 131.}\)

\(^{19}\text{Hampson Gary, "Regulation of Broadcasting in the United States," The Annals of the American Academy of Political and Social Science, 177:16-17, January, 1935.}\)
and television broadcast operations.

The Act of 1927 directed the Federal Radio Commission to consider "public interest, convenience, or necessity" in the granting of station licenses. This was entirely new in radio law and had no direct precedent in any Federal regulatory law. The terms "convenience" and "necessity" had been used in the language of laws governing public utilities, but the addition of "public interest" was a vital change. It enabled the Federal Radio Commission, and subsequently the Federal Communications Commission, to gradually increase the control over program policy and content. This provided a basis for the justification of the granting, renewal and revocation of station licenses.

The requirement of serving the "public interest" was applied to radio largely because the grant of the privilege of using a certain frequency for a certain length of time is a great gift to confer upon a licensee. Congress legislated specially for broadcasting when it established this test. It made possible later consideration of the kind and quality of program service in passing on applications for license. It provided an opportunity to compel American radio and television stations to pay genuine rather than perfunctory attention to the contributions they made or failed to make to democratic society.
In the political sense, these interpretations were to affect the handling of controversial issues by stations. In broad outline, they provided much of the foundation for the conflict between free enterprise and government control in the broadcast industry. This conflict did not clearly emerge at once, but gradually developed with the growth and progress of broadcasting itself.

The Communications Act of 1934.

In 1933, President Franklin D. Roosevelt asked the Secretary of Commerce to form an interdepartmental committee to study the regulation of all communications. He was concerned with the existing division of authority over wire and radio communications between the Interstate Commerce Commission, the Federal Radio Commission, the Post Office Department, and the Department of Commerce. The results of this study served as a basis for the Communications Act of 1934 (sometimes called the Radio Act of 1934 by broadcasters), which centralized the authority to regulate all interstate and foreign wire and radio communications in one body. The new law, among other things, changed the name of the regulatory body from the Federal Radio Commission to the Federal Communications Commission.

Inasmuch as this report is concerned with political

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20 Public Law No. 416, June 19, 1934, 73d Congress.
broadcasts, it is necessary to confine the discussion of the Communications Act of 1934 to those points which bear directly on such broadcasts.

In the writing of the 1927 Act, members of Congress seemed to be less concerned with the public's right to hear a candidate, than for the rules covering the candidate's right to speak. An equal treatment requirement provided the radio station licensees had to treat all political candidates for office exactly alike, but permitted the licensee to discriminate as to all others who might desire to use a radio station. This is unchanged in Section 315 of the Communications Act of 1934 which reads:

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

The Act of 1934 does not require a radio station to permit any candidate to use its facilities, but simply stipulates equal treatment once the opportunity is granted. It also restrains the licensee from exercising powers of censorship over materials broadcast by candidates. This,
prohibition opened the way for litigation in state courts, inasmuch as suits could be brought against licensees because of libelous statements by candidates. The broadcaster's natural inclination was to protect himself from such legal consequences by blue-penciling the scripts of candidates.

Another provision of law applied to radio is one prohibiting censorship of radio programs by the Commission. Section 326 of the Communications Act of 1934 provides:

Nothing in this Act shall be understood or construed to give the Commission the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication. No person within the jurisdiction of the United States shall utter any obscene, indecent, or profane language by means of radio communication.

The Federal Communications Commission is an administrative body endowed with certain powers which are quasi-legislative and quasi-judicial. The Commission's quasi-legislative power is to make rules and regulations. As Dill comments:

These rules and regulations have the effect of law so far as the practice of radio law before the Commission is concerned. Yet the Communications Commission may, without sanction of Congress, override its own rules and regulations by abolishing or changing them. But only Congress or a constitutional amendment can change the national law.
The Commission makes decisions and issues orders in much the same manner as a court. These decisions and orders are based upon findings of fact made upon evidence adduced in open hearings before the Commission, one of its divisions, or its examiners. In other words, these decisions and orders must be based on due process of law. These decisions and orders relate to applications for initial use of radio facilities or renewed use of such facilities, by which the Commission grants or denies, modifies or cancels such uses.

Refusal to obey the Commission's order may result in the cancellation of a license or the prosecution by the Department of Justice as provided in the radio statute ....21

Under the provisions of the Communications Act of 1934, the main duties of the Commission can be held to be two-fold. First, it assigns wave lengths in such a way as to bring a satisfactory radio or television signal to the largest number of listeners. Under this power, it issues licenses, assigns call letters, assigns frequencies, determines power, and fixes hours of operation. This is largely a technical area, best left to the efforts of specialists.

Second, the Commission grants licenses to stations to operate in the "public interest, convenience, or necessity" and renews such licenses if such considerations have been served. This enables review of program service proposed by applicants for licenses or a review of an ex-

isting station's past program service. It is an influential method of control by the Commission.

The power to revoke or refuse renewal of a station license is greatly feared by the radio industry. In practice, few licenses have been revoked or renewal refused, but the threat of such action has proved to be an effective means of restraint on the broadcasting industry. Although the Commission disclaims any censorship in this practice, the inherent power is obvious.

The Act of 1934 gives the Commission access to only one formal means of punishing stations, which is revocation or refusal to renew a license. The Commission also uses other informal methods of cracking down on stations. It may order special investigations, it may put the station on temporary license, it may order a public hearing, or it may administer a public "verbal spanking" in some instances. Such actions result in uncertainty, adverse publicity and often heavy legal costs. Another means of punishment without action against the station may take the form of denying the licensee improved facilities requested - or in refusing application for television or additional radio station outlets.

The Act of 1934 left it to the Commission to determine the criteria for operation in the "public interest" and the regulatory body has established a broad base
for its actions. The Commission's interpretation of its responsibilities includes consideration, not of individual programs, but of programming service in general. It uses several methods of getting broadcasters to conform their program operations to its standards. It may issue regulations, it may make its views known through memorandums, it may actually issue letters of censure, it may order special investigations, or it may take definite punitive action.

These "pressures" have been used to encourage or discourage program practices. In the political area, the Commission has been particularly active in urging stations to provide a reasonable amount of time for the discussion of important public issues and to be fair in allocating time to representatives of various points of view, in such discussion of public issues. Some of the more important actions of the Commission in the political area will be discussed later in this report.

Broadcasters generally approve of the Commission's programming objectives, but disapprove strongly of the FCC's assumption of powers in its effort to achieve its objectives. The position of the Commission in political broadcasting has been examined on the preceding pages and now it is important to examine the role of the broadcasters themselves.
2. **Self-regulation by the broadcaster.**

Although the broadcaster is subject to federal regulation and must meet certain requirements in order to maintain his license, the licensee of a station is fully responsible for all program matters involving his station. According to the Commission and the courts, he has full power to control such programming - except in the case of some political broadcasts.

In other words, the broadcaster has the right to accept or refuse any program or any sponsor. He has the full power to censor program content - except in the case of some political broadcasts. He must accept full responsibility for everything his station broadcasts, whether on a network program, a transcribed program, on a local show produced by a sponsor or agency, or on a local program presented by an employee of the station.

With such responsibilities tossed into his lap, the broadcaster is confronted with the task of deciding which materials are to go on the air and which are not to be broadcast. If a question arises in his mind, he cannot consult the Commission for assistance with any great expectations. The Commission has always refused to determine in advance whether a certain program is "out of line" or not. It leaves the decision to the licensee, but makes it clear that it frowns on wrong decisions.
In considering self-regulation of the broadcast industry, it is necessary to consider with individual broadcasters, the networks and the National Association of Broadcasters (NAB). The latter is now titled the National Association of Radio and Television Broadcasters (NARTB).

It might be assumed that from these ranks has come a clear code of self-regulation for the broadcasting industry, but unfortunately this is far from the case. During the history of broadcasting, industry spokesmen have never been able to agree on a precise definition of the broadcaster's obligations and responsibilities.

In 1923, a number of broadcasters formed the National Association of Broadcasters, a sort of society for mutual aid. It was first conceived as a trade-association grouping to cope with the problem of paying royalty rights for music performance on radio. The NAB soon began to exercise influence in the field of station permits and even espoused "public service" as the criteria for the granting of station frequencies.

As the industry expanded and commercial advertising on the air assumed sizeable proportions, the NAB concentrated more heavily on the business aspects of broadcasting. On March 25, 1929, it announced its first "Code of Ethics" which dealt largely with general programming and advertising standards. It soon dropped any reference to
the functions of government regulation, although the code itself had been partially inspired by actions of the Federal Radio Commission. Many members of the group were dissatisfied and expressed an additional need for broad programming principles.

After the Federal Communications Commission was founded and began to apply the "public interest" test of programming, elements within the industry began to assert the need for an expression of self-regulation. In the course of hearings before the Commission, David Sarnoff, then president of the National Broadcasting Company, stated:

The fate of broadcasting in other nations and the attacks on democracy throughout the world clearly indicate the necessity of finding a democratic solution for the problems of the American system of broadcasting - a solution which on the one hand will enable us fully to meet the social obligations of radio and on the other will protect our traditional freedoms. I would therefore like to take this opportunity to advocate to the broadcasting industry that it establish a voluntary system of self-regulation in its field of public service, and that it take the necessary steps to make that self-regulation effective.²²

This proposal, made in 1938, presaged an industry action which followed the next year. On July 11, 1939, the "Standards of Practice" of the National Association of Broadcasters was made public. It had been a strong

²²White, op. cit., p. 73.
document carefully prepared by an industry committee, but the Atlantic City convention of the association passed it in a diluted and watered-down form.

The NAB later issued a "Code Manual" to clarify the 1939 code. The section of the document relating to "Controversial Public Issues" is closely allied to this study and hence is reproduced in its entirety as follows:

As 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 questions 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 discussion 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 regard to listener interest in topics would be surrendered. Third, and by far the most important, should time be sold for the 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. The political broadcasts excepted above are any broadcasts in connection with a political campaign on behalf of or against the candidacy of a legally qualified candidate for nomination or election to public office, or in behalf of or against a public proposal which is subject
to ballot. This exception is made because at certain times the contending parties want to use and are entitled to use more time than broadcasters could possibly afford to give away. 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.

From time to time new problems arose in the area of radio treatment of controversy and politics. A special bulletin issued by the National Association of Broadcasters on June 28, 1940, contained the following:

Following a thorough discussion of the subject, the Board of Directors at a meeting in New York held last Saturday, expressed the view that political broadcasts should be limited to speakers, interviews and announcements, and to broadcasts of bona fide political meetings or rallies held outside the studio. It was the feeling of the Board that stations and networks will find that the best interests of the industry will be served by a broadcasting policy which would bar the following: dramatizations of political issues, either in the form of announcements or programs; studio political 'rallies'; audience participation programs such as the 'man in the street' type; anonymous, simulated and unidentified voices at any time.

The present NARTB (or NAB) radio and television codes are very sketchy with regard to political broadcasts.

24 Ibid., p. 77.
The provisions indicate simply that "political broadcasts, or the dramatization of political issues designed to influence an election, should, if accepted, be properly identified as such." A footnote adds a word that because of the confusion concerning the laws with respect to political broadcasts, broadcasters are advised to consult their lawyers in all cases where they have the least doubt as to the proper method of handling.

The main problems discussed by the Code are fairness in the treatment of news, controversy, and religion, children's and mystery programs, advertising standards, and contests. The present Code represents a compromise between the demands of network and station managers who sought a forceful code to prevent advertising and programming abuses that had caused so much criticism of broadcasting, and those managers who felt a more stringent code would seriously injure their economic standing.

All members of the broadcast industry are not necessarily members of the National Association of Radio and Television Broadcasters, but this clearing house for the industry has been the main force for self-regulation in radio and television. The NARTB is run by a full-time paid president, a general manager, and a sizeable staff. Its component departments, located in Washington, D.C., include a special division to advise radio and television
stations, a broadcast advertising bureau, and departments concerned with labor, government, and public relations, plus legal, engineering, and research units. The NARTB represents its membership in Congressional hearings on proposed radio and television legislation.

Radio and television networks also promulgate policies on what may or may not be said or done over their facilities. All of the networks have detailed statements of their policies. The National Broadcasting Manual, for example, states NBC's policies toward the character of acceptable and unacceptable scripts and the qualifications of speakers. Special instructions are given for broadcasts on such subjects as religion, race, marriage, sex, crime, horror, profanity, insobriety, and insanity. Special sections deal with the handling of news, controversy, medical accounts, children's programs, "unacceptable business," (such as matrimonial agencies, astrologists, and cathartics) and standards for commercial continuity and program scripts.

In the area of political broadcasts, the networks have played a vital role. With their large coverage and resultant audiences, the networks have been eagerly sought out by political figures. Because of their years of experience with political broadcasting, the networks have given such programs special consideration. Prior to each
major campaign, most of the networks publish a regular policy code covering political broadcasts.

The networks have figured in many policy incidents over the years. Backed by substantial financial resources and skilled legal staffs, they have often taken positive political policy stands. Their published political broadcast policies are logical outgrowths of this experience. Key network spokesmen are often called up to appear at hearings before the FCC or Congressional committees to present industry points of view.

Some of the political policies advanced by the networks for the 1952 campaign will be covered later in this report. They are important in their own right, but also because they are often imitated by the individual broadcaster.

In the end, we return to the individual broadcaster. He has the advice of the NARTB to guide him and he can follow the pattern established by the networks, but finally he has to make the decision which governs the presentation of political materials on his station. It is a matter of individual self-regulation.

Most broadcasters have some sense of social responsibility and realize the importance of political broadcasting in a democracy. Each individual station licensee is responsible for determining the particular
persons or groups to be granted access, which includes denial of access, and the specific program material to be broadcast over his facilities. He knows he is expected to do this in a manner consistent with the basic policy of the Communications Act of 1934 that broadcasting stations be licensed to serve the interests of the public at large, rather than the personal or private interests of the licensee.

The presentation of political materials must be determined by the individual licensee in the light of the circumstances of each case. There is no mechanical formula or test which is the prerequisite of successful operation in the political broadcast field. These decisions which have to be made by licensees in this area are often difficult ones.

C. THE PROBLEM

The Federal Communications Commission contends that radio and television stations must program with the "public interest, convenience, or necessity" as the primary requisites. The Commission itself has not specifically defined what "public interest" means, but in various statements and decisions, it has expressed definite judgments as to what the public interest includes and what it does not include.
In interpreting the "public interest" clause, the Commission has held that broadcasting must be maintained as a medium of free speech for the people as a whole. The right of the public to be informed of different opinions in matters of public controversy is the dominant consideration. Radio and television stations have a definite responsibility to provide a reasonable amount of broadcast time for the discussion of controversial issues. In the matter of political broadcasts, the licensee is a trustee impressed with the duty of preserving radio and television as mediums of free expression and fair presentation for the general public.

Broadcasters realize the importance of this responsibility and they accept the social obligations which are a part of every station license. Unfortunately, the technical nature of broadcasting makes the total concept of "free speech" an impossibility. There is simply not enough time available for all who might desire it. Therefore, it is the individual broadcaster who is responsible for determining which issues and which speakers will be presented on his station. The broadcaster works in a context of conflicting political, economic, and social forces, plus varying pressures from influential majority or minority groups. These factors, coupled with actions of the Communications Commission and his own personal
judgments, determine the policy conditions under which his station operates.

For more than a quarter-century, the Communications Commission, the Congress, the courts, and the broadcasting industry have struggled with the complex and important problem of putting political broadcasts on the air. These years have produced a mass of legislative, regulatory and judicial actions designed to guide or control the actions of thousands of broadcasters. The record is more intricately involved and confused for station operators in 1952 than at any time in the past.

Despite the clouded state of affairs, the average station operator is thrust into the position of having to make decisions on parties, their candidates, their remarks, and their very manner of seeking time for broadcasts. In some cases, these decisions are covered by formal codes and declarations of principles. Much of the time, however, radio and television political broadcast policies are conducted in an unofficial and unwritten way. Little is known, however, concerning the role of the broadcaster himself and his political policy dictates and philosophies.

Therefore, because political broadcasting is important and because the individual broadcaster determines which materials will be presented on his station, this study was undertaken to provide some knowledge and understanding of local or individual radio and television political policy.
CHAPTER II

LEGAL AND REGULATORY PROVISIONS
AFFECTING POLITICAL BROADCASTS IN THE UNITED STATES

It was noted in Chapter I that a mass of perplexing and sometimes contradictory legislative, regulatory, and judicial actions and decisions have affected the political broadcast policies of individual station operators. In order to understand the state of uncertainty and confusion which confronts the broadcaster in the political area, it is necessary to review the events and circumstances which have produced this state of affairs.

As we shall see, the broadcaster cannot escape political broadcasts. He is required to program in the "public interest, convenience, or necessity" all of the time. In a campaign year, politicians interpret this as including their election oratory. The Communications Commission is on record as being vigorously in favor of the discussion of public issues and has taken steps to see that broadcasters accept such programs as part of their license responsibility.

In contemplating the 1952 campaign, one trade publication printed the following:

Today the radio and television broadcaster finds himself in the unenviable position of being forced by governmental pressure to engage in activities which, unless conducted with expert legal advice
(and not a little pure luck), may very well get him into as much trouble as he would be in if he refused to engage in them.

This dilemma perpetually besets the broadcaster, but it becomes especially confounding every four years when that national convulsion - the Presidential election - comes along. Such an election is scheduled ..., and already old ulcers are kicking up and new ones relentlessly forming.25

The majority of regulatory and judicial decisions on the political broadcast question stem from the basic law, the Communications Act of 1934. It is Section 315 of that Act that specifically pertains to political broadcasts and their handling. The text again:

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

At first glance, this appears to be a reasonably simple statement. During the years, however, it has produced multitudinous words of explanation on the slender foundation of these 95 words.

This statutory provision raises a number of questions, among them the following: When does an aspirant for public office become a "legally qualified" candidate? What constitutes "use" of broadcast facilities? What is the status of broadcasts in which "qualified candidates" are not involved, but which are presented by sponsors or proponents of candidates? What is meant by the term "equal opportunity," and what period of time is to be considered in determining whether the equal opportunity requirement has been fulfilled? What constitutes "censorship over the material"?

The Commission has made a few Rules and Regulations to determine the scope of the Communications Act of 1934. It has attempted to clarify the definition of a "qualified" candidate. But on both this and other points, court decisions and FCC rulings are at variance, causing a state of muddled confusion for broadcasters. In order to present this state of affairs, it is proposed to consider a group of questions relating to the broad proposition of political broadcasts.

Before undertaking to discuss these questions, however, it must be pointed out that political broadcasts involve three basic situations. These are:

1) Presentations involving the appearance of a "qualified candidate."
2) Presentations involving the appearance of an authorized representative of a "qualified candidate."

3) Presentations involving appearances by "others" who do not fit into 1 or 2 above. This may include broadcasts of a political nature by other than qualified candidates or their representatives, between campaigns or during actual pre-election campaigns. It may include appearances by those who are expected to be candidates in periods prior to campaigns, or by candidates for nomination by convention, rather than by primary.

The three situations may differ and this must be kept in mind during consideration of the questions which follow.

1. Is a station obligated to carry political broadcasts, at all?

There is nothing in the Communications Act of 1934 which requires radio or television stations to carry political broadcasts. Likewise, nothing in the FCC's Rules and Regulations stipulates programs of this nature. It appears, then, that broadcast stations can disregard political broadcasts and concentrate on other forms of programming. This is far from the actual circumstances which prevail, however.

Political broadcasts actually represent one phase of the presentation of controversy on the air. It happens to be an area in which special rules obtain. Broadcasts of controversial issues are of utmost importance in a democracy. Radio and television presentations are important
for sound political judgments, because listeners may be granted access to all shades of opinion.

The requirement of serving the "public interest" is constantly before all broadcasters. In this connection, it is interesting to note that broadcasters themselves used the term in a resolution passed by the National Association of Broadcasters in 1925. One of the provisions stated that public interest as represented by service to the listener shall be the basis for the broadcasting privilege. Concerning political broadcasts, the industry has generally felt that broadcasters have possessed worthwhile objectives and have been willing to implement them.

The Commission, in weighing promise against program performance, has not been completely satisfied with the industry handling of political broadcasts. On March 7, 1946, it released its memorandum on the "Public Service Responsibilities of Broadcast Licensees." It was commonly known as the "Blue Book," because of the color of the cover of the report. It proposed no new regulations, but simply announced the FCC's intention to give greater attention, in considering license renewals, to the type of program service provided by stations. In the report, the

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26 Dill, op. cit., p. 89.
Commission declared its right and authority to regulate programming was directed by both law and reason.

In the "Blue Book," four basic tests of the quality of program service were outlined:

a) Extent of commercial advertising excesses...

b) Number and amount of air time devoted to public discussions.

c) Per cent of a station's programs and program time given to network or local sustaining programs.

d) The amount of time made available to public interest presentations.27

The report declared that a number of programming practices were objectionable and amplified the importance of certain tests of program service. With regard to the discussion of public issues, it raised problems such as the following:

Shall time for the presentation of one point of view on a public issue be sold? .... Should local forums be encouraged, and, if so, how? .... What new provisions are necessary or desirable in connection with the operation of the broadcast station during political campaigns? .... Does a station operate in the public interest when it charges a higher rate for political broadcasts than for commercial programs? .... Should a station's right to censor scripts be limited to protection against libel? .... Should broadcasters be relieved of the responsibility for libel with respect to broadcasts over which they have no control? .... Should the right to reply be afforded? To whom? How? .... 28


28 White, op. cit., pp. 189-90.
The Commission did not attempt to answer these questions, but it stipulated that the public interest clearly required that adequate amounts of time be made available for the discussion of public issues. It further indicated that in determining whether a station had served the public interest, it would note the amount of time which had been or would be devoted to the discussion of public issues.

The "Blue Book" caused considerable repercussion throughout the industry. The FCC had stated its case and charged that the primary responsibility for corrective steps rested with stations, the networks, and the trade associations. It was a really forthright programming declaration. Broadcasters reacted and maintained they would be ruined by an unwarranted invasion of rights granted them under the First Amendment. Industry spokesmen and sympathetic legislators took up the challenge. A floor leader in the House of Representatives charged:

It is a matter of common knowledge that unfair government censorship and one-sided propaganda have been imposed on the operators of both stations and networks through the agency of the FCC. A free radio, like a free press, should be determined by the natural interests and tastes of the American people.

The FCC Blue Book, unauthorized attempts by FCC personnel to control the percentage of commercial time, suspected political conspiracy against licensees, and many other policies and actions warrant a full investigation of the Commission by the Congress. 29

In December, 1946, the president of the NAB submitted a proposal to a state gathering of broadcasters in Florida which outlined several proposed changes in the regulatory situation. The provisions included:

a) Define more clearly and liberally the rights of the licensee.
b) Make renewal automatic except upon protest by FCC within a limited period.
c) Make revocation, and renewal upon protest, triable in District Court.
   1. With fair hearing and usual guarantees.
   2. With FCC as party complainant.
   3. With right of appeal as in other cases upon grounds - factual as well as law.
d) Provide that to extent discretion of licensee is removed re political broadcasts and broadcasts of controversial issues, the liability for libel and for other penalties should be removed.
e) Enlarge the scope of judicial review of Commission's decisions;
   1. To cover interpretations of its power where decision itself is not adverse.
   2. To permit appeal by any citizen where freedom of speech is abridged.
f) Make explicit the scope of free speech limitations;
   1. Expressly repudiate the scarcity theory as a limitation upon freedom of speech.
   2. Provide expressly that FCC shall not exercise supervision over program content or structure.

This proposal brought no positive action, but it embodied the grievances of the industry with regard to the kind of regulation that had been utilized by the Commission.

The "Blue Book" served to reinforce the industry's

30Justin Miller, cited by editorial, Broadcasting, 31:17, December 9, 1946.
fearful respect of the potential power that lay in the hands of the Commission. The law that gave the agency its power is still on the books and the "Blue Book" is still on the record. The power of the Commission to regulate is unchanged and the differences of philosophy of regulation still persist.

The Commission recognizes that licensees are free, in the exercise of their discretion, to refuse to carry altogether broadcasts by all political candidates for any given office in any particular election. Apart from Section 315, however, the FCC, as we shall see, has time and again indicated that prohibition of or restrictions upon political broadcasts during a campaign which is of importance to the public may constitute a failure to operate in the public interest. It is particularly zealous concerning the presentation of candidates, but it has also indicated that non-candidates may often be of vital importance in presenting a well-rounded discussion of political issues to the electorate.

In reply to the question as to whether or not stations are obligated to carry political broadcasts, the answer is negative as far as the law is concerned. From the standpoint of practical broadcast operation, however, stations are definitely obligated to carry them. It is a matter of moral obligation on the broadcaster's part, plus
consistent prodding on the part of the Federal Communications Commission.

2. Can a station determine the conditions under which political broadcasts, in general, will be accepted?

There is nothing in the Act of 1934 or the Commission's Rules and Regulations which cover the conditions under which a broadcaster may or may not accept political broadcasts. The Commission and the law are primarily concerned with what happens after a broadcast has been accepted.

Court rulings have treated with the broadcast licensee's privileges and responsibilities concerning the acceptance of broadcast materials.

In 1945, the Philadelphia Evening Bulletin, which a few months earlier had purchased Station WPEN, in Philadelphia, notified various organizations which had been sponsoring religious programs on the station that after the expiration of existing contracts in April, 1945, their contracts for the use of the station's time would not be renewed.31 The "cancelled" religious organizations, headed

by the Reverend Carl McIntire, of the Bible Presbyterian Church, appealed to the FCC to require the station to carry their programs. The Commission refused to take action, stating it had no authority to require any station to carry any specific program. McIntire then took the case to the courts. The Federal District Court of Eastern Pennsylvania, in a decision handed down in October, 1945, upheld the station, holding that a broadcast station licensee is free to make his own choice of what programs he broadcasts, to sell time as he sees fit, and to allow free time on the same basis. A broadcast station is not, according to the Court, a "public utility," which is obligated to sell its services to any one who wishes to buy. McIntire appealed to the Supreme Court of the United States, which on February 11, 1946, refused to review the decision of the lower court.

Another important court action involved Wilbur Glenn Voliva, head of a religious sect in Zion City, Illinois, who purchased time on Station WCBD, in Chicago, Illinois, for a series of religious programs. After the series had started, the station demanded that Voliva submit scripts of the talks he was to make, not less than 48 hours in advance of broadcast time. Voliva refused to

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provide the scripts, whereupon the station refused to permit him to broadcast. Voliva applied to the state courts of Illinois for an injunction, requiring the station to fulfill its contract with him and to permit him to broadcast, stating that the doctrines of his church required that he speak extemporaneously. In 1942, the state appellate court denied the injunction. It held that the station's requirement that scripts be provided in advance for station review did not constitute censorship as described in the Communications Act. Further, it held that failure of the station to supervise and exercise final control over its broadcasts might be the basis of refusal of license renewal by the Communications Commission.

While these rulings did not deal with political broadcasts, the principles apply in direct fashion. A licensee may refuse to give or sell political time. A licensee may require advance scripts for political broadcasts.

Once a licensee has granted time for a political broadcast, the provisions of Section 315 of the Communications Act go into effect. The Commission has never defined what is meant by "use" of a broadcasting station, but in a few cases it has issued opinions affecting the situation.
In one case,\textsuperscript{33} the FCC ruled that stations are within their rights in fixing a limit on the total time to be made available for political broadcasts during a campaign, provided that all candidates are given equal treatment. While a licensee should not discourage political broadcasts, taking the broad "public interest" view of the Commission, by charging political rates higher than the station's usual commercial rates, the FCC has granted a license with this circumstance present.\textsuperscript{34}

In reply to the question as to whether a station can determine the conditions under which political broadcasts, in general, will be accepted, the answer is affirmative. Section 315 of the Act of 1934 does not become operative until political time has been granted. Until the station licensee has granted political time, he is in a position to stipulate broad conditions covering such broadcasts.

3. What or who is a "qualified candidate?"

The Communications Act of 1934 does not define a "qualified candidate," but Rules and Regulations of the

\textsuperscript{33}Federal Communications Commission, Memorandum Opinion, Docket No. 7666, January 16, 1947.

\textsuperscript{34}Postoria Broadcasting Company, 3 Pike & Fischer Radio Regulations, 2014a.
A 'legally qualified candidate' means any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, state or national, and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors, and who

a) has qualified for a place on the ballot or

b) is eligible under the applicable law to be voted for by sticker, by writing his name on the ballot, or other method and

1) has been duly nominated by a political party which is commonly known and regarded as such, or

2) makes a substantial showing that he is a bona fide candidate for nomination or office, as the case may be.35

The Commission adopted this rule in an attempt to cover write-in candidates and candidates for nomination for office where the names of candidates are not required on printed ballots. The Commission also indicated that stations should make suitable and reasonable requirements with respect to proof of candidacy of an applicant for use of broadcast facilities.

This is one of the few cases where the Commission

35 Federal Communications Commission, Rules and Regulations, Section 3.190. Similar rules apply to FM stations (Section 3.290) and to television stations (Section 3.690).
has attempted to spell out definite rules concerning political broadcasts, but it does not go far enough into the matter. The Commission failed to provide an analysis of the "applicable laws" to determine who could become eligible for the benefits of Section 315 under this rule. It would have been more helpful if an intensive survey and analysis had been made of the various state and municipal election laws showing the conditions necessary to secure such benefits under Section 315 of the Act of 1934.

If a candidate cannot be voted for, a radio or television station has the right to refuse him time on the air. This stand was disclosed in a letter sent by the Commission to the Socialist Labor Party of America which had complained against Station WHBC, Canton, Ohio, for refusing to permit its candidate time on the air in a 1950 election. The Commission found that the Socialist Labor candidate was not listed on the ballot and that had his name been written in, the ballot would have been invalid. Since the candidate could not have been voted for, the Commission held that WHBC was within its rights in refusing time over its facilities.36

The policy of determining "qualified candidates" is

often a problem in the case of Communists. At the present time, the Communist Party is a recognized organization in a few of the states. Under Section 315, Communist candidates for any office are entitled to equal time on equal terms with all other candidates for the same offices. To broadcasters who are disposed to view Communism with disfavor, such broadcasts offer a real policy headache. In those states where the party is not recognized officially, the broadcaster has a greater degree of control over such presentations.

In reply to the question, then, the Commission has attempted to define a "qualified candidate." In sum, it amounts to the fact that if a candidate cannot be voted for, a radio or television station has the right to refuse him time on the air.

4. For "qualified candidates," what constitutes equal opportunity?

Neither the Communications Act nor the Commission's Rules and Regulations spell out the meaning of the term "equal opportunity" with respect to qualified candidates. The Commission has, however, made its point of view known through various opinions and rulings.

It touched on "equal opportunity" on a case in 1946 which involved Homer P. Rainey, discharged president
of the University of Texas, who was one of fourteen candidates for the Democratic nomination for governor in the Texas primary campaign. In view of the large number of candidates, the Texas Quality Network, consisting of stations in Dallas, Fort Worth, San Antonio and Houston, adopted a policy of limiting the amount of time which could be purchased for broadcast over the network by any one candidate. The time allocation restrictions were definite and clearly stated in advance. Rainey's request for broadcast times and days of broadcast did not conform to the network's announced policy and the request was firmly refused.

Rainey contended that, through the concerted action of the licensees of the stations involved, he was deprived of a use of the network facilities to announce and discuss his candidacy for public office. In preventing his purchase of additional time, he held that the stations were exercising "arbitrary limitation." The Commission ordered a hearing, which was held in Dallas. At this hearing, most of the candidates for state office appeared to testify that, in their opinion, the Texas Quality Network stations were giving them "equal opportunity" to present

their political arguments.

Following the hearing, the Commission upheld the action of the stations, ruling they were within their rights in fixing a limit on the total time to be made available for political broadcasts during a campaign, provided that all candidates were given equal treatment. In its memorandum covering this case, the Commission declared:

Although no violation of Section 315 of the Communications Act has been found, there remains for consideration the question as to whether the restrictions on political broadcasts imposed by the four licensees herein were calculated to best serve the public interest ... It appears that the amount of time available for political broadcasts had been set well in advance of the actual campaign and without particular attention having been given to the needs or public interest involved in the particular campaign. 38

The Commission has stated that a candidate may not under Section 315 demand broadcast time during the general election merely because a station had allowed another candidate time during the preceding primary election.

During the period preceding the primary election in Texas in 1948, time on Station KRLD, Dallas, and

Station KWFT, Wichita Falls, was purchased for a series of political speeches by George Peddy, candidate for the Democratic nomination for United States Senator. In September of that same year, Reverend Sam Morris, nominee of the National Prohibition Party for election as United States Senator, attempted to buy time for a series of political speeches on the same stations. The stations refused to provide the time, on the ground that facilities were used by regular commercial advertisers. The stations requested opinion and interpretation by the Commission.

Morris held that since the stations had sold time to Peddy during the primary election, they were equally obligated to sell time to himself, as a candidate for the same office, in the campaign preceding the general election. The Commission examined the facts in the case and denied Morris his petition in a public notice published October 22, 1948. The Commission stated its belief that:

... while both primary elections and general elections are comprehended within the terms of Section 315, such elections must be considered independently of one another, and equal opportunities ... need only be afforded to the legally qualified candidates for the same office at the same election.  


No station, because it has permitted the use of its facilities by a candidate for nomination in a past and concluded primary election contest, is required to permit equal use by a candidate in a general election. The Commission did expand its opinion by saying that stations giving considerable time to candidates in the primary should make a "reasonable amount" of time available to candidates for the same offices in the general election. It stated:

... without regard to the provisions of Section 315, elementary principles of fairness may dictate that a station which has afforded considerable time during the primary to candidates for nomination as the candidate of a party for a particular office should make a reasonable amount of time available to candidates for that office in the general election. No general rule can be laid down on this matter, and the licensee's responsibility to make such time available under its obligation to serve the public interest in a fair and impartial manner will obviously depend on the facts of the particular case.41

The Commission has also held that the "equal opportunity" requirement of the statute is not met by offering the same amount of time at less desirable hours than those offered to others.

During the Louisiana primary in the summer of 1946, E. A. Stephens, part-owner of Station WDSU, New Orleans,

41Ibid.
and candidate for the Democratic nomination for United States Senator, broadcast a series of political talks in the select time period between 7:45 and 8:00 o'clock in the evening. However, when an opponent attempted to buy time on the same station for talks supporting his own candidacy, the manager of the station informed him that time could not be provided earlier than 10:35 o'clock at night. The case was protested to the Commission and a hearing on renewal of the station's license was held in March, 1945.

In an opinion and order handed down on September 5, 1945, the Commission renewed the station license, holding that its record was otherwise satisfactory and that mitigating circumstances were involved. However, the Commission condemned the action of the station, as follows:

The Act is ... quite explicit in requiring that, once a licensee has permitted his station to be used by a candidate for public office, he must afford 'equal opportunities' to all other candidates for the same office. While neither the Act itself nor the Commission's Rules and Regulations define the term 'equal opportunities', it is amply clear from both the statutory language and legislative history of Section 315 ... that the meaning of this term is not to be arrived at by the application of narrow, legalistic notions. The obligation imposed upon a licensee by this provision is not discharged merely by offering the same amount of time to each candidate. Quantity alone is not the sole determining factor ... 42

The Commission then discussed what it termed "a matter of common knowledge" that time of broadcast often affects the size of audiences, which in turn ranks as a most important consideration in political broadcasts. It strongly censured WDSU for making inferior time periods available and clearly indicated that it did not consider this to be "equal opportunity" for the opposing candidates. The station had attempted to justify its action by declaring that it was established policy not to cancel any regularly scheduled commercial program in order to clear time for political broadcasts and that such broadcasts were restricted to periods of sustaining time only. The Commission stated that such a policy was incompatible with the "equal opportunity" doctrine and incompatible with operation in the public interest.

An attorney interested in broadcast law demonstrates the time allocation problem by posing these hypothetical questions:

What is meant by the term "equal opportunity," and what period of time is to be considered in determining whether the equal opportunity requirement has been fulfilled? For example, is candidate B, who becomes legally qualified after candidate A has qualified and has been permitted to use the station's facilities, entitled to demand for the balance of the campaign, that he be allowed time equal to that which A has used and will thereafter use? Or is equality achieved if A and B are given the same amount of time after B becomes a candidate?43

It is a difficult problem for broadcasters, because not all aspirants for office announce their candidacy at the same time. If time is made available to the first candidate, time must be afforded to all other candidates who may later enter the race. Once time is afforded, the station cannot arbitrarily change its mind and withdraw it before equal treatment has been afforded all candidates for the same office.

In order to avoid excessive demands for political time, many broadcasters refuse to carry political broadcasts until after the time of the formal primary filing has passed or until after the recognized parties have nominated their candidates. This does not offer complete protection against write-in or sticker candidates, who may appear late in the campaign and demand time equal that already given other candidates. Usually stations resolve this problem by granting the same opportunities to each candidate dating from the time of the formal recognition of candidacy.

The Commission has broadened its "equal opportunity" policy requirements to the effect that compliance is expected whether or not the political candidate seeking broadcast time is deemed to have a practical chance to be nominated or elected.

The Commission issued this clarification in connection with a complaint by William R. Schneider, a St. Louis
lawyer and an avowed candidate for the 1952 GOP presidential nomination. Schneider had demanded to know why the Columbia Broadcasting System had failed to make its facilities, other than Station KMOX in St. Louis, available to him. On April 30, the FCC asked CBS for details. CBS replied Schneider had entered the preferential primaries in Oregon and New Hampshire and it had rejected his request for time on the ground, among others, that it owned no stations in those states. The Commission indicated on May 28, 1952, that this made no difference; Mr. Schneider had the right to equal time.

Another point apparently made by CBS was that Schneider's chances for nomination were pretty meager. To this the Commission said:

... neither the statute nor the Commission's Rules permit compliance with the statutory requirement dependent upon any subjective determination by the station or stations involved with respect to a candidate's practical chances of nomination or election. 44

In reply to the question posed in this section, the Commission has held that the "equal opportunity" requirement for qualified candidates means that all circumstances of broadcast, insofar as reasonably possible,

should be the same for each candidate for the same office in the same campaign. Once a station permits a legally qualified candidate to broadcast, the "equal opportunity" provision goes into effect for the use of the station's facilities on the same terms and conditions.

5. **What is the status of authorized representatives of qualified candidates?**

Again, neither the language of Section 315 nor the Commission's Rules and Regulations define the role of the authorized representative of a qualified candidate in political broadcasts.

In the case of Weiss v. Los Angeles Broadcasting Company, the complaint alleged that the broadcast company had permitted other candidates or their "sponsors" to use the facilities of the station. The United States Court of Appeals declared in a 1947 ruling that Section 315 of the Communications Act says nothing about "sponsors" or "facilities." It held that Section 315 does not apply to political broadcasts on behalf of candidates by others than candidates themselves.45

As a matter of record, the Commission expressed

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itself in a reply to a letter written on May 24, 1951, by the Chairman of the House Committee on Interstate and Foreign Commerce. In commenting on a proposed bill which would have extended the provisions of Section 315 to include authorized spokesmen speaking on behalf of legally qualified candidates for public office, as well as candidates themselves, the Commission's Acting Chairman stated:

The Commission has long been of the opinion that, to the extent that the existing language of the Act was not capable of such construction, Section 315 should be extended to include broadcasts by authorized spokesmen of legally qualified candidates speaking on behalf of such candidates...

The Commission recognizes that if licensees are allowed to permit spokesmen for candidates to use their facilities without being under obligation to afford equal opportunities to other legally qualified candidates for the same office or their supporters, the purpose of Section 315 can be effectively circumvented. Such spokesmen for candidates may be just as influential and effective as the candidates themselves.46

In this same expression of opinion, the Commission indicated that the matter of the unauthorized spokesman for a candidate warranted careful consideration. If Congress believed in absolute equality in the use of broadcast facilities during election campaigns, "... it would appear that candidates should be allowed equal

46Federal Communications Commission, Letter No. 65768, Undated.
facilities to answer anyone who attacks them or who sup-
ports one of their opponents for the same office."\textsuperscript{47}

More than fifteen years prior to the issuance of the above opinions concerning political broadcasts by other than candidates, the Commission had ruled in a case relating to an appearance by the late Senator Arthur Vandenberg in a situation where he was not himself a candidate. Because of the nature of the content of the program, the Columbia Broadcasting System refused to allow Vandenberg to present his scheduled broadcast. The Republican National Committee complained to the Commission that CBS had "censored" the talk. In a letter dated October 20, 1936, the FCC stated that:

... since Senator Vandenberg was not himself a candidate, the station was under no compulsion of law to permit broadcast of the speech. ... A broadcast station is not under a public utility obligation to accept all program material offered.\textsuperscript{48}

In 1934, the Senate version of the political section of the Communications Act would have extended the equality of treatment provisions to the supporters of candidates. Since this provision was deleted in legisla-

\textsuperscript{47}Ibid.

\textsuperscript{48}"CBS Is Absolved in Vandenberg Case," \textit{Broadcasting}, 11:87, November 1, 1936.
tive conference, it would appear to be an indication of Congressional intent to make the section applicable only to the candidates themselves. As has been noted, the Commission has proposed legislation to the Congress suggesting that measures including supporters of candidates be voted into law, but nothing has been accomplished in this direction. In light of this condition, the Commission has refrained from issuing one of its "interpretative" rules in the apparent fear it might be challenged by opponents as unauthorized legislation.

In the courts, however, positive declarations have been made. Unfortunately, these rulings have conflicted. As a result, they have failed to clear the air. In November, 1951, Federal Judge Oliver J. Carter, a district court judge in San Francisco, ruled that a radio station could not refuse to sell time to Communist candidates for political office. The case involved Station KSFO and one of the West Coast Communist leaders jailed in 1951 on conspiracy charges in Los Angeles, Oleta O'Connor Yates. She was a candidate for the San Francisco Board of Supervisors and had purchased time to publicize her campaign. According to her husband's testimony, the station accepted payment and then, prior to the scheduled broadcast, announced it would not allow the program "in the best interests of the public." Mrs. Yates, in jail and unable to
raise bail pending her conspiracy charge, protested the cancellation in court. The judge found in her favor and issued an order directing the station to grant her equal opportunity with other candidates to present her platform to the voters.

At the hearing, it was pointed out that the issue did not involve a candidate speaking for herself. The judge said that he felt that because the station had sold time to supporters of other candidates, it had to grant opportunity to her supporters to be heard. 49

Although the San Francisco decision is more recent, the broadcasting industry has given a great deal more attention to another court ruling which preceded the KSFO decision by a few months.

On October 24 and 25, 1949, William F. Meade, chairman of the Republican Central Committee, in speeches made in connection with a municipal election in Philadelphia and broadcast by Stations KYW, WCAU and WFIL in that city, made statements concerning David H. Felix, Democrat, implying Communist leanings on the part of Felix. In November, 1949, Felix sued for libel in the amount of $50,000 against each of the stations in the United States District Court in Philadelphia.

49 "Political Time," Broadcasting, 41:34, November 12, 1951.
The lower court returned a judgment for the defendant (in this case, KYW, owned by Westinghouse Radio Stations, Incorporated) on the ground that Section 315 prohibited the station from censoring the speech and therefore made the station immune to libel action. Felix then appealed to the United States Court of Appeal, Third District. On appeal, this court reversed the original judgment with the reasoning that the man who had made the speech was not himself a candidate for political office. Of Section 315, the appellate court declared:

The language of the section itself and its legislative history compel the conclusion that the section applies only to the use of a broadcasting station by a candidate personally and that it does not apply to the use of a broadcasting station by other persons speaking in the interest or support of a candidate.

We find that this very question of including supporters of candidates within the purview of that section has been specifically considered and rejected by the Congress, which has made it perfectly clear that the section is intended to apply only to the personal use of broadcasting facilities themselves.50

Therefore, the higher Court held Section 315 does not prevent the station from censoring non-candidates and the station could have censored the Republican committee chairman's speech. In February, 1951, the stations appealed the case to the United States Supreme Court. In

April, 1951, the Supreme Court refused to review the
lower court ruling, in effect upholding the decision of
the Court of Appeals.

This decision has held the greatest attention of
the broadcasters because of the extensive legal review
involved. The ruling established the right of stations
to treat all non-candidate political speakers much as they
choose, at least as far as Federal law is concerned. At
the same time, it meant that stations would be liable for
remarks made by non-candidates and therefore the broad-
caster must censor if he wished to avoid and prevent
damage suits.

The status, then, of authorized representatives of
qualified candidates is not entirely clear. The Com-
mission feels they should be governed by the "equal op-
portunity" provisions of Section 315, but is powerless
to implement this attitude without further power of law.
Although court decisions have been contradictory, the
industry is inclined to accept the ruling in the Felix
case that Section 315 of the Communications Act does not
pertain to other than legally qualified candidates.

6. What is the status of "other" political
speakers, who are not legally qualified
candidates or their authorized representatives?
As with the authorized representatives of legally qualified candidates, the Act of 1934 and the Commission's Rules and Regulations fail to define the status of those "other" political speakers who are not candidates or their authorized representatives.

This may include broadcasts of a political nature by other than qualified candidates or their representatives, between campaigns or during actual election campaigns. It may include appearances by those who are expected to be candidates, in periods prior to campaigns, or by candidates for nomination by convention, rather than by primary.

When are such speeches political and when are they non-political? If they are political, it follows that the broadcaster should grant time for a reply under the "equal opportunity" proviso covering the discussion of controversial issues. If the speeches are non-political, the station is not compelled to offer opposing representation. In such circumstances, it is the broadcaster himself who is often called upon to determine the political nature of the original broadcast and to determine if time for reply is warranted.

In other words, this category deals with political broadcasts which are off the beaten path of normal campaign speaking. In the Vandenberg case previously cited, the

51 "CBS Is Absolved in Vandenberg Case," op. cit.
network objected to the device employed in the presentation of the program which called for a debate between Roosevelt and Vandenberg. The debate was to be simulated from recordings of Roosevelt's voice and "live" replies and comments by Vandenberg. The Columbia Broadcasting System, which had a policy rule forbidding dramatized politics because they tended to emotionalize issues, refused to carry the broadcast and was upheld by the Commission. The FCC indicated it had, among other things, no power to require acceptance of any given program.

In another case, the Commission was interested when a station refused to carry certain political spot announcements. Richard T. Frankensteen, vice-president of the United Auto Workers-CIO, was a candidate for election as Detroit mayor and opposed the incumbent mayor, Edward J. Jeffries, in the autumn of 1945. The Frankensteen campaign was financed by the CIO Political Action Committee. On October 25th, the Committee purchased time on several Detroit stations for a series of spot announcements supporting the Frankensteen candidacy. When copy for the transcribed announcements was submitted, the manager of Station WWJ refused to carry those allotted to his station, on the ground they were not in "good taste and not up to the standards" of the station.

The rejected announcements heaped ridicule upon Mayor Jeffries. One, for instance, had a newsboy shouting
"Extra! Extra! Race riot in Detroit! and had Mayor Jeffries replying, "Appoint another committee." Another opened with a loud snore, followed by the whispered question, "Who's sleeping?" and the whispered reply, "Mayor Jeffries." Another charged that federal funds were offered for municipal improvements, but the "playboy" mayor was too sleepy to say yes."

Frankenstein complained to the Commission and asked for an immediate hearing on his charge that the station had censored a political broadcast. The FCC asked the station for an explanation. The manager of the station filed a statement to the effect that the station had been eminently fair in allotting equal treatment in the matter of speeches by candidates and their authorized representatives, but that the request for announcements, having been made only by one side in the election, was something extra. It was later reported that the station reversed its stand in order to avoid needless and troublesome proceedings with the Commission and agreed to carry the announcements. 52

These are typical of the situations which broadcasters have in mind when they attach the label "capricious" to many of the decisions and rulings of the Commission.

It may act in one case, refuse actions in another, and when action is ultimately taken, it may be inconsistent.

In reply to the question heading this section, it can be said generally that broadcasters enjoy more latitude in handling broadcasts by "other" political speakers, than broadcasts by qualified candidates or their authorized representatives. The law and the Commission have failed to provide for speeches by "others" or for special broadcast presentations which are not of the common speech technique.

7. What is the position of broadcasters under Section 315 which forbids "censorship" of political materials?

Undoubtedly the most vexatious part of Section 315 of the Communications Act of 1934 is the one prohibiting the broadcaster from censoring speeches by political candidates. It is stated in the law, it has been interpreted by the Commission, and it has been affected by the rulings of various courts.

In the circumstance where a speaker appears at a radio or television studio with a political script containing libelous material, Section 315 acts to prohibit the broadcaster from censoring the libel out of the script. With this in mind, one might assume that the same law makes the broadcaster immune to liability damages should the
person who is defamed decide to sue. In fact, however, there exists a vital controversy over the existence of such immunity for the broadcaster.

The Port Huron case is the most important in the area of political censorship and must be examined in some detail. In early 1945, Carl E. Muir, member of the city commission of Port Huron, Michigan, purchased time for a political speech from Station WHLS, in that city. When the station's operators read the script he submitted, they cancelled the contract for the talk on the ground it was an "unwarranted attack" on the rest of the city commissioners. Muir complained to the Commission and asked that a renewal of the station license be denied. A hearing was ordered to determine, among other things, whether an act of censorship as construed by Section 315 had been committed.

The Commission did not issue a decision until 1948. It did this in the form of a preliminary notice in January and later as a final decision on June 28, 1948. The renewal of license was granted, but the Commission held that the station's action constituted "censorship" of a political speech.

In its Port Huron decision, the Commission dwelt at length on its philosophy of political broadcasting. This can be summed up by saying that the Commission believes "fairness" and "equal opportunity" ought to obtain and, further, that no station has any business tampering with the contents of political speeches. In part, this philosophy was expressed as follows:

The question remains whether the prohibition of Section 315 'that such licensee shall have no power of censorship over the material broadcast under the provisions of this section' is applicable in the case of broadcasters who require persons making political speeches failing within the provisions of Section 315 to make changes and alterations or deletions in the prepared text to eliminate material which the station believes is possibly libelous or slanderous or might tend to subject the station to an action for damages. This is a question which has proved to be perplexing over the years to Congress, the Commission and the broadcasters themselves. But it is a subject of vital significance which goes to the very heart of the problem of insuring a fair and balanced discussion of the relative merits of candidates for political office.

It is important in considering this matter to determine just what would be the inevitable consequences of accepting the view that a licensee should have the power to require candidates to delete 'possibly libelous matter.' In most political campaigns there are one or both of two basic issues before the public. On the one hand there is the question of the relative moral, intellectual and political integrity of the opposing candidates. On the other hand, in most cases the record of the persons and party in office is up for the voters' inspection. Thus the question of the personal honesty of one of the candidates or the motives behind the actions of one group of office holders may be, and often is, the principal area of contention between opposing candidates. This is not merely a question of 'mud-slinging'; the legality of certain questioned actions by one of the contesting parties...
in the election may well be the particular issue upon which the election does and should hang. These issues can only be brought before the public by statements of opposing groups. Such statements may or may not be libelous or slanderous. That will depend, in most cases, on whether the statements are true or false. But in every case of serious charges there is a possibility that the statement might be libelous or, even if not in fact libelous, might subject the station to suit.

This means that if licensees are going to take it upon themselves to censor or restrict the broadcast of libelous material, they must either adopt a policy of requiring the elimination of all matter containing serious charges concerning the activities of opposing candidates or parties, which would seriously limit the effectiveness of radio broadcasting as a medium of political expression, or they must, in effect, set themselves up as the sole arbiter of what is true and what is false, what is in fact libel and what is not, an exercise of power which may be readily influenced by their own sympathies and allegiances. The Commission does not believe that it was the intent of Congress to give the licensees any such power or responsibility with respect to political broadcasts.

The assumption of a right to censor 'possibly libelous' matter, or statements 'which might subject the station to suit' would give to radio stations a positive weapon of discrimination between contesting candidates which is precisely the opposite of what Congress intended to provide in this section. Most of the complaints received by the Commission concerning alleged violations of Section 315 concern instances in which the station has insisted on the deletion of matter which it alleged might subject the station to suits for damage. If the criterion for such censorship is to be merely whether the questionable item might possibly subject the station to suit, a category which as we have seen can be expanded to include almost every conceivable charge against the opposition, the opportunity for favoritism and discrimination would be omnipresent.

The Commission issued its opinion that the prohibition of Section 315 against any censorship by licensees is

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54 Ibid.
"absolute" and that no exception existed in the case of material libelous or which might tend to involve the station in an action for damages. With regard to other civilly or criminally actionable material in political broadcasts, the Commission made it clear that it did not mean to withdraw statements or utterances contained in the Communications Act or other federal law. It stated that: "Nothing in this opinion is intended to indicate that a licensee is necessarily without power to prevent the broadcast of statements or utterances in violation of the provisions of the ... Act or any other Federal law ...."55 Thus it would seem plain enough, for example, that obscene, indecent, or profane language in a political broadcast could be curbed by a licensee.

The Commission stated that a broadcaster's license might be subject to revocation or non-renewal if he undertook to censor defamatory material from political broadcasts. On the other hand, as has been noted, there is a strong indication that State courts will continue to hold the broadcaster liable under such circumstances. The majority report in the Port Huron case sought to relieve stations from this dilemma by taking the view that Section 315 constitutes an "occupation of the field" by Congress.

55 Ibid.
so as to relieve licensees, by its own force, from state-imposed liability. The decision of the majority stated that this "occupation" would appear to "relieve the licensee of responsibility for any libelous matter in the course of a speech coming within "section 315 irrespective of the provisions of state law." One of the Commissioners, in a dissent with the majority, took issue with this whole viewpoint. He commented: "If what 'would appear' ... is otherwise decided by the courts, severe and unnecessary damages will be sustained throughout the radio industry."

Industry opposition to the Commission's Port Huron action was immediately expressed. It was centered on two main grounds: a) that Congress never intended to deny stations the right to screen political scripts for libel; and b) that only Congress or the Supreme Court, not the Commission, had the authority to exempt stations from libel actions in state courts.

The industry was undoubtedly happy to have the Commission on its side in staving off defamation suits, but it feared the possible consequences in state courts without specific safeguards being written into the Communications Act of 1934. Broadcasters had witnessed the spectacle of state courts ruling that Section 315 and its prohibition against censorship of political broadcasts did not give any station the privilege to "join and assist" in the publication of a libel.
Within two weeks of the Port Huron ruling, the first test of the decision was made in a state court. The Houston Post, which owned Station KPRC, in Houston, Texas, filed suit in a federal district court asking that the Commission's views be set aside and that the court itself interpret the law. The station pointed to a heated Democratic campaign, wherein charges and counter-charges made the prospect of libelous statements extremely likely. The station had originally notified all qualified candidates that it reserved the right to edit all political speeches, comments or other broadcasting material for "libel, treason, profanity and obscenity." The station felt that the Port Huron decision meant its own conclusions were not in accordance with law and asked judicial interpretation. Most important, the station indicated that the State of Texas proposed to continue enforcement of its libel laws and the station would be forced, in order to comply with the laws of the state, to edit speeches in violation of the FCC ruling. The Federal District Court, while holding that the Commission's decision was not a reviewable order, but only an opinion, strongly indicated by dicta that the Commission's position was contrary to established law. Its decision in part asserted:

When ... it appears: that the Supreme Court has not construed the section; that there is no body of judicial opinion interpreting it as the Commission has done, but
such opinion as there is, is directly to the contrary, and that prohibitions against censorship have been uniformly held not to prevent the control of language which is beyond the scope of guarantees of free speech, the view that the Commission was issuing an order and not merely giving an opinion seems quite unfounded....

When further it appears from the consistent legislative history of the Communications Act not that Congress has, but that it has not, given any clear indication that in using the word "censorship" in Sec. 315, it intended to give it the meaning and effect accorded to it by the Commission's interpretation, the contention that the expression of the Commission's opinion on such a controversial and difficult matter was intended to be and was an order....seems far fetched.

... we think it judicially inconceivable that the Commission, a body of public servants entrusted by Congress with powers of supervision over communications by radio, could, with considerations of fair play and administration in mind, have so ordered.

... we have no difficulty in determining that all the Commission intended to do, or did, was to take the opportunity afforded by its decision in the Port Huron case to support in the form of a considered opinion the view it had been trying to get Congress to enact into law, that radio stations ought to be, and are, exempt from libel laws in connection with political broadcasts and ought not to be, and are not permitted to censor them for libel....

In the midst of a series of storms over its Port Huron ruling, the Commission renewed the license of a station which admittedly rejected a political speech because it contained libel. In February 1948, when the license of Station WGOV, Valdosta, Georgia, came up for renewal, the application was held up while the Commission...

investigated a complaint filed by a candidate for mayor who was told by the station to cut out seemingly libelous portions or be refused air time. The object of the speaker’s attack was referred to as a "pistol totin' criminal," "fugitive from justice," "hell-bent," "jail bird," and "big slew-footed ox." The candidate had refused to make the changes and the speech was not broadcast. The Commission made an investigation of the situation, but did not order a hearing. No statement was released by the Commission on the charges of censorship and it was indicated that no punitive action had been taken because it was a pre-Port Huron case and the infractions appeared minor and unintentional.

About this same time in August, 1948, Wayne Coy, Chairman of the Commission was called to testify before a House Select Committee which was investigating the Commission. He expressed the belief that:

No broadcaster is going to get into serious trouble who operates in the public interest by carrying speeches by the political candidates, and who treats political candidates of all parties fairly and does not try, by one device or another, to use a public facility, a radio frequency, to give advantage to one candidate as against another, or to one party as against another. When a broadcaster ... attempts to use that radio frequency to the advantage of a particular candidate or a particular party, he is likely to have very serious trouble.

Representative Forest Harness, Chairman of the Select Committee, interjected at this point:
For the time being, at least, until the matter is settled, the honest and conscientious broadcaster who uses ordinary common sense in trying to prevent obscene or slanderous or libelous statements from going over the air need not fear any action.

The Commission Chairman replied:

Any capricious action; that is right.

I think a broadcaster has an obligation, in a situation of this kind, to take some speculative risk rather than leaning over backward to delete everything that might appear to him to be libelous in a political campaign. We are all familiar with the kind of political campaigns we have. There is a certain license that political candidates take, and that other people take in speaking of political candidates. For the most part, political candidates are not supersensitive; they know how to take it as well as dish it out; and I do not think we should do anything to curtail a political campaign.57

This leniency expressed by the Commission Chairman in 1948 eased the situation to a degree, but it was retracted by an action in late 1951 which involved Station WDSU, in New Orleans. In fact, many contend this decision was a form of censure for Congress' failure to pass a change in the law following the Port Huron decision.

On January 26, 1950, Alvin A. Cobb, a legally qualified candidate for the office of mayor for the city of New Orleans, complained to the Commission that he had been refused time over Station WDSU although he had entered into a contract with the station for time. The station

advised the Commission that it followed an unvarying policy of giving equal treatment to all candidates and that upon the advice of counsel, they required all candidates to submit scripts in advance so the defamatory material could be deleted. The station asked Cobb to delete a portion of his speech which it considered libelous and when he refused, the station refused him air time. In its memorandum and opinion, the Commission stated:

We believe that it is important, especially with a national election in the offing, that there be as little confusion and doubt as possible on the important question whether licensees are free to censor political broadcasts for any reason, notwithstanding the prohibition of Section 315. We have stated what we believe to be the proper interpretation of Section 315, in the Port Huron decision. No statute supplanting the existing law and our interpretation of it has been exacted by Congress. We, therefore, think there is no longer any reason to defer application of what we believe Section 315 to require in any case of censorship of political broadcasts, and hereafter will not accept the plea of doubt and uncertainty in the state of the law as a reason for not administering the law as we read it. Nor will we accept the argument that state statutes or common law on the subject of libel in some way supplant or modify the unqualified pronouncement of Congress on the use of the interstate facilities of radio by candidates in making political broadcasts.58

The Commission renewed the license of WDSU because the Commission found that the station had acted in good

58 Federal Communications Commission, Memorandum Opinion and Order No. BR-449, November 21, 1951.
faith and on the basis of legal advice and that it was not a deliberate or willful violation of Section 315. By this decision, the Commission made it clear that though the political libel situation is muddled, it would no longer be sympathetic to the woes of broadcasters faced with libel suits due to defamatory remarks made on the air by political candidates. As has been noted previously, the Commission had tended to go lightly on offenders because of the unsettled state of the law.

In connection with the plight of the broadcaster caught in the dilemma of censorship versus non-censorship, attention is invited to a situation involving Station KIDO, Boise, Idaho, which took place in the fall of 1948. Walter E. Wagstaff, general manager, gave the writer permission to quote this summary:

The libel suit in which KIDO was involved arose out of the political speech made on station KIDO in October, 1948 by the then Senator Glen Taylor of Idaho. Senator Taylor was not a candidate himself, having been elected two years previously. He was speaking in behalf of one George Donnart who was a candidate for the two year term in the U. S. Senate.

It has been customary in Idaho for several years for the State Central Committee to purchase the time for all of the candidates of their parties, rather than such purchases being made by the candidates themselves. In view of the fact that Mr. Donnart's opponent on the Republican ticket had had others speak in their behalf we felt that under the principle of equal treatment to candidates we were obligated to let Senator Taylor speak on the station even though he was not himself a candidate.

The substance of Senator Taylor's address was an attack on the private power company which served the state
of Idaho (Senator Taylor and Mr. Donnart were both advocates of public power). He repeated some disclosures (or what he chose to call disclosures) which he made in a public address a few nights previously. In the radio talk he alleged that although these disclosures had already been made publicly, the local newspaper had failed to report them as had the press services. The program was transcribed for broadcast a couple of evenings later and between the time Senator Taylor reportedly made the disclosures and the time that the program was broadcast the newspaper had printed an account of his so-called disclosures. In his speech for radio he added that the newspaper was under the domination of its advertisers and was printing only such news as served the purposes of its advertisers.

When we recorded this talk we felt that some of its contents might be regarded as defamatory in some quarters and although we were unable to reach Senator Taylor directly we requested permission through the State Democratic Central Committee to delete some of the material. This permission was denied us and we therefore felt that we should run the talk, which we did.

On the following day the Statesman Printing Company, publishers of Boise's only daily newspaper, brought a libel action against us in the amount of $100,000.00. They did not name Senator Taylor as a co-defendant. They also announced in a front page story that any other radio stations carrying the same talk would be similarly sued. Eight other stations in Idaho were scheduled to play the transcription. Under the threat of the suit, three of them refused to run the program and the remaining five ran the identical program as it had been played on KIDO. Suits were then brought against the other five stations.

In each case the stations filed demurrers holding that the material was not libelous per se. The stations were ruled against by judges in three districts, the fourth case not having yet reached a hearing.

None of the cases were ever brought to trial. In 1951 a settlement was made under which each station involved accepted judgment and paid the Statesman $1.00 and a nominal amount to cover legal expenses.59

59 Letter, February 17, 1952 (Used with permission of Walter E. Wagstaff, General Manager, Radio Station KIDO, Boise, Idaho).
In view of the Port Huron ruling and despite the Commission Chairman's expression of leniency, the broadcasting industry gradually swung over to the point of view that its best protection lay in agitation for Congressional action or in various states enacting "limited liability" libel laws. The General Counsel's Office of the National Association of Broadcasters drew up a model radio defamation bill and it was presented to many of the state legislatures. The model bill was designed to accomplish three main things: 1) to relieve broadcasters from liability unless it is alleged and proved there was a failure to exercise due care in allowing defamatory material to be broadcast; 2) to abandon the common law distinction between libel and slander and simply limit the plaintiff's recovery in any case to such actual damages as he alleges and proves; and 3) to relieve the broadcaster from all liability for defamation in connection with broadcasts for or by candidates for public office.

It is not the purpose of this study to enter into a discussion of radio defamation. It is a complex, highly ramified problem dealing with legalistic aspects beyond the scope of this effort. Rather, we will note briefly some of the supportive background concerning the main

60 Now the National Association of Radio and Television Broadcasters.
provisions of the above mentioned "model" radio defamation bill.

1) Due care. In 1939, the Supreme Court of Pennsylvania held that a radio station was not liable for ad lib remarks where it exercised due care in the selection of the performer, and, having edited the script, had no reason to believe that an extemporaneous defamatory remark would be made.61 This is an important case because by it Pennsylvania qualified the common law rule of absolute liability without the aid of any statute. The opinion of the Court is exhaustive and states well the case for a change in the law. A 1948 court ruling, in another instance, held that a radio station is not liable for defamation in a written script unless a lack of due care is shown.62

2) Actual damage. This provision of the "model" bill is designed to modify the common law damage rules applicable to defamation. Under those rules damages are presumed to flow from every libel and it is therefore unnecessary to prove specific damages. On the other hand, damages are not presumed to flow from every slander and,


with a few exceptions, it is therefore necessary to prove specific damages. The trend of judicial opinion has been to hold that defamation by radio is libel rather than slander. One important ruling held that the reading of a script over the air is libel, even though the listening audience does not know that a script is used. The industry feels that it is important that any legislation make inapplicable to radio defamation the common law damage rules for libel.

3) Relief from defamation liability in political broadcasts. We have seen previously that Section 315 of the Communications Act prohibits licensees from censoring political broadcasts. This raises the question of whether stations are required to permit political broadcasts containing defamatory material and thus subject themselves to liability for defamation under state law. The Supreme Court of Nebraska held that it was no defense to an action for defamation by radio that the defamatory remarks were made in a political broadcast. In the Fort Huron decision, the Communications Commission took a contrary position in asserting that censorship was a violation of Section 315 and that this same section relieved licensees from liability under state law for defamatory matter contained in

political broadcasts. Legislation, contends the industry, is the only practical means of removing the dilemma.

Legal sources in Washington estimated in late 1951 that about a third of the states now have laws which do not hold the broadcaster liable if he exercises due care. These are Wyoming, Virginia, California, Colorado, Florida, Georgia, Iowa, Kansas, Louisiana, Maine, Michigan, Nebraska, South Dakota, Utah, Oregon, Nevada, Missouri and Maryland. The form, content and intent of these laws vary considerably. California, for example, relieves the station from responsibility for libel contained in ad lib remarks and network programs. Washington does the same if the libel is expressed without the knowledge or the fault of the broadcaster. In Montana and Utah, the law requires proof of actual malice on the part of the broadcaster.

The majority of the Commission holds to the belief that by act of law, licensees are already exempted from any liability in any state or federal court since Congress specifically denied them the power of censorship over political material. At the same time, the Commission has been compelled to recognize that its opinion with respect to this matter has not been universally accepted.

Accordingly, it has gone on record "strongly in favor of the adoption of specific language by Congress making clear that stations are to be exempted from liability."

At no point, however, has the Commission questioned the mandate of Congress that no broadcasters be allowed to censor political broadcasts of candidates.

In presenting the Commission's legislation recommendation, made at the request of the President and designed for submission to the 82nd Congress, the regulatory agency proposed to amend Section 315 in two respects:

(1) To make clear that station licensees will not be held liable in any court because of any material required to be broadcast under the provisions of the section in view of the fact that they are prohibited by the section from exercising any powers of censorship over any such matters; and (2) To make clear what the provisions of the section are applicable where radio facilities are utilized by persons speaking for or against a legally qualified candidate as well as by the candidate himself, or on behalf of a matter to be voted upon at an election. 65

The Commission favored the enactment of Section 15 of S. 1335 of the 80th Congress and Section 202 of H.R. 6949 of the 81st Congress, both of which would have extended the provisions of Section 315 to include spokesmen speaking on behalf of candidates.

In late 1951 and early 1952, the legislative solu-

65 Federal Communications Commission, Letter No. 58238, Undated.
tion to the dilemma seemed to be shaping up. At that time, several political broadcast bills were before the Senate and House Interstate and Foreign Commerce Committees. Two of them, one in each branch, were identical. These would bring any person "authorized" by a political candidate to speak for and on his behalf under the same coverage of the Act as it pertains to the political candidate; that is, no censorship by the broadcaster and no liability.

Another was drawn up by Representative Walt Horan, Republican from Washington, who was keenly interested in this problem. His bill specified, among other things, that an authorization to speak on behalf of a candidate must be in writing; that broadcasters were to be relieved of liability in any civil or criminal action in any local, state or federal court; and it directed the Commission to specify rules and regulations covering the field of political broadcasting.

On June 17, 1952, the House of Representatives passed its version of the Senate-passed McFarland Bill (S 658) which was designed as the first major revision of the Communications Act in 18 years. One major amendment adopted on the House floor was this Horan provision.


67 H.R. 7062, 82d Congress, 2d Session, Introduced in the House on March 13, 1952, and referred to the Committee on Interstate and Foreign Commerce.
to exempt radio and television stations from damages for libel uttered by political candidates or their authorized spokesmen.

The Horan amendment was adopted after the House defeated an amendment offered by Representative Joseph P. O'Hara, Republican from Minnesota, which would have permitted station operators to censor the speeches of candidates for defamation and obscenity. Mr. O'Hara raised the question of constitutionality in connection with the Horan amendment, declaring:

I do not believe, and I assure you that I say this in all sincerity, that the Congress of the United States could pass an act which would exempt someone ... from the libel laws, either civil or criminal, of the States, and that is just what you are going to be passing on in this provision.68

Other opponents of the Horan amendment charged that it extended an invitation to a "foul, dirty, viliﬁying campaign" and that it would provoke "the lowest kind" of campaign.

Senate and House conferees eliminated the Horan amendment, however, from the McFarland Bill which was passed by both houses on July 2, 1952. The Conference committee said:

The committee of conference agreed to omit the provision with respect to liability of licensees in civil or criminal actions and the extension of the present law to include spokesmen for candidates because these subjects have not been adequately studied by the Committees on Interstate & Foreign Commerce of the Senate and House of Representatives. The proposal involves many difficult problems and it is the judgment of the committee of conference that it should be acted on only after full hearings have been held.

Thus stations faced the prospect of the 1952 campaigns with no new national legislation on the books affecting their responsibility concerning political broadcasts containing libelous materials.

In answer to the question posed at the beginning of this section, the Communications Commission generally interprets Section 315 of the Act of 1934 to mean that radio and television station operators have no right to censor the materials of qualified political candidates who seek to broadcast their points of view. Broadcasters are permitted to scan scripts to avoid the broadcast of obscene, indecent, profane, or treasonable language and, in fact, are required to do so by law. The Commission feels that stations are relieved from liability from damages arising as a result of libelous political broadcast material, but state courts have evidenced otherwise. The entire situation is confusing and contradictory for the broadcaster attempting to deal with political programs.

8. What is the liability of stations for defamation by speakers delivering political talks?

The Commission has stated its belief that radio and television stations are exempt from actions brought about by libelous political broadcasts, simply because under Section 315 it has prohibited the censorship of such broadcasts. This regulatory opinion, however, has not as yet been substantiated by national law.

In various state courts, the tendency has been to hold stations responsible for the libelous content of political broadcasts. The precedent case in this respect is that of Sorenson v. Wood.70a

In the summer of 1930, Richard F. Wood, candidate for election as Attorney General of the State of Nebraska, delivered a political speech over the facilities of Station KFAB, Lincoln, Nebraska. In it he characterized his opponent, C. A. Sorenson, as an "irreligious libertine, a madman and a fool." Sorenson brought action for damages against both Wood and the station in the Nebraska state courts, charging libel. The station based its defense on the provision of the Radio Act of 1927 (which was identical with Section 315 of the Act of 1934) which prohibited censorship of radio political talks.

70aSorenson v. Wood, 123 Nebraska 348 (1932).
The station contended that since a station could obviously have no control over the content of a political speech under the provisions of a federal law, it should be relieved of liability for any defamatory remarks included in such a speech. The case finally carried to the Nebraska Supreme Court, which in 1932 upheld the decision of the lower court that defamation over radio was to be regarded as libel. It held that regardless of the federal statute, the licensee of a station which transmitted libelous material was actionable for criminal or civil action. Inasmuch as KFAB had carried the speech in which libelous statements were made, judgment was awarded against the station.

State court action has demonstrated that if a station would be otherwise liable under state law for defamation, the fact that libel was contained in a political broadcast would be no defense, except for a limited possibility of showing privilege. This occurred in Josephson v. Knickerbocker when Station WMCA, New York City, was sued because of alleged defamatory material included in a political speech.

In its defense, the station argued that Section 315 of the Act of 1934 prohibited censorship and it introduced

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the point that the station had examined the script in advance of broadcast, at which time it had not contained the defamatory matter on which the charge was made. It contended that the questionable material had been interpolated into the talk by the speaker without warning.

In a 1942 decision, the New York court upheld the defense and ruled that since the Act of 1934 imposes certain obligations on stations with respect to political speeches, it is only fair that stations be granted corresponding privileges and immunities. It found that since the station had exercised due care in the selection of individuals who were permitted to buy time and had inspected scripts in advance, it should not be held liable for defamatory remarks introduced extemporaneously. This decision followed a line of reasoning that prohibitions against censorship do not prevent the control of language which is beyond the scope of the guarantees of free speech.

In still another important case, Rose v. Brown, another New York court decision held that if the statements in a political script were in fact slanderous, a station could not be compelled to broadcast the slanderous material. Since the Commission's Port Huron ruling pro-

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hibited stations from censoring political scripts, the
*Rose v. Brown* decision placed the stations in a difficult
position. They subjected themselves to actions for
defamation under state law if they did not delete actionable
material and subjected themselves to the Commission's
sanction if they did. This is the crux of the broad-
caster's censorship dilemma, aptly described as "damned
if you do and damned if you don't" by many spokesmen in
the broadcasting industry.

The court ruling in the *Felix* case held that
Section 315 of the Communications Act does not pertain
to other than legally qualified candidates. On this
basis, stations may be held liable for remarks made by
non-candidates and therefore must censor such individuals
if they wish to avoid and prevent damage suits for libel
or slander.

In reply, then, to the question heading this sec-
tion, although the Communications Commission prohibits
censorship of political scripts by candidates, state
court decisions have found stations liable for action.
In the case of non-candidate political speakers, stations
bear an even clearer obligation in the matter of libelous
materials.

72"Philadelphia Political Libel Decision,"
9. What special conditions apply to political broadcasts by Communists?

Communist political speakers pose a special kind of policy problem for broadcasters. If they are on the ballot, they become "legally qualified" candidates and time must be sold to them if it has been provided to other candidates for the same office. There is no obligation to the party itself, however, only to its qualified candidates. There is no obligation to sell time to Communists in states in which the party is not legally recognized and on the ballot. The Communications Act makes no special provision for broadcasts of a political nature by Communists.

During the 1948 political campaign, Carl Winter, state chairman of the Michigan Communist Party, demanded time for a political speech to be presented over Station WILS, at Lansing. The station refused and indicated it would not knowingly permit broadcasting by the Communist party or any other organization of similar character unless ordered to do so by the Commission or by statutory mandate of Congress. At the same time, the president of the station asked the Communications Commission for a ruling on the station's responsibility to provide time for Communist speakers. The Commission, in a letter addressed to the station's Washington attorney, refused to take a stand. It indicated that the selection and
presentation of program material was the responsibility of each licensee and that the agency did not pass on programs in advance of broadcast. Too, it stated that it was the policy of the Commission not to give advisory opinions concerning requests for broadcast time.\textsuperscript{73}

Although Congress specifically recognized, in the Internal Security Act of 1950, that the Communist organization in the United States, pursuing its stated objectives, the recent successes of the Communist organizations in other countries, and nature and control of the world Communist movement itself, present a clear and present danger to the security of the United States and to the existence of free American institutions, the Communist party has not been outlawed by federal legislation and Section 315 of the Communications Act has not been repealed.

The NARTE legal staff has extracted portions of the Internal Security Act of 1950, which provides:

It shall be unlawful for any organization which is registered under section 7 [Communist-action and Communist-front organizations], or for any organization with respect to which there is in effect a final order of the Board [Subversive Activities Control Board] requiring it to register under section 7, or for any person acting for or on behalf of any such organization--

\textsuperscript{73}News item, \textit{Broadcasting}, 35:59, December 20, 1948.
(2) to broadcast or cause to be broadcast any matter over any radio or television station in the United States, unless such matter is preceded by the following statement, with the name of the organization being stated in place of the blank: 'The following program is sponsored by ____________ , a Communist organization.'

The only effect, then, of the Internal Security Act of 1950 with regard to political broadcasts is to require stations to identify the participants as Communists. Inasmuch as Section 317 of the Communications Act and the Commission's Rules and Regulations already required identification of all who use broadcast facilities, the Internal Security Act was of no particular help in dealing with Communists who request political broadcast time.

One radio station gave the writer permission to quote from extensive correspondence covering the Communist situation. It offers the viewpoint of one station, but it is worth citing as probably indicative of a well-rooted feeling in the industry. One letter states:

An American and as Manager of a Radio Station dedicated to serve the interest of our nation and its people, I view with a special deep concern, as must my fellow broadcasters, the news from Korean battlefronts where American boys are shedding their

74Supplement to Part C, "Speeches By or For Candidates For Public Office," Mimeographed Release; National Association of Radio and Television Broadcasters, Revised to October 2, 1950.
blood to halt the tide of Communism. For now, as our microphones report the loss of American lives in the struggle against Communism, I look ahead to the next several months with their approaching ... elections and realize that this station, like others nationwide, will be faced, ironically with requests from the Communist Party to utilize our facilities to spread their hateful ideology.

While we recognize we are not obligated to make time available for political broadcasts, we feel we would not be operating in the public interest if we were to withhold our facilities from the Democratic and Republican candidates, as well as other candidates whose principles are representative of the American way of life, in order to keep Communist Party candidates from our microphones.

Among the many freedoms we enjoy is that of Freedom of Speech as guaranteed in our Constitution. But to permit Communist propagandists to hide behind this Constitutional guarantee and use radio to spread their message is to leave the door open to possible eventual destruction of this very freedom of which they take advantage. While we spend billions arming ourselves and other freedom loving nations, and while American boys spill their blood to fight the Communistic enemy, we must not leave our microphones open to Communist propagandists as election time draws near.

Many broadcasters refuse time to Communists, contending that the court of public opinion will sustain them if the Communications Commission ever chooses to make an issue of the matter.

On June 4, 1951, the United States Supreme Court affirmed the conviction of eleven leaders of the Communist Party of the United States under the Smith Act. Following this action, the Communications Commission suggested to the House Committee on Interstate and Foreign Commerce that it might want to give attention
to determining by statute the status of Communists, rather than relying on various possible interpretation in light of the Supreme Court decision. No action was taken. The fact remains that the Commission, as an administrative agency set up by the Congress, is powerless to amend Section 315 of the Act of 1934 so as to make it inapplicable to a legally qualified candidate who is a Communist party candidate.

At present, legally qualified candidates of the Communist party are entitled to broadcast time for political purposes if it has been provided to other candidates for the same office.

10. What other general provisions apply to political broadcasts?

The Rules and Regulations of the Commission require that the rates charged "candidates for the same office shall be uniform," and prohibit licensees from making "any discrimination in charges, practices, regulations, facilities, or services" or subjecting any candidate to "prejudice or disadvantage"; records, open to public inspection, must be kept showing "all requests for broadcast time made by or on behalf of candidates for public office," their disposition, and the charges
made, if any, in case the request is granted. Program log entries for speeches by political candidates must show the name and political affiliation of the speaker.

The Commission has said that it is the obligation of a station to take reasonable measures to determine who, in fact, is paying for political broadcasts. In early 1946, Larry Bynon, New Mexico newspaper editor and candidate for nomination for Congress, appeared on a series of sponsored political speeches on Station KOB, located in Albuquerque. On these broadcasts, he attacked the policies of various state officials. He informed the station that time for the first broadcast was paid for by himself, for the second by the newspaper of which he was editor, and for later broadcasts by what he termed "anonymous" business men. The governor of the state filed proceedings to have KOB's license revoked, charging that the identity of the sponsors had not been established and that the Bynon broadcasts contained "false, defamatory and scurrilous" statements. In turn, the station asked the Commission for a clarification of its duties under Section 317 of the Communications Act of 1934. This provision reads, in full:

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75 Federal Communications Commission, Rules and Regulations, Sections 3.190 (c) and 3.190 (d).

76 Ibid., Section 3.181 (a) (2).
All matter broadcast by any radio station for which service, money, or any other valuable consideration is directly or indirectly paid, or promised to or charged or accepted by, the station so broadcasting, from any person, shall, at the time the same is so broadcast, be announced as paid for or furnished, as the case may be, by such person.

In a letter dated May 16, 1946, the Commission advised the station licensee that this section of the Act obviously makes mandatory an announcement of the identity of a sponsor in all cases where a broadcast station receives consideration. It stated:

... if a speaker desires to purchase time at a cost apparently disproportionate to his personal ability to pay, a licensee should make an investigation of the source of the funds to be used for payment. This is particularly true in a case where the speaker has previously appeared on similar broadcasts sponsored by others, and announces the fact that he is resuming his broadcasts.

The fact that in particular cases a station may be required to make a different type of investigation to determine the facts relating to identity of sponsorship, is not considered to violate the 'equal opportunity' provision of Section 315 of the Act.

The Commission appreciates the fact that a broadcast station may experience some problems in fulfilling its responsibility under Section 317 of the Act. However, the possibility or the occurrence of such difficulties does not justify a station licensee in adopting a general rule that it will not make time available for the discussion of controversial subjects or for broadcasts by duly qualified candidates for public office. Nor would the fact that an independent investigation is necessary in a particular case, automatically relieve a station from its responsibility to make its facilities available to the person in question. Such refusal is inconsistent
with the concept of public interest established by the Communications Act as the criterion of radio regulation.78

The Commission did not rule out the possibility of the station relying on the statement of the person making the political broadcast or actually contracting for political time.

These are some of the more important general provisions applying to political broadcasts.

Summary.

In this chapter, the rights and responsibilities of broadcasters in political broadcasts have been scrutinized. Political broadcasts represent one phase of controversy, wherein special rules apply. The area is something of a headache for broadcasters, since the Communications Act and the Federal Communications Commission do not clearly define many elements in the situation. Often the Act and the Commission's interpretations are in contradiction with decisions of state courts, particularly with regard to the situation involving defamation in political broadcasts.

As a result, broadcasters are often confused and perplexed. Since the licensee is responsible for the

programs carried by his station, he must formulate station policy to cover programming. Due to the fact that there is no clearly recognized set of standards in the political area, such broadcast policies are often inconsistent. We will now consider political broadcast policy variations.
CHAPTER III

POLITICAL POLICIES OF NATIONAL RADIO AND TELEVISION NETWORKS

It was pointed out in Chapter I of this study that radio and television networks have been extremely active in efforts to formulate workable broadcast policies to cover political presentations on the air. Years of experience have compelled the networks to pay special attention to such broadcasts. The networks have been sought after by political groups and individuals eager to reach national audiences. As a result, the networks have presented hundreds of political broadcasts. To this experience, the networks have coupled the abilities and efforts of expensive and capable legal staffs. The policies in effect today represent the fruition of these combined factors, experience and expert legal guidance.

In a study of the political policies exercised by individual broadcasting station management, it is necessary to consider the policy standards of the networks. Network policies are often imitated by individual stations. The local station operator appreciates the size, financial backing, and public stature of the networks. He knows that networks attempt to set a middle course of action and he decides that it is to his own interest to emulate his "big brother" in the field of broadcasting.

Because network policy does influence individual
station policy, it is proposed to examine some of the network political policies. This examination will make it easier to understand the subsequent consideration of individual station political policy.

At the time of writing, copies of network political policy material had been received from the National Broadcasting Company (NBC), The American Broadcasting Company (ABC), and the Mutual Broadcasting System (MBS). The other networks indicated a willingness to cooperate, but indicated their political policies had not been cleared by their legal counsels. On the basis of the networks named above, however, one assumes that a fairly representative picture of the policy situation can be recognized.

1. Free political time.

All of the major networks provide some free time for broadcasts on political subjects in advance of the national conventions. This is usually done on the basis that the speaker and his message must be of sufficient national importance to warrant granting of the time. The networks generally consider that the official campaign begins after the conventions and made time available on a paid basis.

If controversial issues are to be discussed, networks make every effort to give equal time to all sides.
2. The sale of political time.

Although the networks do provide free time for political broadcasts prior to the national conventions, they will also sell time for political purposes during this period. One exception to this practice is found in the policies of the Columbia Broadcasting System television network. This network sells no political time prior to conventions, but will sell after the conventions have ended and the campaigns are "officially" in progress.79

All of the networks sell time for political broadcasts from the time of the national conventions up to the normal closing time of the networks or owned-and-operated stations on election eve, but not thereafter.

3. Who may purchase time for political broadcasts?

The networks will sell time to legally qualified candidates, as defined in the Commission's Rules and regulations, or to political parties on behalf of their candidates. They will also sell time for political broadcasts to individuals, groups or organizations to support legally qualified candidates. In this latter instance, the networks usually request written assurance

79From a letter written to the author by an executive of the Columbia Broadcasting System (identity withheld).
that the candidate or his campaign manager has been consulted and has no objection to receiving support from the purchaser by means of the broadcast.

4. **What time periods do the networks make available for paid political broadcasts?**

In general, all periods of time available to regular commercial sponsors are made available for political broadcasts. The question of cancelling regularly scheduled commercial programs to provide time for political broadcasts is usually determined by the network, although this does not rule out individual arrangements made between the political party and commercial sponsors.

Where preemption of commercial broadcast time is allowed, the political sponsor is compelled to assume all program and talent costs, including losses to advertising agencies involved. The political sponsor usually has to order and pay for the same list of stations, or a larger network including all stations, ordered for the preempted commercial time.

"Runovers" are an important consideration in network political contracts. It is commonly recognized that some political speakers are not "time conscious" and are prone to exceed the time allotted to the program on which they appear. Each network cautions political speakers to
confine their efforts to their contracted time. If a runover occurs and the program is not cut at the end of the contracted time, the political sponsor must pay for the extra time and all consequential losses. All political speakers, except presidential and vice presidential candidates, are usually cut at the conclusion of their contracted time. The candidates for these two offices are permitted to exceed their time, provided the following program is not political in nature and provided that the candidates are willing to assume the costs involved.

The networks point out that they cannot guarantee acceptance and clearance of sponsored political programs by affiliated stations, stating that such stations retain this right of decision under the terms of the network contract and the regulations of the Communications Commission.

Payment for all political broadcasts is usually required in advance of broadcast, although some delay is accepted where a satisfactory credit arrangement has been made in advance. In general, the rates in force are standard card rates with normal discount standards.

5. **Network policies relating to the content of political broadcasts.**

All of the networks publish pertinent provisions of the Communications Act of 1934 and Commission Rules
and Regulations in their political policy codes. They indicate program materials will be accepted for broadcast only if they conform to these requirements.

**Announcements.**

The networks are less concerned with spot announcements than are individual affiliated stations. The networks are concerned, however, with credit and identification announcements. When a commercial program time is preempted for a political broadcast time, the network usually stipulates that the political broadcast give brief credits to the regularly scheduled program at opening and close. ABC allows cross reference announcements, in which one program may call attention to other political programs over other stations and networks, provided no mention is made of specific time or facilities. The other networks do not cover this matter in their political policy codes.

**Identification.**

The networks require that proper identification of political sponsorship must be made at the open and close of each political broadcast. The network stipulates the exact language to be used in every case and usually requires that network staff announcers handle this assignment to assure compliance. If staff announcers are em-
ployed to deliver the introduction of the program proper, their remarks must be non-partisan and held to statements of facts or generalities concerning the political speaker. The networks even forbid the use of "we present" on the ground it might tend to identify the speaker's presentation as an offering of the network.

ABC and MBS permit their announcers to act as narrator, announcer or actor on commercial political broadcasts, but by anonymous voice only and provided this same announcer does not make the required opening and closing announcements. NBC forbids the use of its announcers except for the opening and closing announcements.

Script requirements.

MBS policy states that a copy of each political script must be filed with it "reasonably in advance of each political broadcast," while NBC and ABC require that a copy of each political continuity be filed 48 hours in advance of broadcast. The networks make it clear that they do not exercise censorship over scripts, but reserve the right to edit them according to the extent allowed by law. They stress the obligation to avoid broadcasting obscene, indecent, profane, treasonable or similar statements.

In its "Political Broadcast Procedures," NBC states:
If copy submitted in advance of broadcast contains material which appears to be defamatory, indecent or otherwise actionable, including copyright published material, it is appropriate to suggest tactfully to the speaker that the material should be deleted in the public interest and in order to minimize the speaker's own risk.

Actual particulars of political broadcast script content are not frequently enumerated in network political policy codes, but the following were extracted from the codes of ABC and MBS:

a) All quoted material in a script should be clearly marked and the source noted.

b) Statements quoted from individuals not in agreement with the views expressed on the program must be read fairly.

c) No solicitation of funds will be permitted on political broadcasts.

d) Political sponsors may not ask the public to buy their publications.

e) The National Anthem shall be permitted on political broadcasts only if the playing of the anthem is part of a program originating from a rally or other political gathering as distinguished from a studio broadcast. It may not be used as background music, or to open or close the program of a political speaker or candidates.

f) Specific persons may be portrayed by actors provided releases are furnished prior to the broadcast, signed by the individual to be impersonated.

g) Impersonations must be clearly announced at the closing of the program.

These notes concerning script content were extracted from ABC and MBS political policy codes. They
are simply quoted to demonstrate the range of considerations in this area.

7. **Political broadcast administrative policies of the networks.**

Prior to the national conventions and until the eve of election day, political broadcasting on the networks is "big business." In addition to the burdens caused for the program departments of the networks, the sales force and the legal personnel are closely identified with such political broadcasts.

**Sales.**

As a rule, the networks set up special sales units for political campaigns, to handle the sale of political time for transcontinental and regional network operation.

Rules and Regulations of the Commission require every station to keep for public inspection a complete record of all requests made for commercial or sustaining broadcast time, by or on behalf of candidates for public offices, together with an appropriate notation showing the disposition made by the station of such requests and the charges made, if any. The political sales unit is usually made responsible for these records at the network level, although files on sustaining programs may be main-
tained by the special events or public affairs offices.

Special contract forms are provided for network political programs, as well as forms for the requests of such broadcast time. These letters of request cover contract essentials, including cancellation procedures, of either radio or television political programs.

Legal.

The legal staffs of the networks play an important role in determining political broadcast policy codes used by the national networks. Whenever a question of procedure involving policy is presented to the networks, the legal department usually prepares an opinion which guides the solution of the problem. This is particularly true in the case of political broadcasts.

In addition, the legal departments draw up the language of political broadcast contracts and indemnity forms. Each network requires every person, including candidates, persons speaking on behalf of a candidate or political party, to individually indemnify the network prior to a political broadcast.

The speaker's letter of indemnity which is used by the National Broadcasting Company is similar to those employed by other national networks. It reads as follows:
Gentlemen:

For good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned agrees to indemnify the National Broadcasting Company, Inc. and its affiliated station licensees and operators and to hold it and them harmless from any liability, loss or damage, including reasonable attorney's fees, arising out of or caused by any matter or material supplied or spoken by the undersigned and broadcast over your facilities on

(broadcast date) at approximately

(broadcast time)

By ____________________________

Summary.

In the preceding pages, a brief survey has been made of the general methods and practices of political policy on the network level. Although edited, it does offer a picture of network political policy with which to compare individual station political policy. This is important, because network policy is often imitated by individual stations.

Circumstances do arise when time, place and political atmosphere cause deviations from the network's announced political policies. At such time, the network is able to utilize its size, finances, legal staff, public stature and long experience to cope with such problems as they arise. These factors make it possible for the networks to set a middle course of action. Such advantages
do not exist for an individual station on the tenterhooks of local political situations. The individual broadcaster must find his own way, although he often relies on the experiences of the networks to guide him. It is the policy actions of individual broadcasters which will be examined in subsequent chapters of this study.
CHAPTER IV

A STUDY OF POLITICAL POLICIES OF REPRESENTATIVE STATIONS

In previous chapters, it has been pointed out that no clear understanding exists in the broadcasting industry as to the handling of political broadcasts. The decisions of the Communications Commission are on record, in print. The political codes of the national networks, as mentioned in Chapter III, are published and available to those interested in the political phases of broadcasting.

Of the political policies of individual station licensees, however, little is known. In the past, few attempts have been made to ascertain political broadcast policies as established on the individual station level. Does the individual station always act in conformity with Commission rulings in political matters? If it does not, where do such deviations occur and under what conditions? Do individual stations follow the lead of networks in setting up political broadcast policy codes? Are stations greatly influenced by the political code provisions recommended by the National Association of Broadcasters? Or, do individual radio and television stations simply supply political policies to cover those situations when they arise?

It is the role of the individual broadcaster and the individual station in political broadcast policy mat--
ters which needs amplification and attention. The licensee of a broadcasting station is fully responsible in all program matters relating to his station. He has the power to control these program matters and many of the conditions under which they are presented for the attention of the listening public. With such responsibility and control vested in him by virtue of his broadcast license, it is the individual broadcaster who is in a position to affect directly the political materials offered to the electorate.

Yet, little is known about the political policies of individual broadcasters. Some light has been shed on station policies, usually through court decisions or actions of the Communications Commission, but the vast majority of the station licensees go about their task of handling political broadcasts unaware of the policies followed by their fellow broadcasters. They have few rules to follow and few agencies to consult, hence they must set their own patterns of operation and policy decision in the matter of political broadcasts.

The reason that individual station political policy has not been extensively explored can be found in the scope of the broadcasting industry. It is so broad and massive that sheer size has deterred many potential research efforts to gain knowledge about the industry and its practices.
Individual station political policy offers a stimulating challenge, but that alone is not enough to merit a study of such policy. The proposition of examining individual station political policy was presented to members of the broadcasting industry, to officials of the Communications Commission, and to representatives of the two major political parties in the United States. In each instance, great interest was evidenced in the possible results of such a study. Each of the three groups approached was in agreement that the findings of such a study might assist greatly in the ultimate formation of a reasonably uniform code of political policy on the parts of individual broadcasters.

One owner of several broadcasting stations was interested in the study on behalf of a young man that he had just assigned to manage one of his radio properties. As he phrased it, "Bob doesn't know much about political broadcasts. If your study gives him an idea of how other stations handle them, it will help him considerably in dealing with the problem."

To see what political policies are employed by individual stations, the writer conducted a survey of such policy among radio and television stations in the United States. The results of the survey are reported in this and following chapters.
I. THE METHOD

To accomplish the purpose of the survey, namely to secure political broadcast policy expressions, it was necessary to secure responses from individual broadcasters throughout the United States. Rather than limit the survey to a small cross-section sample of the broadcasting industry, which might or might not be typical, it was decided to survey virtually all of the commercial radio and television broadcasting stations in the nation.

Time and expense factors ruled out personal visits to the hundreds of stations in operation, so the survey was conducted by means of a mailed questionnaire. It was mailed to practically all AM radio stations and to all television stations. No FM radio stations were queried, since most of these simply duplicate AM radio station operation. No educational AM radio stations were on the mailing list, since in most cases these stations do not carry political broadcasts. A few other AM radio stations were omitted where duplicate ownership and management was indicated, because this would result in a needless duplication of political broadcast policy in those instances. The questionnaire was mailed to 2,267 AM radio stations and 107 television stations on Monday, September 24, 1951.
On November 5, 1951, a follow-up questionnaire was mailed out. It was not sent to all stations which had not yet responded to the first request, but only to those in classes most needed to provide a reasonably good cross-section of the broadcasting industry. As a result of the two mailings, returns were received from 813 AM radio stations and 41 television stations. Of this total, returns from 75 AM radio stations and 8 television stations were set aside as not providing usable information. The net result was usable returns from 748 radio stations and 33 television stations. These returns provide a fairly accurate cross-section of AM radio stations and television stations in the United States, as indicated in Tables I and II in the following pages.

The usable returns represent 32.8% of all AM radio stations and 30.8% of all television stations to which questionnaires were mailed. Table I shows that the return from the AM radio stations pretty accurately represents characteristics of the broadcasting situation in this country. The television returns shown in Table II are not representative as far as market size and geographical location are concerned, but in the important "number of stations in a market" category are relatively characteristic of the total television situation.

Table I compares the per cent of replying stations
TABLE I
CHARACTERISTICS OF THE SAMPLE OF AM RADIO STATIONS WHICH REPLIED TO THE POLITICAL BROADCAST POLICY QUESTIONNAIRE

<table>
<thead>
<tr>
<th></th>
<th>Total stations providing information</th>
<th>Per cent of all replying</th>
<th>Per cent of all in operation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>According to</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Size of station</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>250 watts</td>
<td>348</td>
<td>46.8%</td>
<td>43.8%</td>
</tr>
<tr>
<td>1,000 watts</td>
<td>206</td>
<td>27.7%</td>
<td>33.5%</td>
</tr>
<tr>
<td>5,000 watts</td>
<td>155</td>
<td>20.9%</td>
<td>19.0%</td>
</tr>
<tr>
<td>50,000 watts</td>
<td>34</td>
<td>4.5%</td>
<td>3.7%</td>
</tr>
<tr>
<td><strong>Hours of broadcast</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Full-time</td>
<td>559</td>
<td>75.3%</td>
<td>73.1%</td>
</tr>
<tr>
<td>Part-time</td>
<td>184</td>
<td>24.8%</td>
<td>26.9%</td>
</tr>
<tr>
<td><strong>Network status</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Affiliated</td>
<td>387</td>
<td>52.1%</td>
<td>51.9%</td>
</tr>
<tr>
<td>Non-affiliated</td>
<td>356</td>
<td>47.9%</td>
<td>48.1%</td>
</tr>
<tr>
<td><strong>Size of market</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1,000,000 or more persons</td>
<td>29</td>
<td>3.9%</td>
<td>5.5%</td>
</tr>
<tr>
<td>100,000 to 1,000,000 persons</td>
<td>161</td>
<td>21.7%</td>
<td>19.4%</td>
</tr>
<tr>
<td>25,000 to 100,000 persons</td>
<td>225</td>
<td>30.3%</td>
<td>27.8%</td>
</tr>
<tr>
<td>25,000 or fewer persons</td>
<td>328</td>
<td>44.1%</td>
<td>47.3%</td>
</tr>
<tr>
<td><strong>Area of United States</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>East</td>
<td>140</td>
<td>18.8%</td>
<td>18.4%</td>
</tr>
<tr>
<td>South</td>
<td>260</td>
<td>35.0%</td>
<td>39.2%</td>
</tr>
<tr>
<td>Midwest</td>
<td>211</td>
<td>28.4%</td>
<td>25.2%</td>
</tr>
<tr>
<td>West</td>
<td>132</td>
<td>17.6%</td>
<td>17.1%</td>
</tr>
<tr>
<td><strong>Age of station</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>On air prior to 1946</td>
<td>306</td>
<td>41.2%</td>
<td>39.1%</td>
</tr>
<tr>
<td>On air after 1946</td>
<td>437</td>
<td>58.8%</td>
<td>60.6%</td>
</tr>
</tbody>
</table>

*Figures shown represent the number of stations returning usable questionnaires.*
### TABLE II

**CHARACTERISTICS OF THE SAMPLE OF TELEVISION STATIONS WHICH REPLIED TO THE POLITICAL BROADCAST POLICY QUESTIONNAIRE**

<table>
<thead>
<tr>
<th></th>
<th>Total stations providing information*</th>
<th>Per cent of all replying</th>
<th>Per cent of all in operation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>According to</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Number of stations located</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>in the market</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 station</td>
<td>12</td>
<td>36.3%</td>
<td>39.3%</td>
</tr>
<tr>
<td>2 stations</td>
<td>6</td>
<td>18.2%</td>
<td>18.7%</td>
</tr>
<tr>
<td>3 stations</td>
<td>9</td>
<td>27.3%</td>
<td>22.1%</td>
</tr>
<tr>
<td>4 or more stations</td>
<td>6</td>
<td>18.2%</td>
<td>19.6%</td>
</tr>
</tbody>
</table>

| Size of market               |                                       |                          |                               |
| 1,000,000 or more persons    | 10                                    | 30.3%                    | 36.4%                         |
| 100,000 to 1,000,000 persons | 22                                    | 66.6%                    | 53.3%                         |
| 25,000 to 100,000            | 1                                     | 3.1%                     | 10.3%                         |
| 25,000 or fewer persons      | -                                     | -                        | -                             |

| Area of United States        |                                       |                          |                               |
| East                         | 15                                    | 45.4%                    | 29.9%                         |
| South                        | 6                                     | 18.2%                    | 23.2%                         |
| Midwest                      | 7                                     | 21.2%                    | 31.8%                         |
| West                         | 5                                     | 15.2%                    | 11.9%                         |

*Figures shown represent the number of stations returning usable questionnaires.*
with the per cent of all stations in actual operation. An examination of the table shows the representative quality of the sample which was obtained by use of the mail questionnaire. The sample is a little shy of the proper proportion of 1000 watt stations and a little heavy in favor of 250 watt and 50,000 watt stations, but the differences are not great enough to distort satisfactory comparisons. The sample is very representative of the proportion of full-time and part-time, and network and non-network, AM radio stations in operation.

In the matter of market size, Table I shows that radio stations located in cities of 25,000 to 100,000 persons and cities of 100,000 to 1,000,000 persons are present in a slightly higher proportion than is true of the actual broadcasting situation. The difference, again, is not an important one. Geographical location of stations and the age of stations are properly represented in the sample.

Table I establishes that the survey sample of AM radio stations is adequate and representative of the characteristics of such stations in actual operation.

In the case of television stations, the sample is not as representative as that of AM radio stations. Several of the replies to the questionnaire by television stations were improperly answered and had to be discarded. Attempts to follow-up for complete answers met with little
response and it was decided to settle on the thirty-three usable questionnaires obtained from television stations.

The figures relating to market size and geographical location of stations in Table II show the differences between the per cent of stations which replied and the per cent of all television stations in operation to be considerable in some cases. Stations located in markets of 100,000 to 1,000,000 persons are represented in heavy proportion, while stations located in the East are likewise represented to an undue extent.

The majority of television stations have network affiliations, which accounts for the fact that only one non-network television station provided a reply to the survey questionnaire. In markets where a single television station is located, the station is often affiliated with more than one network. If a television station has multiple network affiliations, it probably has less time for local programming - and, hence, probably has less time available for political broadcasts. It is because of this fact that the "number of stations located in the market" category in Table II is significant.

As far as the television stations are concerned, however, the important thing is that 30.8% of all television stations are represented in the sample.
II. THE QUESTIONNAIRE

It is always a little difficult to explain a questionnaire, why the final questions were asked, why some questions were tried and eliminated, and why some questions were not included.

The basic purpose of this study was to deal with the publicly expressed political policies of individual broadcasters in the United States. It was assumed that policy expressions could be obtained by examining two broad areas:

a) The bases on which stations make time available for political broadcasts.

b) The extent and kinds of political broadcast censorship exercised by individual stations.

Inasmuch as the individual broadcaster determines the program materials to be heard on his station, it is important to know something about the conditions and circumstances under which he will grant time for the presentation of political broadcasts. At the same time, it is important to know if he makes any attempt to control the content of such political broadcasts. These two factors can be summed up as the exercise of political broadcast policy.

Time availability is fairly tangible, but censorship
is often nebulous and subjective. In many instances of reply, it developed that the station's response to the questionnaire represented its first conscious expression of political broadcast policy. It apparently served to stimulate many stations to thought concerning the 1952 political campaign.

The questionnaire, a copy of which is provided in Appendix A, was designed to examine the two areas of time availability and censorship in political broadcasting. A pre-test was conducted in advance of the general mailing. Twenty-five stations were mailed mimeographed copies of the questionnaire. They were asked to complete it and return it with comments on the questionnaire. As a result of this pre-test, the order of questions was rearranged, but few other changes resulted. A few of the pre-test respondents questioned the length of the questionnaire, but at the same time expressed great interest in the possible results.

The final questionnaire which was mailed to the mass of AM radio stations and television stations covered, generally speaking, the following:

a) **Time availability for political broadcasts.**

1. Do stations sell or give time for such broadcasts?

2. Do stations attempt to restrict the amount of time they will make available for political broadcasts?
3. In the case of stations which sell political time, what rate practices are followed?

4. Are stations willing to cancel regular commercial programs in order to make way for political broadcasts?

5. To which individuals or groups will stations sell political time?

6. How do stations handle the presentation of forum discussions on political issues?

7. How do stations deal with the presentation of "reports" by elected officials?

8. What types of political materials will be accepted for broadcast by individual stations?

9. Do stations permit religious speakers or news commentators to express political points of view?

b) Censorship of political broadcasts.

1. Do stations require the submission of advance scripts for political broadcasts?

2. Do stations ever request script changes by candidates or non-candidates and under what circumstances?

3. Do stations have success in getting political speakers to make requested changes in scripts? If not, what actions are taken by the stations involved?

4. In what ways do radio and television stations attempt to protect themselves from legal repercussions resulting from political broadcasts?

5. How do network affiliates regard the handling of network political broadcasts?

6. How do individual stations deal with political broadcast requests made by Communists?

One special feature of the questionnaire was the inclusion of an "open end" question at the end of the form, asking broadcasters to make any general comments which they felt were in order concerning the problems of political
broadcasts. Less than ten per cent of the respondents took advantage of this opportunity to comment, but the majority of those who replied did write comments elsewhere on the questionnaire. The layout form of the questionnaire provided white space for this purpose. It was a long questionnaire, printed in micro-size type on three sheets of legal size white paper.

The classification of answers requires explanation. Breakdowns of the data received were made on the basis of the following:

1. **Size of the stations.**

   Generally speaking, radio stations are classified in terms of their broadcasting power. For the purposes of this study, four categories were used: 250 watts, 1000 watts, 5,000 watts, and 50,000 watts power. By using these classifications, it was felt that any political policy differences among stations of different size would be revealed.

2. **Size of the markets in which stations are located.**

   It is important to remember that the broadcasting importance of a station is measured not only in wattage, but by the size of the population of the area which the station serves. A 250 watt station in Chicago may have a greater audience than a 5,000 watt station in Oklahoma. Since the size of a listening audience can be roughly translated into the size of a voting audience, the effect of population is of considerable importance.

   Using figures from the 1951 Sales Management Annual Survey of Buying Power, the following market sizes were established:

   - 1,000,000 or more persons
   - 100,000 to 1,000,000 persons
   - 25,000 to 100,000 persons
   - 25,000 or fewer persons

---


It is commonly accepted that we have regional differences in the United States and this is held to be particularly true in the field of politics. In order to determine, in a general way, if such differences obtain in the political policies of individual broadcasting stations, the country was arbitrarily divided into four regions:


**Southern** - Virginia, West Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas.

**Midwestern** - Ohio, Michigan, Indiana, Wisconsin, Illinois, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, and Kansas.


A broadcasting station may be independent in nature, relying solely on its own facilities for programming, or it may be affiliated with one of the national networks. In the latter case, under contractual arrangement, it accepts network programs which are presented in accordance with network policies. A network affiliate, of course, presents a certain amount of its own local programming.

5. Hours of operation.

The Communications Commission licenses stations to operate according to specified time limitations. This study is concerned with full-time or unlimited stations, which are allowed to broadcast around-the-clock, and daytime only or limited time stations which have restricted broadcast hours. Often daytime only stations broadcast only between sunrise and sunset.

6. Age of station.

When the lid was taken off new radio construction at the end of World War II, the attraction of the industry's wartime profits brought in a large influx of
new broadcasters. For the purpose of comparing policies of experienced versus inexperienced broadcasters, in a general way, stations were divided on the basis of being in operation prior to 1946 or beginning operation in 1946 or subsequently.

These were the bases of classification, tabulation and comparison for AM radio stations used in connection with the questionnaire results. In the case of television stations, market size and the number of stations in a market were determined to be the most significant factors in analysis. Station size, location, age and network affiliation do not bear the same type of significance for television stations in this study as they do for radio stations. The majority of the television stations currently in operation came into being after World War II and virtually all of them have network affiliations, so any differences here would be of minor importance. The replies from television stations were evaluated on the basis of total response.

On the assumption that political policies might vary according to the political atmosphere, an arbitrary differentiation was established between broadcasts made during campaigns and between campaigns, as follows:

During campaigns - approximately six weeks before a primary election and during the period between the primary (or nominating conventions) and the general elections.

Between campaigns - any time not covered by the above "during campaigns" definition.
It is extremely difficult to determine the status of a campaign. Some people contend that a campaign begins when an ambitious office-seeker feels a stirring in his blood and gets a determined glint in his eye. At the other extreme, there are those people who advance legal definitions of a campaign. In their replies to the questionnaire, only four respondents took issue with the arbitrary definition of campaign broadcasts and non-campaign broadcasts.

One Ohio station manager offered this definition:

For the purpose of determining the dates of a campaign, our station deems that once a party or a candidate or a committee or a special issue has been certified by the Secretary of the State of Ohio or by the county election board for a place on the ballot at the next election, or once it has been determined that the party or candidate or committee or issue is legally qualified under the provisions of the Ohio General Code, the campaign shall have begun for the candidate or issue in question. It is considered then that the campaign termination date is the date of the election itself.

The delineation between campaign and non-campaign time offered a general standard of comparison and the respondents appear to have accepted it in this spirit.

It was planned to offer breakdowns based on all of these classifications previously mentioned whenever it appeared they offered evidence of significant differences. In the case of the effects of market size and geographical location, however, this possibility was
abruptly terminated when two janitors accidentally destroyed a large quantity of the questionnaires and tabular data relating to the results obtained from the mailing of the questionnaires. Fortunately, some notes were taken in advance of this happening and these have been employed to point out market size differences and geographical location differences in the discussion of the policies of full-time AM radio stations. These remarks cannot be verified by tabulation data, however, because this was completely destroyed.

At this point, the limitations of the questionnaire are in order. In all good conscience, the author does not rationalize shortcomings of this survey and study by labeling it "exploratory" in nature. The subject area was so broad that each question led to a new question, which in turn led to a series of questions. Even with the subject firmly in mind, it was necessary to limit and limit again. Fundamental to all considerations concerning this study is an understanding of the nature of the individuals who were asked to complete the questionnaire. Radio and television executives are busy people who deal constantly in terms of time. The questionnaire had to meet the test of quick perception and convenient completion.

Few of the respondents indicated difficulty in completing the questionnaire, although a small number took issue with various questions as stated. These individuals
often inserted additional remarks. In many cases, the respondents indicated that the failure to answer certain questions resulted from an indecisive state of mind and not through fault of the questionnaire.

It is not a perfect questionnaire or, in some instances, even a good questionnaire. In general, however, it served its purpose of exploring the publicly expressed political broadcast policies of individual broadcasters.

In the case of some questions, the phrasing was not clear. Respondents had some difficulty with the question concerning the selling of political time to a "probable" candidate. The problem of deciding when a political figure is or is not a likely candidate is often a practical problem in broadcasting. In the case of the questions relating to the activities of news commentators in the political areas, greater clarity would have been achieved if the questions had specifically stipulated "local" news commentators. The questions dealing with "suspect" Communist political speakers gave respondents some trouble, but in all probability this same difficulty is experienced when stations are called upon to handle actual broadcasts of this nature.

On the whole, however, the respondents seemed to understand the questions which were asked. This belief is substantiated by the kinds of additional remarks that many.
of the respondents inserted into the body of the questionnaire.

Analysis of the replies to the questionnaire developed the important fact that the answers to the "between campaigns" aspects of the questionnaire were ignored by a surprising number of the respondents. If inserted comments can be accepted as indicative, the reason for this lack of complete and satisfactory response to "between campaign" questions lies in the fact that many stations simply do not pay much attention to political broadcasts when a campaign is not imminent or in actual progress.

The results obtained from the mailing of these questionnaires are not held to be absolutely reliable, because station political policy is often tenuous and subject to unpredictable change. Time, place and political atmosphere served to keep station policies in a state of flux. These facts are important and should be kept in mind, but they should not be allowed to override the value of this kind of a survey.

It is contended that the replies to the questionnaire are indicative of the publicly expressed political broadcast policies of a large segment of the broadcasting industry. The very size of the sample and its representative characteristics are evidence of this belief. In addition, reliability is indicated in the types of individuals who completed the questionnaire. The mailing was
directed to those individuals thought responsible for the formulation of station policy, namely station managers. In some cases, the station owner, sales manager or program director was approached.

The final form of the questionnaire was accompanied by a cover letter, which is reproduced in Appendix B and which promised anonymity for those who replied. In many cases, broadcasters indicated a willingness for the author of this study to quote any materials deemed to be pertinent. This kind of response, plus remarks inserted in the questionnaires, indicated that respondents were interested in the survey and its possible results.

Based on the author's observations made over a period of years, station managers often pass questionnaires along to other staff members for reply. This questionnaire proved something of an exception to this practice, a fact which gives a considerable degree of significance to the results obtained in the replied. The executive positions of respondents are indicated in Table III.

On the basis of the size of the response, the kinds of individuals who replied to the questionnaire, and the interest shown in the results of the survey and study, it is felt by the author that the results of this study are a fairly reliable expression of political broadcast policies exercised by individual broadcasting stations in the United States. In chapters which follow, these policies will be examined.
### TABLE III

**RADIO AND TELEVISION STATION EXECUTIVE POSITIONS**

**OF RESPONDENTS WHO ANSWERED QUESTIONNAIRES**

<table>
<thead>
<tr>
<th>Description of staff position</th>
<th>Television Stations</th>
<th>Radio Stations</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number replying stations</td>
<td>(33)</td>
<td>(743)</td>
<td>(776)</td>
</tr>
<tr>
<td>Station manager</td>
<td>15</td>
<td>562</td>
<td>581</td>
</tr>
<tr>
<td>Station owner</td>
<td>1</td>
<td>88</td>
<td>89</td>
</tr>
<tr>
<td>Program director</td>
<td>12</td>
<td>77</td>
<td>89</td>
</tr>
<tr>
<td>Sales manager</td>
<td>3</td>
<td>40</td>
<td>43</td>
</tr>
<tr>
<td>Public relations director</td>
<td>2</td>
<td>10</td>
<td>12</td>
</tr>
<tr>
<td>Continuity editor</td>
<td>2</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Traffic manager</td>
<td>-</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Miscellaneous, including</td>
<td>1</td>
<td>6</td>
<td>7</td>
</tr>
</tbody>
</table>

**Total executives answering** 828

*The total of station executives exceeds the total of replying stations because several questionnaires were signed by more than one person. In the majority of such cases, the station manager and the station owner collaborated.*
CHAPTER V

THE BASES ON WHICH RADIO AND TELEVISION STATIONS
MAKE TIME AVAILABLE FOR POLITICAL BROADCASTS

To ascertain the publicly expressed political policies of broadcasters in the United States, one basic assumption was made that such information could be determined by examining the bases on which stations make time available for political broadcasts. Time, in itself, is the commodity handled by the commercial broadcaster. It may be measured in seconds, minutes or hours. Each element bears an intrinsic value, depending on the individual broadcasting operation and attendant factors such as size of station, location, audience coverage and programming success. In turn, this value is likewise determined by a combination of audience availability and time of broadcast. Years of audience and market research have generally established that certain times of broadcast are better than others. Programs broadcast from seven until ten o'clock in the evening, for example, draw larger audiences than programs broadcast from seven until ten o'clock in the morning. Acting on this general knowledge, the broadcaster usually studies his own station situation and sets certain values on stipulated periods within his station's broadcast schedule. A rule of thumb would be that times of broadcast with the largest potential audience are the most expensive times and that time charges are usually scaled to
Political broadcasts confront the broadcaster with the choice of giving time or selling time - or refusing time altogether for this type of material. Historically, the Federal Communications Commission has frowned on the practice of refusing to carry political broadcast matter on the grounds that it evades the responsibility of programming in the public interest. In the large measure, therefore, the broadcaster usually must decide whether to sell time or offer it on a free basis. In many instances, he may decide to do both. In any event, the individual station is compelled to adopt a course of action relative to the disposition of time for political broadcasts. No universal policy has ever been determined by the industry, hence it is handled as a local problem governed by time, place and political atmosphere.

Demands for political broadcast time are usually governed by the political climate. A presidential year normally commands the greatest interest, but a torrid local, state or national race can spur political broadcasting to a considerable extent. In such circumstances, networks and individual stations are besieged with requests for free time and requests to purchase broadcast time commercially. At this point, broadcasters must determine the bases on which they will make time available for political broadcasts.
It must be acknowledged that expressions of station policy are governed by a considerable number of variables. Time apportionment is generally determined by management study and appraisal of the local situation - plus the unpredictable qualities of every political campaign. Recognizing these facts, the results of this study can be placed in proper perspective as a measure of publicly expressed political broadcast policy in the autumn months of 1951.

1. Do stations sell, give or refuse time for political broadcasts?

It was assumed that the majority of radio and television stations do sell political time in one form or another, but it was necessary to investigate actual policy conditions. All stations were asked, "Does your station sell time for political broadcasts?" Table IV indicates the response to this question.

The breakdown of stations in Table IV is standard for most of the tables shown in the remainder of this study. It offers a comparison between the policy actions of television and radio stations, as well as comparisons between the various types of radio station operations. As a general rule, network radio stations are the best established and produce the highest revenues. They usually possess the most clearly defined political policies, which reflect station experience and the effects of being
TABLE IV
PROPORTION OF RADIO AND TELEVISION STATIONS WHICH DO SELL TIME FOR POLITICAL BROADCASTS

<table>
<thead>
<tr>
<th></th>
<th>TV Stations</th>
<th>Radio Stations</th>
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<tr>
<td></td>
<td></td>
<td></td>
<td>All Stations</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Full-time</td>
<td>Network</td>
<td>Non-Net only</td>
</tr>
<tr>
<td>During campaigns</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Replies</td>
<td>(33)</td>
<td>(743)</td>
<td>(337)</td>
<td>(172)</td>
<td>(184)</td>
</tr>
<tr>
<td>Per cent which do sell time</td>
<td>100.0%</td>
<td>99.0%</td>
<td>99.2%</td>
<td>98.2%</td>
<td>99.4%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Between campaigns*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Replies</td>
<td>(28)</td>
<td>(673)</td>
<td>(368)</td>
<td>(153)</td>
<td>(162)</td>
</tr>
<tr>
<td>Per cent which do sell time</td>
<td>53.6%</td>
<td>81.7%</td>
<td>76.0%</td>
<td>85.6%</td>
<td>85.3%</td>
</tr>
</tbody>
</table>

*Many stations did not answer questions concerning "between campaigns" political policy matters on the entire questionnaire. In those cases where a significant number responded to such questions, the "between campaigns" response will be indicated.
affiliated with a national network. Non-network full-time stations and daytime only stations usually have been on the air a shorter period of time than the full-time network affiliates, hence they lack the degree of experience with political broadcasts enjoyed by such stations. Too, these newer stations are often economically weaker than full-time network stations and are sometimes compelled to follow an "anything for a dollar" policy of selling time in order to stay on the air.

It is readily apparent in Table IV that the majority of radio and television stations covered by this study do sell time for political broadcasts, especially during campaigns. The tendency to sell time lessens between campaigns. Television stations are less prone than radio stations to sell political time between campaigns. This might be attributed to television's newness and lack of political experience, but no really conclusive basis for analysis is at hand.

A breakdown of full-time radio stations,* network

*References to "a breakdown of full-time radio stations" are based on notes taken from data gathered and tabulated during this study. Unfortunately, on the night of June 24, 1952, two overzealous janitors accidentally destroyed the basic materials relating to the breakdown of full-time radio stations. The notes are believed to be accurate, but cannot be substantiated in tabular form.
and non-network, by market size and geographical location reveals some differences. Market size has little effect during a campaign, but between campaigns - the larger the market, the less the inclination to sell time. In markets of more than a million persons, 57.6% of the full-time stations will sell time between campaigns. In the smaller markets, 25,000 or fewer persons, 79.8% of the full-time stations will sell political time between campaigns.

A geographical difference appears in the case of full-time stations located in the South, which are less inclined to sell time during campaigns than stations in other sections of the country. Inasmuch as these same stations are also prone to give free time in a lesser degree, it would appear that southern stations carry fewer political broadcasts. The traditional one-party, "Solid South" situation might account for this.

The practice of selling political time tallies with the results of a survey conducted in 1948 for Broadcasting. At that time, a cross-section of the managers of commercial AM radio stations indicated that 99% of the broadcasters planned to sell time between the national conventions and election day. 31

In addition to requests for the purchase of political

time, stations are often asked for free time for political purposes. As a corollary to the time sale question, broadcasters were asked, "Do you ever give FREE time for political broadcasts?" in terms of campaign and non-campaign periods. Table V indicates the response to this question.

As Table V shows, the majority of radio and television stations do not follow a policy of allotting free time to political broadcasts.

The breakdown of all full-time radio stations* shows that if a candidate is interested in acquiring free time for a political broadcast, he would be wise to deal with stations located in larger cities. Cities of a million or more show the greatest tendency to grant free political broadcast time. The most difficult place to secure free time, according to this breakdown, would be on a 250 watt station located in a small community in the South. The eastern stations are most liberal with free time during campaigns, while western and midwestern stations are the most generous between campaigns.

At this point, it may be contended that all stations give free time to political broadcasts. It is true that stations do allocate free time to broadcasts with a political flavor, but they resist the definition these are

*See note on page 141.
### TABLE V
PROPORTION OF RADIO AND TELEVISION STATIONS WHICH DO GIVE FREE TIME FOR POLITICAL BROADCASTS

<table>
<thead>
<tr>
<th></th>
<th>TV Stations</th>
<th>Radio Stations</th>
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<th></th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Full-time</td>
<td>Network</td>
<td>Non-net</td>
<td>Only</td>
<td></td>
</tr>
<tr>
<td>During campaigns</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Replies</td>
<td>(33)</td>
<td>(743)</td>
<td>(387)</td>
<td>(172)</td>
<td>(184)</td>
<td></td>
</tr>
<tr>
<td>Per cent which</td>
<td>24.2%</td>
<td>20.1%</td>
<td>23.7%</td>
<td>18.0%</td>
<td>14.6%</td>
<td></td>
</tr>
<tr>
<td>do give time</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Between campaigns</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Replies</td>
<td>(28)</td>
<td>(642)</td>
<td>(334)</td>
<td>(148)</td>
<td>(160)</td>
<td></td>
</tr>
<tr>
<td>Per cent which</td>
<td>50.0%</td>
<td>30.3%</td>
<td>37.1%</td>
<td>23.6%</td>
<td>24.3%</td>
<td></td>
</tr>
<tr>
<td>do give time</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>
political broadcasts as such. If a broadcast is clearly political, the policy of most stations is to charge for the time involved. Free time for avowedly political broadcasts is available only in a limited degree. In completing the questionnaire, only two stations indicated they would carry no political broadcasts whatsoever.

Reports to constituents by elected officials present a special problem for broadcasting officials, with relation to the giving of time or the selling of time. This matter will be given special attention in Chapter VI.

2. Do stations attempt to restrict the amount of time made available for political broadcasts?

If radio and television stations granted all requests for political time, free or paid, program schedules would be greatly disrupted, especially during heated campaigns. It is natural to assume some forms of restriction must be employed by stations to curb these requests. Stations were asked "Do you make any attempt to restrict the total amount of time you are willing to make available for political broadcasts?" If the response was in the affirmative, the station was asked to stipulate the manner of restriction. Table VI indicates the extent of restriction.

Table VI indicates that television stations are more stringent in the restriction of the amount of political
<table>
<thead>
<tr>
<th></th>
<th>TV Stations</th>
<th>Radio Stations</th>
<th>Full-time</th>
<th></th>
<th>Daytime only</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>ALL Stations</td>
<td>Network</td>
<td>Non-Net</td>
<td></td>
</tr>
<tr>
<td><strong>During Campaigns</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Replies</td>
<td>(33)</td>
<td>(743)</td>
<td>(387)</td>
<td>(172)</td>
<td>(184)</td>
</tr>
<tr>
<td>Per cent which restrict time</td>
<td>42.4%</td>
<td>20.1%</td>
<td>20.6%</td>
<td>16.2%</td>
<td>22.3%</td>
</tr>
<tr>
<td><strong>Between campaigns</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Replies</td>
<td>(17)</td>
<td>(552)</td>
<td>(282)</td>
<td>(133)</td>
<td>(137)</td>
</tr>
<tr>
<td>Per cent which restrict time</td>
<td>58.8%</td>
<td>19.9%</td>
<td>20.2%</td>
<td>16.5%</td>
<td>22.6%</td>
</tr>
</tbody>
</table>
materials than are radio stations, both during and between campaigns. When the Communications Commission grants a greater number of television station licenses and the tight competition for television time is somewhat lessened, this policy of political restriction may be altered.

Again, the breakdown of full-time radio stations shows that the larger the market, the greater the tendency to restrict political time availabilities. The tendency of stations in heavily populated areas to restrict time is probably due to two factors: 1) heavy commercial schedules which leave little time open for schedule adjustment and, 2) greater competition among political speakers to secure time to reach large urban populations.

The geographical breakdown of full-time radio stations shows that midwestern stations are least inclined to restrict and eastern stations most inclined to restrict political time availabilities.

As an important consideration to this entire question, however, it must be pointed out that several respondents inserted remarks that they felt the sale of time was the most feasible restrictive force available to station managements.

3. By what means do stations restrict the amount of time made available for political broadcasts?

As has been just noted, many stations feel the
policy of selling political time is the most dependable method of restricting the amount of time devoted to political broadcasts. As if to reinforce this belief, most stations tend to ask payment in advance. The national networks, too, charge in advance except where special credit arrangements have been made.

But how else do stations limit the amount of political program time? This was asked as an open-end question and no attempt was made to categorize the answers. A wide range of policy methods was revealed and these were sifted to provide the most enlightening response.

a) Rates charged.

Some stations, as will be shown later in this chapter, charge a special political rate or charge the station's regular one-time, non-commissionable rate regardless of the number of broadcasts involved. In some instances, this can be construed as a means of obtaining special revenues, but it is also helpful in curbing the number of political broadcasts.

b) Free time.

Free political time has been found a successful restrictive device by many radio and television stations. Under a form of quota apportionment, the station makes time available to individual parties or candidates. The
station is usually careful to preserve the atmosphere of equal treatment. Unless times of broadcast are quite uniform, however, the station runs the risk of being accused of unfair treatment. Many stations prefer to establish a program series, making segments of the series available to all qualified parties and candidates.

One large metropolitan station in the eastern section of the country makes use of such a series during every campaign, local, state or national. All of the candidates are granted free and equal time on an equal basis, with each broadcast including material provided by two candidates. The order of appearance is determined by lot. Candidates prepare the scripts which are then delivered by professional radio performers who are rotated to insure impartiality. Here the station exercises restriction on every phase of the broadcast, with the exception of content. The allocation of the time itself rests in the hands of the station, yet fair and equal treatment is assured. Since the station sells no political time whatsoever, its situation is rather unique.

One midwestern radio station offered these remarks:

During the last political campaign we did something rather unusual. We presented a series of dramatic programs in which the political candidates were impersonated by members of our staff. On each program, the two opposite candidates were given 15 minutes to explain why they should be elected to that specific office. They supplied all the information, and we put it into script form. Of course, no charge to any of
the candidates was made for the time given over to this program. The show received a great amount of favorable comment throughout our area.

A good many stations do offer free time, but are careful to stipulate the terms and conditions imposed on its use. Despite this caution, however, free time breeds an easy atmosphere for the creation of a chain reaction. If a candidate knows no charge is involved, he may not be reluctant to ask for time to "reply to the reply" made to one of his speeches by a rival. On the other hand, if commercial time is involved, he knows he must pay for the right and may hesitate to take this course of action.

c) Allocation according to importance of issue or candidates.

In many instances, stations indicated they followed an arbitrary policy of determining the importance of a campaign issue or the candidates in relation to the amount of time made available. It often depends on the type of station operation. Several regional radio stations indicated they would not sell time to local candidates or for the discussion of local issues. Other stations reserve the right to determine if the political materials are of "sufficient public interest" in the station's coverage area. One station manager stated, "We insist that political time be used by candidates of equal political prestige or by representatives of candidates who are of comparable level."
The element of particular interest here is that stations believe they have the right and the obligation to establish such arbitrary restrictions. They assert that such practices serve the public interest and good programming procedures. Some critics might contend such policies place too much power into the hands of station managements and allow them to negate partially the full-blown philosophy of "equal treatment" of all viewpoints. In fairness to the managements involved, however, statements concerning this type of restriction were made with good intent and in measured, considered language.

d) Schedule time limits.

Radio and television stations, of necessity, devote a great deal of attention to the construction of their schedules of broadcast. The lack of space precludes a lengthy discussion of the elements involved, but common sense suggests the problems and tribulations of fitting together a daily schedule of commercial and sustaining time that is measured in seconds, minutes and hours. Every new spot announcement and program that presents itself must be worked into such a schedule as smoothly and effectively as possible. In the matter of restricting the time allotted to political materials, many stations simply allocate a certain proportion of the schedule for this purpose.

The allocation of a portion of the broadcast schedule
may take the form of a certain percentage of the broadcast day that can be used for political purposes. As one station put its policy, "We do not allow more than 5% of our daily broadcast time for political use." The range revealed by this study was from two per cent at one extreme to fifteen per cent at the other. The revelation of these limitations was usually accompanied by the comment that maximum schedules for any one political party or candidate were part of such restrictions.

Other stations simply set up the exact amount of time that can be used for political purposes during a broadcast day. One station located in a large city stated, "We make a half-hour per day available until two weeks prior to the election, then one full hour." A southern station was even more exact, answering, "We make available six 15-minute periods, nine 5-minute periods, and twenty 1-minute announcements per day during the campaign."

Still another form of restriction is to be found in the method of limiting the amount of material that can be presented by a party or candidate in the course of a broadcast day. One station indicated, "We have a policy which limits 'yakking' on weekdays to five minutes at a stretch and fifteen minutes on Sunday." Another compels speakers to stick to straight talks and limits those to ten minutes. In yet another instance, the station limits each candidate to two spot announcements per day and permits no program segments.
Thus we have a sampling of a few of the means employed to limit the number and length of political materials used in a station schedule. This is by no means complete, but it does offer an idea of the variety of approaches utilized by individual stations.

e) *Arbitrary time block allocation.*

Actually, this could be fitted into the preceding section dealing with schedule time limits, but it deals with a policy method that sets it a little apart. The situation here is one wherein the station sets up a schedule of political time and makes it available to the parties and the candidates. In effect, the station stipulates the amount of time it will make available and specifies the time of broadcast. To illustrate, here are the remarks of one southern radio station manager:

"Here's how we work it. Say in the case of a candidate for Congressman from the ---- District. After all candidates have qualified and are certified by the Secretary of State, we determine how many periods we are going to allocate to this one particular office. Then all candidates are notified simultaneously by registered mail of the times which are available - and are invited to accept or refuse their equal share of them. If they refuse, they may not again have access to any time. I cannot recall any refusals in the past - and all candidates seem pleased with the system. One year, when there were seven candidates for one job and we could not possibly clear enough commercial time, we gave each candidate two quarter-hours. were they happy!"

The method varies from station to station, but the basic purpose is the same. When the allotted time is used in its entirety, that is the end of the proposition as far.
as the station is concerned. One station reported that it establishes such a procedure, but it makes no effort to notify candidates of the availability. If they seek time, the station then informs them of the situation, but does not make any attempt to contact the opposition.

f) **Bulk time sale restriction.**

Obviously, the purchase of a large amount of time immediately preceding the election would give a certain political advantage—especially if the opposition was blocked out of the opportunity to be heard. It is the usual practice of stations to frown on this procedure. This does not mean, however, that some stations do not sell bulk time. Many of them will offer a large amount of time, provided it is used on a regular, scheduled basis. The station usually reserves the right to approve or disapprove the scheduling of this time, keeping in mind the "equal treatment" of all political viewpoints involved. Bulk time sales are often the problem of the station operator in a small community during local elections. Witness the plight of a small station operator who had a request from a political party to purchase all time not sold two days before the election and the day of the election. He reported sadly, "Had to refuse to sell more than half of the time available — with the resulting loss of business."

g) **Other methods.**

Rates have been stressed as a means of restricting
political time. In many instances, stations couple with this a requirement that all political programs be recorded in advance of broadcast - and they pass this cost along to the parties or candidates. Some stations contend this added cost and the actual process of recording serve as a deterring influence where some political interests are concerned. At this point, it is not unfair to state that many station managements are downright gleeful in disclosing the methods they have found successful in discouraging political broadcasts.

Many stations follow the policy of "first come, first served" as long as the programming serves the interest of their listening public and the volume does not interfere too seriously with commercial schedules. In commenting on his reasons for regarding restrictions as necessary, one station owner said, "We just lay our cards on the table with the politicians and explain our scheduling problems. We haven't had any difficulty in getting cooperation."

4. Do stations cancel regular commercials in favor of political broadcasts?

We have noted that radio and television stations are confronted with the daily problem of fitting together a program schedule. When political time is requested by parties or individual candidates, it means that spot announce-
ments or programs must somehow be worked into this program schedule. In many instances, politicians skilled in the knowledge of good and bad audience times may seek a time spot occupied by a commercial account. And even if a commercial account is not in the desired time slot, the time may be occupied by a sustaining or non-commercial program which has proved popular with the station's listeners. In effect, the politician may be asking that a regularly-scheduled program with an established audience be displaced in order to present a political viewpoint.

At this point, the station is confronted with a difficult decision. It may simply point to the schedule and refuse the requested political time on the basis of previous commitments, commercial or non-commercial. On the other hand, the station may distinguish between its commercial and non-commercial time. It may offer to cancel non-commercial programs in favor of political materials, but refuse to do the same in the case of its commercial programs. Finally, it may be willing to cancel any type of program, commercial or non-commercial, in order to present a political broadcast.

A station's commercial programs are its "bread-and-butter," bringing in the dollars and cents necessary for operation. To determine the values attached by stations to political broadcasts, three questions were asked:
a) "Do you cancel regular commercials for sustaining political broadcasts?"

b) "Do you cancel regular commercials for commercial political broadcasts?"

c) "If you do give or sell political time, are there any programs which you will not cancel or shift for political broadcasts?

| News broadcasts | Sports broadcasts | Religious broadcasts | General entertainment | Forum (regular series) |

In the case of the cancellation of regular commercials for sustaining political broadcasts, the term "sustaining" was a little misleading for a few of the respondents. "Free" or "non-commercial" would have clarified the question, but the majority of respondents appeared to understand it on the basis of free political time as opposed to paid political time. In this connection, one station manager indicated, "My state has a law against free political broadcasts." This was not as startling as the pencil notation by another broadcaster which read, "There's no such thing as a free political broadcast. Not legal. The FCC won't allow it!"

The question relating to the cancellation of regular commercials for political commercial broadcasts was clearly understood. Table VII indicates the response to these questions.

Table VII shows that a commercial political program
TABLE VII
PROPORTION OF RADIO AND TELEVISION STATIONS WHICH
DO CANCEL REGULAR COMMERCIALS IN FAVOR OF POLITICAL BROADCASTS

<table>
<thead>
<tr>
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<th>TV Stations</th>
<th>Radio Stations</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>ALL</td>
<td>Full-time</td>
<td>Daytime</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Stations</td>
<td>Network</td>
<td>Non-Net</td>
</tr>
<tr>
<td>Per cent cancelling</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>for sustaining</td>
<td></td>
<td></td>
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<tr>
<td>politicals</td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>During campaigns</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Replies</td>
<td>(33)</td>
<td>(743)</td>
<td>(387)</td>
<td>(172)</td>
</tr>
<tr>
<td>Per cent which do</td>
<td>33.3%</td>
<td>19.9%</td>
<td>25.0%</td>
<td>16.2%</td>
</tr>
<tr>
<td>cancel</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Between campaigns</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Replies</td>
<td>(17)</td>
<td>(594)</td>
<td>(312)</td>
<td>(140)</td>
</tr>
<tr>
<td>Per cent which do</td>
<td>23.5%</td>
<td>19.6%</td>
<td>23.7%</td>
<td>17.1%</td>
</tr>
<tr>
<td>cancel</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Per cent cancelling
for commercial
politicals

During campaigns

Replies               | (33)        | (743)          | (387)                            | (172)                             |
| Per cent which do    | 57.5%       | 42.6%          | 49.8%                            | 37.7%                             |
| cancel               |             |                |                                  |                                   |

Between campaigns

Replies               | (18)        | (569)          | (291)                            | (137)                             |
| Per cent which do    | 33.3%       | 36.7%          | 41.5%                            | 36.4%                             |
is more apt to displace a regular commercial than is a sustaining political program. As one would expect, the matter of money plays an important role. The results in Table VII make it clear that the majority of radio stations are not willing to cancel regular commercials under any circumstances, while television stations are less stringent in this regard.

The breakdown of all full-time radio stations* showed that stations located in cities of 100,000 to 1,000,000 persons are most willing to cancel regular commercial programs to make way for either commercial or sustaining political broadcasts. Stations in communities of 25,000 or fewer persons are least willing to follow this scheduling practice.

On the basis of geographical location, the breakdown revealed that stations in the South are the most willing to cancel regular commercials in favor of commercial or sustaining political broadcasts. Stations in the Midwest are least inclined to cancel regular commercials for this purpose, which is interesting in view of the fact that midwestern stations exercise the least degree of restriction on political time. They are apparently willing to carry

*See note on page 141.
political programs, but only insofar as they do not interfere with commercial revenues.

On this point, it is proposed to let a few of the station managements speak for themselves.

a) Eastern station, 5000 watts: "Generally we operate on the theory that a political broadcast is of a certain interest to the public depending on the interest in various aspects of the campaign. It must take a position of relative importance as we determine the interest that the public has in it. No consideration is given as to whether the political broadcast is commercial or sustaining."

b) Midwestern station, 1000 watts: "As an independent station, this is not a problem with us. While we accept political time, we do not aggressively solicit it. As a consequence, we do not carry a great deal of political time and have never had requests for it which we could not fill to everybody’s satisfaction."

c) Western station, 250 watts: "As a general rule, we endeavor to treat political broadcasts in the same impartial manner in which other commercially ordered broadcast is handled. That is, we try to upset our regular schedule as little as possible."

d) Southern station, 5000 watts: "We will not cancel any commercial for a paid political broadcast, but we will cancel almost any sustaining show except, perhaps, a news broadcast for a paid political."

e) Eastern station, 1000 watts: "We contend that time sold to a commercial firm is theirs according to the terms of their contracts and are cancelled only for programs in the public interest that can not be recorded and played back or broadcast at another time. By 'public interest' we do not mean what the candidates think – for often the only issue is that one man or party has an office and the other wants it."

f) Southern station, 250 watts: "We try to work political broadcasts into sustaining periods. However, we will cancel any regularly scheduled commercial broadcast, if necessary, to fulfill our policy of extending equally good time to all candidates in equal amounts."
g) Midwestern station, 250 watts: "The only time we would move regular commercial programs in favor of political broadcasts would be in the case of a round-table discussion which we felt was extreme interest to our listeners and could not be broadcast at another time."

h) Eastern station, 5000 watts: "Usually political clients accept the open time we quote and the only cancellation of commercial time that becomes necessary is in the instance of state-wide hookups when we request our network to relinquish the conflicting time."

i) Western station, 250 watts: "If a political sponsor desires a commercial sponsor's time, we refuse. If the discussion becomes intense, we refer the political man to the commercial sponsor."

j) Western station, 1000 watts: "It depends on the importance of the regular sponsor. If cancelling would jeopardize his continued sponsorship, we would not cancel. Generally, we will cancel regular sustainers of any type and any commercials we can shift to other times. Political broadcasts are a source of heavy revenue since one-time rates apply."

k) Southern station, 1000 watts: "Political broadcasts are a headache to management. The average speaker wants 15 minutes, Class-A time which necessitates the one-time cancellation usually of a 30-minute network show. The net doesn't like it, the agency doesn't like it, the sponsor doesn't like it, and it is not profitable economically or otherwise. We only carry political broadcasts so that the public may be fully informed by both sides as to the issues involved."

In some instances, stations insert a clause governing cancellations into all sponsor contracts. The language employed by a 50,000 watt southern station follows:

"The Station reserves the right to cancel this or any other contract for the purpose of broadcasting an address by the President of the United States, Vice-President, or any member of the President's cabinet, any program presented by the United States Government, or other matters deemed by the Station to be of transcendent public interest and concern and for public information, or for any other cause making it impractical
in the opinion of the Station management for it to broadcast the same or where the Station deems it impractical to broadcast the same, but it shall not refuse the same on any political ground."

The third question in this series was designed to ascertain whether stations have program materials they will not shift or cancel in favor of political broadcasts. In the construction of the survey questionnaire used in this study, a lengthy list of program types was assembled for checking purposes. This long listing was ultimately discarded because of space limitations and because of the length of the total questionnaire. Instead, it was decided to list five broad program classifications and accept the response as a general indication of the exercise of station policy.

Those stations which indicated they have or sold time for political broadcasts were asked to check those program types they would not shift or cancel for political broadcasts, from among the following:

- News broadcasts
- Sports broadcasts
- Religious broadcasts
- General entertainment
- Forums (regular series)

The response to this question is indicated in Table VIII.

Among the stations which have programs which would not be cancelled or shifted to make time available for political broadcasts, news broadcasts and religious broad-
TABLE VIII

PROGRAM TYPES WHICH RADIO AND TELEVISION STATIONS
WILL NOT CANCEL FOR PRESENTATION OF POLITICAL BROADCASTS

<table>
<thead>
<tr>
<th></th>
<th>TV Stations</th>
<th>ALL Stations</th>
<th>Radio Stations</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Full-time</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Network</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Non-Net</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Daytime only</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Replies</td>
<td>(33)</td>
<td>(743)</td>
<td>(387)</td>
<td>(172)</td>
<td>(184)</td>
<td></td>
</tr>
<tr>
<td>Per cent which</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>will not cancel*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>News broadcasts</td>
<td>42.4%</td>
<td>55.7%</td>
<td>54.0%</td>
<td>54.0%</td>
<td>60.8%</td>
<td></td>
</tr>
<tr>
<td>Religious broadcasts</td>
<td>39.3</td>
<td>53.2</td>
<td>49.6</td>
<td>54.6</td>
<td>59.7</td>
<td></td>
</tr>
<tr>
<td>Sports broadcasts</td>
<td>15.1</td>
<td>39.1</td>
<td>33.5</td>
<td>44.7</td>
<td>45.6</td>
<td></td>
</tr>
<tr>
<td>Forum broadcasts</td>
<td>36.3</td>
<td>29.2</td>
<td>27.6</td>
<td>30.2</td>
<td>31.5</td>
<td></td>
</tr>
<tr>
<td>Entertainment</td>
<td>9.0</td>
<td>16.2</td>
<td>14.9</td>
<td>16.2</td>
<td>19.0</td>
<td></td>
</tr>
</tbody>
</table>

*Percentages add to more than 100% because several respondents indicated more than one type of program.
casts are the types least apt to be moved. Television stations are less inclined to preserve sports broadcasts and programs of general entertainment than are radio stations. Actually, these results closely parallel those found in the previously-mentioned Broadcasting magazine political survey conducted in 1948.\textsuperscript{82} At that time, a cross-section of station managements would not budge news and commentators (69%), religion (65%) and farm service programs (54%). Thirty-nine per cent would not let their children's programs be affected, thirty-eight per cent their sports programs. It is not appropriate to compare percentages in the two survey results, because the 1948 Broadcasting questionnaire devoted greater attention to this question. It is interesting to note, however, that in both cases news and religious materials are highly protected by broadcasters. Based on these results, it is fair to conclude that stations generally maintain the sanctity of those programs usually held to be in the public interest area. Stations hesitate least to cancel or shift programs of general entertainment values.

Once again, the breakdown of all full-time radio stations\textsuperscript{*} on the basis of market size reveals a few inter-

\textsuperscript{82}News Item, Broadcasting, 34:49, May 17, 1948.

\textsuperscript{*}See note on page 141.
testing differences of policy. Stations located in cities of a million or more are most inclined to shift or cancel news programs, while stations in the smaller markets are more inclined to resist tampering with news program schedules. Location makes no difference in the treatment of news programs, stations in all sections of the country being similar in their handling of this material.

In the matter of religious broadcasts, the resistance toward shifting or cancelling them is greatest in smaller markets. Southern and eastern stations are most inclined to preserve religious broadcast times, while midwestern stations are most apt to cancel or shift them in favor of political ads. On the other hand, midwestern stations are most zealous in protecting the time allocated for sports broadcasts.

Stations located in the largest markets are most inclined to shift or cancel regularly scheduled forums to make way for political broadcasts, while the geographical location seems to make little difference with respect to station policy among the four sections of the United States. No difference of any significance is to be found in the manner of cancelling or shifting programs of general entertainment value.

In connection with this problem, one television station manager commented:
"Under the broadcast license, a station must consider each prospective program on its merits. Consequently, I cannot take a position regarding cancelling one program in favor of another, or restricting the amount of time available to any program, until I can consider the specific programs concerned."

This expression is typical of many which occurred when respondents handled this question, pointing up the fact that program cancellation or shifting is usually accompanied by a studied evaluation of the individual circumstances involved. Stations are reluctant generally to interfere with their normal schedules of commercial broadcasts, but will do so if they feel it is necessary to serve audience interest and public service considerations. One respondent came up with this interesting point, stating that "We have found that cancelling play-by-play sports events for political broadcasts aggravates the voter rather than encouraging him to vote."

At some future date, the processes of political broadcast placement should be thoroughly examined. A thorough study should cover the situation from two vantage points, that of the political figure seeking time and that of the station management seeking to accommodate the time in its broadcast schedule. Inasmuch as the Commission requires all stations to keep records on the disposition of requests for political time, a basis for such research is at hand. This type of research might form the foundation
of a standardized industry policy, wherein some of the present problems might be solved under a more uniform procedure. It might relieve stations of the necessity of regarding each political time request as a completely individual proposition.

5. **What are the commercial practices among those stations selling political broadcast time?**

Broadcasters almost without exception (98% to 100%) have indicated a policy of selling political time during campaigns. In this connection, this study sought to discover what rates are charged and whether stations actively solicit this kind of business. Two broad questions were asked, as follows:

a) "If your station does sell time for political broadcasts, is it
   At regular rate, with standard discounts?
   Or at regular one-time rate with no discount?
   Or at a political rate higher than standard base rate?"

b) "With regard to such sales, do you
   Actively solicit such sales?
   Not solicit, but will accept them?
   Discourage as much as possible?"

Table IX lists the responses to these two questions dealing with the commercial practices of broadcast stations.

The time costs for radio and television facilities fall into two general classifications, local and national
### Table IX

**Sales Practices of Radio and Television Stations Which Sell Time for Political Broadcasts**

<table>
<thead>
<tr>
<th></th>
<th>TV Stations</th>
<th>All Stations</th>
<th>Radio Stations</th>
<th>Full-time Network</th>
<th>Non-Net</th>
<th>Daytime only</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reponses</td>
<td>(33)</td>
<td>(743)</td>
<td>(387)</td>
<td>(172)</td>
<td>(184)</td>
<td></td>
</tr>
<tr>
<td>Per cent which*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>sell time at</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regular rate,</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>standard</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>discount</td>
<td>48.5%</td>
<td>31.8%</td>
<td>33.8%</td>
<td>26.1%</td>
<td>33.1%</td>
<td></td>
</tr>
<tr>
<td>One-time rate,</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>no discount</td>
<td>45.5</td>
<td>54.5</td>
<td>54.7</td>
<td>52.9</td>
<td>55.4</td>
<td></td>
</tr>
<tr>
<td>Political rate,</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>higher than</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>standard rate</td>
<td>6.0</td>
<td>9.8</td>
<td>9.3</td>
<td>11.0</td>
<td>6.0</td>
<td></td>
</tr>
<tr>
<td>Per cent which*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Actively solicit</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>political sales</td>
<td>15.2%</td>
<td>32.7%</td>
<td>34.3%</td>
<td>45.9%</td>
<td>33.1%</td>
<td></td>
</tr>
<tr>
<td>Do not solicit,</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>but accept</td>
<td>84.8</td>
<td>59.3</td>
<td>63.3</td>
<td>45.9</td>
<td>63.5</td>
<td></td>
</tr>
<tr>
<td>Discourage as</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>much as possible</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Differences between the percentage total and 100% account for stations which did not answer.
Local rates may be said to be those charged advertisers with outlets confined to the area in which the station is located. National rates may generally be said to be those charged advertisers with outlets in multiple markets. National rates are usually higher than local rates. Each radio and television station has a policy governing cost discounts for advertisers, with frequency discounts being the most common. A frequency discount is based on the number of broadcasts during a stipulated period, using a principle that the greater the number of broadcasts, the lower the cost.

Table IX indicates that most radio stations follow a policy of selling political time at a one-time rate, allowing no discounts. Television stations are slightly more inclined to sell politcals at regular rates and will allow standard discounts. Most interesting of all is the fact that a small percentage of both radio and television stations acknowledge a policy of deliberately charging a special political rate which is higher than the standard base rate.

Radio stations are more aggressive in soliciting political time sales than are television stations, but the majority of radio and television stations do not actively solicit this kind of sale. If political time is sought, it will be accepted by station managements. Very few radio and television stations maintain a positive policy.
of attempting to discourage political broadcast time sales.

The breakdown of data on all full-time stations* discloses that stations located in middle-sized markets are more apt to charge regular rates, with discounts, than stations located in the big cities and smaller market communities. Eastern and midwestern stations demonstrate a tendency to charge regular rates, with discounts, in a greater degree than do southern and western stations.

Full-time radio stations, in the majority, charge a one-time rate, with no discounts. Stations in the largest markets are more positive in this respect, with the smallest markets close followers. Geographically, eastern stations are least inclined to charge a one-time rate, with no discounts. Western stations make the greatest use of this method of charging for political broadcasts.

Regardless of the rate charged for political time, the same rate must be applied to all candidates. The FCG has stipulated there should be no rebate, directly or indirectly, to any candidate. It is not permissible to charge one candidate and to give the period free to another candidate. The broad public interest view of the Commission holds that political broadcasts should not be discouraged by charging rates higher than the station's usual commercial

*See note on page 141.
rates, but these results disclose that some stations do follow this practice. In this respect, small market stations are more prone to charge high political rates than stations in the larger market areas. Geographically, southern stations are high in this practice, while few midwestern stations follow the policy of singling out politicals for a special rate. It can also be stated that the smaller the power of the station, the greater the inclination to charge a special political rate. The 250 watt stations are more prone to do this than 50,000 watt stations. It would appear that smaller stations regard political broadcasts as an attractive source of revenue.

Again, here are a few typical expressions from station managements:

a) Southern station, 250 watts: "Program clearances, taping and playbacks are probably the biggest headache we have in regard to political broadcasts. We feel that these and other smaller problems necessitate the higher rate we charge for political broadcasts. We will possibly lower the rate to a regular one-time rate, with no discount, before 1952 elections. In many instances, that will not be a great reduction. In some, it will be substantial."

b) Eastern station, 5000 watts: "We charge the same rate that any advertiser pays, with no discrimination. We make every effort to give all interested candidates the fullest use of facilities - for radio is the counterpart of the old-time stump. We try to give candidates all elements of fair play demanded by that old-time audience."

c) Southern station, 1000 watts: "Excessive political broadcasts hurt the station's hoopernings. On the other hand, local and state political races result in good rate revenues which cannot be ignored."
d) Western station, 1000 watts: "We try to keep political speeches to a minimum. We do this with our rate structure."

When it comes to the matter of soliciting political broadcast sales, independent full-time stations are most aggressive. Television stations are least apt to seek out such time sales. With the exception of independent full-time stations, radio and television stations prefer to let political figures come to them for time. Few stations deliberately discourage political broadcasts and those replying to this study were located in the southern and western geographical areas.

The breakdown of all-full-time radio stations discloses that stations in middle-sized markets are most active in soliciting political time sales, while stations in the largest market areas are least aggressive in this respect. Geographically, the midwest exercises the least amount of political solicitation and western stations the greatest. Among those stations which prefer to let the politicians seek the time, market size makes little difference. Geographically, however, the midwest is more inclined to follow this policy than other areas of the United States.

Summary.

The majority of radio and television stations replying for the purposes of this study express the policy
of selling political time, during and between political campaigns. The majority refuse to give free time for political broadcasts, but this does not necessarily hold for all programs of a political flavor. Approximately one-fifth of all radio stations attempt to restrict the total amount of time made available for political use, while two-fifths of television stations express this policy. A few of the general methods of restricting political time were discussed briefly.

The majority of radio stations are not willing to cancel regularly scheduled commercials in favor of political materials. A commercial political program is in a better position to displace regular commercials than are sustaining political programs. News broadcasts and religious broadcasts are program types that most stations will not cancel for the presentation of political materials. Most radio stations follow a policy of selling political time at a one-time rate, allowing no discounts. Television stations are slightly more inclined to sell political time at regular rates, with standard discounts, than are radio stations. The majority of radio and television stations do not actively solicit political sales, but will accept them when offered.
In addition to deciding whether to give, sell or refuse time for political broadcasts, radio and television stations must make other decisions concerning the availability of time. For one thing, a station must decide which groups or individuals will be allowed to utilize political time. Considering the limits of a broadcast day and normal programming commitments, it is obvious that every interested political person or party cannot be granted broadcast privileges. Keeping in mind that time, once granted, must be made available in equal proportion for opposing viewpoints, stations are compelled to establish policies of acceptance or rejection of bids for political time.

Another real policy problem concerns the determination of the types of political materials that will be accepted for broadcast.

1. To which individuals or groups will stations sell political time?

As was indicated in the previous chapter, the majority of radio and television stations cooperating with this study expressed a policy of selling time for political broadcasts. These stations were asked a block of questions to determine which groups would be granted access to political time.
as follows:

"Will you sell political time -

To actual candidates themselves?
To authorized speakers representing candidates?
To 'probable' candidates?
To speakers representing potential candidates?
To political parties?
To individuals who desire to present a non-partisan view?
To groups who desire to present a non-partisan view?"

No attempt was made to offer an explanation of these questions or to define any of the terms employed. At the time of the construction of the questionnaire, these questions were included because they touched on actual decisions which must be made by station managements in connection with political broadcasts.

Stations, generally speaking, have had more experience in dealing with actual candidates, speakers authorized to represent candidates, and political parties than with "probable" candidates or speakers representing potential candidates. In the latter instances, it is usually more difficult for a station to decide if a valid claim for political time actually exists. In some cases, "probable" candidates or speakers representing potential candidates may disclaim political flavor in their utterances, based on the contention that a campaign is not involved. The station usually considers the importance of the speakers involved in the requests before deciding whether to make
time available or to refuse it. If the speakers are mem of influence and reputation - and are campaign possibili ties - the stations are more prone to accede to requests for time than in the case of individuals of lesser po- litical position.

It is infrequent that an individual person will seek time to present what he terms a "non-partisan" view of a controversial political situation, but often "citizen" or "good government" groups do attempt to approach such problems from such a point of view. It is the sta- tion which must weigh the nature of the request and which must determine whether or not to grant the desired time.

In such instances, there is no industry code of acceptance practices for stations to follow. Each broad- casting station must create policy standards on an indi- vidual basis. These policies may be printed and followed in fairly consistent fashion or they may not even exist in formal fact. Some stations prefer to treat requests for political time on an individual basis, selling or re- fusing to sell time dependent on the general circumstances attending the request.

The series of questions relating to the sale of political time to individuals or groups was designed to secure a broad picture of expressed policy procedures in this area. The response to the questions is shown in Tables X and XI.
### TABLE X

INDIVIDUALS OR GROUPS TO WHOM RADIO AND TELEVISION STATIONS WILL SELL POLITICAL BROADCAST TIME DURING CAMPAIGNS

<table>
<thead>
<tr>
<th></th>
<th>TV Stations</th>
<th>Radio Stations</th>
<th>Radio Stations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>All</td>
<td>Full-time</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Stations</td>
<td>Network</td>
</tr>
<tr>
<td>Replies</td>
<td>(33)</td>
<td>(743)</td>
<td>(387)</td>
</tr>
<tr>
<td>Per cent which sell</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>during campaign to</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Actual candidates</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>themselves</td>
<td>96.9%</td>
<td>98.2%</td>
<td>98.4%</td>
</tr>
<tr>
<td>Speakers authorized</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>to represent candidates</td>
<td>90.9</td>
<td>96.0</td>
<td>95.3</td>
</tr>
<tr>
<td>&quot;Probable&quot; candidates</td>
<td>48.4</td>
<td>67.0</td>
<td>63.3</td>
</tr>
<tr>
<td>Speakers representing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>potential candidates</td>
<td>57.5</td>
<td>71.3</td>
<td>67.1</td>
</tr>
<tr>
<td>Political parties</td>
<td>96.9</td>
<td>95.1</td>
<td>94.5</td>
</tr>
<tr>
<td>Individuals for</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>non-partisan view</td>
<td>51.5</td>
<td>82.9</td>
<td>82.6</td>
</tr>
<tr>
<td>Groups for</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>non-partisan view</td>
<td>60.6</td>
<td>83.4</td>
<td>82.1</td>
</tr>
</tbody>
</table>
TABLE XI

INDIVIDUALS OR GROUPS TO WHOM RADIO AND TELEVISION STATIONS WILL SELL POLITICAL BROADCAST TIME BETWEEN CAMPAIGNS

<table>
<thead>
<tr>
<th>Per cent which sell between campaigns to</th>
<th>TV Stations</th>
<th>Radio Stations</th>
<th>Full-time</th>
<th>Daytime only</th>
</tr>
</thead>
<tbody>
<tr>
<td>Actual candidates themselves</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Replies</td>
<td>(21)</td>
<td>(458)</td>
<td>(274)</td>
<td>(134)</td>
</tr>
<tr>
<td>Per cent</td>
<td>61.9%</td>
<td>92.3%</td>
<td>89.7%</td>
<td>92.5%</td>
</tr>
<tr>
<td>Speakers authorized to represent candidates</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Replies</td>
<td>(21)</td>
<td>(543)</td>
<td>(270)</td>
<td>(134)</td>
</tr>
<tr>
<td>Per cent</td>
<td>61.9%</td>
<td>92.0%</td>
<td>89.2%</td>
<td>92.5%</td>
</tr>
<tr>
<td>&quot;Probable&quot; candidates</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Replies</td>
<td>(19)</td>
<td>(513)</td>
<td>(260)</td>
<td>(123)</td>
</tr>
<tr>
<td>Per cent</td>
<td>47.4%</td>
<td>74.2%</td>
<td>70.0%</td>
<td>78.8%</td>
</tr>
<tr>
<td>Speakers representing potential candidates</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Replies</td>
<td>(19)</td>
<td>(514)</td>
<td>(259)</td>
<td>(125)</td>
</tr>
<tr>
<td>Per cent</td>
<td>52.6%</td>
<td>75.0%</td>
<td>70.6%</td>
<td>76.8%</td>
</tr>
<tr>
<td>Political parties</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Replies</td>
<td>(19)</td>
<td>(551)</td>
<td>(274)</td>
<td>(136)</td>
</tr>
<tr>
<td>Per cent</td>
<td>63.2%</td>
<td>91.6%</td>
<td>91.2%</td>
<td>88.9%</td>
</tr>
<tr>
<td>Individuals for non-partisan view</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Replies</td>
<td>(19)</td>
<td>(536)</td>
<td>(279)</td>
<td>(131)</td>
</tr>
<tr>
<td>Per cent</td>
<td>47.4%</td>
<td>84.5%</td>
<td>79.9%</td>
<td>87.0%</td>
</tr>
</tbody>
</table>
TABLE XI (continued)

INDIVIDUALS OR GROUPS TO WHOM RADIO AND TELEVISION STATIONS
WILL SELL POLITICAL BROADCAST TIME BETWEEN CAMPAIGNS

<table>
<thead>
<tr>
<th>Groups for non-partisan view</th>
<th>TV Stations</th>
<th>ALL Stations</th>
<th>Full-time Network</th>
<th>Full-time Non-Net</th>
<th>Daytime only</th>
</tr>
</thead>
<tbody>
<tr>
<td>Replies</td>
<td>(18)</td>
<td>(537)</td>
<td>(267)</td>
<td>(131)</td>
<td>(139)</td>
</tr>
<tr>
<td>Per cent</td>
<td>50.0%</td>
<td>86.5%</td>
<td>85.7%</td>
<td>86.2%</td>
<td>88.4%</td>
</tr>
</tbody>
</table>
It is apparent from these tables that political broadcast time is made more readily available to those individuals and groups wearing the mantle of official recognition. A candidate is defined by law, hence has little difficulty in the matter of purchasing broadcast time. Acceptability of his request is acknowledged by the majority of all radio and television stations. Speakers authorized to represent candidates are also in a favorable position and are more apt to be granted time by radio stations than the political parties themselves. Television stations, on the other hand, are more liberal toward political parties than to speakers authorized to represent candidates. It is noted, however, that the overwhelming majority of radio and television stations will sell time to all three types of applicants - to actual candidates, to speakers authorized to represent candidates, and to political party organizations as such.

"Probable" political candidates and speakers representing potential candidates fare best in the purchase of radio time between campaigns. In these cases, the actual political status of the individuals concerned is more nebulous. It would be foolhardy for stations to agree to sell political time to any and all self-styled candidates. The facts in the situation and the political climate itself must be evaluated before a station will commit such time. If the "probable" candidate possesses
public stature and a previous political background, his chances of purchasing political time are much greater than those of persons who do not possess these qualities. Likewise the stature of a potential candidate will tend to govern the sale of political time to a supporter who desires to speak in his behalf.

In the presentation of a non-partisan point of view, the majority of radio and television stations indicate a willingness to sell political time to individuals or groups. Radio stations are more prone to follow this policy than are television stations. This might be attributed to television's comparative newness on the political scene, with a resultant hesitancy in venturing to determine a non-partisan point of view. Radio, with its longer background of political experience, apparently is more willing to permit this type of broadcast.

The breakdown of all full-time radio stations reveals the following:

a) **Selling time to actual candidates.** Market size and geographical location appear to have no effect. Stations in all markets and in all parts of the country are agreed on the sale of such time.

b) **Selling time to authorized speakers representing candidates.** With respect to market size, stations are generally uniform. Stations in the smallest markets are a little more liberal with such sales than stations in the largest markets. Eastern and southern stations

*See note on page 141.*
will sell such time in a little higher proportion than midwestern and western stations.

c) **Selling time to "probable" candidates.** In this regard, the smaller the market, the greater the tendency to sell such time. This ranges from the largest market stations (46.1%) to the smallest markets (73.2%). Midwestern stations are definitely more inclined to sell such time, as compared with stations in the other sections of the country.

d) **Selling time to speakers representing potential candidates.** The trend follows that of selling to "probable" candidates, with smaller markets demonstrating a greater willingness to sell than stations in larger markets. Again, the midwestern stations are most inclined to sell time to such speakers.

e) **Selling time to political parties.** Market size would appear to have little effect on station policy, but location reveals that southern stations are least liberal on this score. The other sections of the country range from 96% down to 93% in favor of accepting such business, but southern stations accept it in only 80.7% of the cases. An explanation may be found in the traditional one-party southern political situation, where the importance of the candidate is more vital than the party itself.

f) **Selling time to individuals for the presentation of a non-partisan view.** Stations in the middle-sized and the smallest markets are more willing to sell time to such individuals than stations located in the largest and middle-sized markets. Location appears to have little effect on policy.

g) **Selling time to groups for the presentation of non-partisan views.** The same obtains for groups with a non-partisan view as held for individuals applying for such time. It is somewhat surprising that stations do not distinguish between the presentations of an individual and those of a group in this matter.

Few respondents chose to elaborate on this series of questions, but some of the remarks made are worth noting. One metropolitan station indicated it would permit "probable" candidates and speakers representing
potential candidates to purchase air time if they clearly justified the public interest element of the broadcast in their opening remarks. One New England station manager said, "Prior to a campaign, we consider it a matter of public interest and make an active effort to promote discussion by both announced candidates and persons who wish to speak for a segment of the public."

Another eastern station manager stated, "We believe the least trouble will develop by limiting facilities to candidates and parties or to individuals or groups specifically authorized to speak for candidates or parties."

About a dozen stations contended it was impossible to present a politically non-partisan viewpoint, regardless of whether it was an individual or group point of view.

A midwestern station executive commented at length on this policy matter and it is appropriate to review some of his remarks, as follows:

"The station shall not sell time for political purposes at times other than during a campaign. This means those weeks and months of political campaigning immediately preceding election day when the electorate can go to the polls and cast their votes for or against a candidate, a party, or an issue actually appearing on the ballot. Our policy also attempts to confine the presentation of those issues in a campaign to qualified representatives of candidates, parties and issues so that the electorate can identify the representations made during political broadcasts with a candidate or a party or an issue or a combination of the three when in the act of voting. The purpose here is to try to assist the voter more effectively in bringing together at the polls the reasons why he is casting his vote for or against a particular candidate, party, or issue."
During a campaign, our stations will not provide time to organizations or individuals which are not qualified as defined in our policy. This means that the stations will not provide time to business or industrial groups, labor unions, church organizations or the individual who comes in and wants time to go on the air for some peculiarly personal reason. We feel this is very basic in the use of radio facilities for political purposes and we find the policy has stood up extremely well during the past few years. You will be interested in knowing this policy has been challenged a number of times by organizations and individuals before the Federal Communications Commission, but we have experienced no difficulty as a result.

During the time of the year when no political campaign is in progress, our stations will not sell time for political purposes to anyone or any group. During these months of the year, the stations will give time without charge for broadcasts of a political flavor, and such time is provided to individuals and groups who are not directly identified with politics or political parties as well as those who are known to be representative of political organizations and issues. However, such time is provided entirely in the judgment of the management of the stations and on the basis of representative interest to the communities which we serve. For instance, if the American Legion wants time for a broadcast which definitely holds a political flavor, a representative of an isolated American Legion post will not be given time. He is not acceptable for this broadcast unless it is determined by the post council of the entire area that he should speak for the post and all Legionnaires throughout the community.

The question may properly come to your mind as to what we do about organizations and individuals who are not directly connected with some particular candidate or party or issue. We will not sell time or provide time without charge to such individuals or organizations during a political campaign. However, these individuals or organizations can make arrangements to use our radio facilities through one of the established or recognized political parties or committees and under the sponsorship of such a party or committee can go on the air during the campaign. In this way, organizations and individuals which are not directly identified with politics or a political philosophy thereby become identified with a candidate
or party and the voter, in turn, is in a position to identify the affiliation in his own mind when he goes to the polls to cast his vote."

A direct comment on the non-partisan aspect mentioned a moment ago came from the owner of a southern station, who stated:

"At election time, it would seem to me that there can be no such thing as a strictly non-partisan view. It is conceivable that some group could be furthering a platform that would be equally critical of both major parties, but the chances are that these 'non-partisan' groups favor directly or indirectly one candidate or platform over the other. Consequently, I should say that during a campaign all broadcasts pertaining directly to political issues should come in the political category. Between elections, stations should see that both sides of any question are adequately presented to the public. Forum programs are the best means of disposing of such matters. If a 'non-political' group must have a program of its own, then other 'non-political' groups of opposing philosophy should have equal time to present their own views. Anything that has a bearing on legislation or political thinking is clearly political."

This last comment leads into the next policy area to be considered in this study, namely that of forum discussions on political issues.

2. How do radio and television stations regard forum discussions on political issues?

In the "Blue Book" pronouncement, the Federal Communications Commission held:

... the public interest clearly requires that an adequate amount of time be made available for the discussion of public issues; and the Commission, in de-
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.83

It is consistent to declare that the Commission's definition of "the discussion of public issues" would include political issues. The 1939 "Standards of Practices of the National Association of Broadcasters" contained a section on controversial public issues, which declared such programs should be presented as part of a station's public service. This section, cited earlier in this study, provided that time should not be sold for the discussion of controversial issues except in the case of forums or political speeches made during campaigns.

During the summer of 1944, the United Auto Workers-CIO complained to the Commission that Station WHKG, in Columbus, Ohio, was, among other things, permitting discussion of controversial issues on time which had been purchased by those who disagreed with the union position.84 The union said that the station had a policy not to permit the sale of time to discuss controversial subjects, but did not apply this practice uniformly.

83White, op. cit., p. 190.
84Federal Communications Commission, Decision and Order, Docket No. 6651, June 26, 1945.
A hearing was held in Washington from August 16 to 24, 1944. At this time, the WHKC manager stated the station was trying to live up to the NAB code which was in effect. The station and the union jointly filed a statement of policy for the future, under which the station would make time available for controversial programs on a sustaining basis or commercial basis, with equal access to all sides. The Commission accepted the agreement, but went ahead in its decision on June 26, 1945, to state that the fact that broadcast stations are not common carriers in no way lessens

... the duty of each station licensee to be sensitive to the problems of public concern in the community and to make sufficient time available, on a nondiscriminatory, for a full discussion thereof, without any type of censorship which would undertake to impose the views of the licensee upon the material to be broadcast. The spirit of the Communications Act of 1934 requires radio to be an instrument of free speech, subject only to the general statutory provisions imposing upon the licensee the responsibility of operating its station in the public interest.

... the operation of any station under the extreme principles that no time shall be sold for the discussion of controversial public issues ... is inconsistent with the concept of public interest established by the Communications Act as the criterion of radio regulations .... good program balance may not permit the sale or donation of time to all who may seek it for such purposes and ... difficult problems may be involved in deciding among applicants for time when all cannot be accommodated. However, competent management should be able to meet such programs in the public interest and with fairness to all concerned. The fact that it places an arduous task on management should not be made a reason for evading the issue by a strict rule against the sale of time for any
programs of the type mentioned. 85

Following the decision of the Commission in the WHKC Case, the National Association of Broadcasters deleted its code provision that no time should be sold for the discussion of controversial public issues.

On the questionnaire used in this study, all of the radio and television stations were asked:

"Do you ever present two (or more) sided forum discussions on political issues?
Are they carried FREE?
Are they charged for as regular political broadcasts?"

Table XII lists the response to these questions. It is interesting to observe that more than half of all radio and television stations do present two (or more) sided forum discussions on political issues during campaigns, but the real significance lies in the number of stations that did not give an affirmative answer to the question. A sizeable number of stations do not carry such forum programs, either free or charged for as regular political broadcasts. For an explanation of this result,

85 Ibid.
### TABLE XII

**THE BROADCAST OF FORUM DISCUSSIONS ON POLITICAL ISSUES**

**BY RADIO AND TELEVISION STATIONS**

<table>
<thead>
<tr>
<th></th>
<th>TV Stations</th>
<th>ALL Stations</th>
<th>Radio Stations</th>
<th>Daytime only</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Full-time Network</td>
<td>Non-Net</td>
</tr>
<tr>
<td><strong>Replies</strong></td>
<td>(33)</td>
<td>(743)</td>
<td>(387)</td>
<td>(172)</td>
</tr>
<tr>
<td><strong>Per cent during campaigns which</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carry two (or more)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>sided political forum discussions</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Per cent</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carry on a FREE basis</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Per cent</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carry as paid</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>politicals</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Per cent</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Some stations indicated they both give and sell time, which accounts for those percentages exceeding those which carry such forums.*
it is possible to turn to both the station management and the political figures. It is difficult to set up a balanced forum, with two or more viewpoints reasonably well represented in equal proportion. It is possible that many stations do not want to assume the responsibility of assembling such forums, hence this type of program does not find its way into the station's schedule. On the other hand, many political figures prefer to avoid situations that bring them face-to-face with political figures of an opposing point of view. It is not unreasonable to assume that under such circumstances, a station might find it impossible to construct a well-balanced forum discussion.

Table XII indicates that television stations are most apt to present forum discussions on political issues and to present them on a free basis. Among the radio stations, the full-time network affiliates are most inclined to schedule forum discussions. The daytime-only radio stations in Table X demonstrated the most pronounced policy of selling political time to individuals, parties and groups, but this type of station is least likely to carry forum discussions on political issues. As a general rule, those radio and television stations which do present such forums are prone to offer them on a free basis, but many will charge for the time under varying station policy rules. If the station feels the public interest is
served, the time is usually free. If political purposes are the primary purposes, many stations feel this should be logged as commercial political time. As the manager of a 5,000 watt station expressed his policy:

"We have no policy that precludes forum type discussions of political issues between parties. But up to date, we have had no such discussions, nor have we had any requests for time for such broadcasts. If we should have such a request in the future, and if such broadcast was for the purpose of electing political candidates, we would charge for the time."

Another station manager stated:

"We have a wide open non-political policy and in our small market are endeavoring - and successfully so - to equally divide political time between the parties or candidates. It's been a very successful and harmonious situation to date - and forum discussions have been our most useful device in maintaining a pleasant atmosphere."

From the printed policies of a 1000 watt western station, the following was extracted:

"Free roundtable or forum broadcasts are accepted and encouraged by Station K--. However, they can be scheduled ONLY when equal participation is provided for all opposing sides. This does not necessarily mean that both Democrats and Republicans MUST perform on the same program. - however, this always makes for an interesting program of high listener interest. A program using Republicans exclusively can be scheduled PROVIDED it is preceded or followed by a program of equal length on behalf of the Democrats or other parties running for the same offices. Acceptable to K-- on a free public service basis would be a full hour program with one half hour devoted to each party, or a half hour split equally."
The breakdown analysis of all full-time radio stations shows that large-market stations are more apt to carry political forums during campaigns than are stations in smaller markets. Stations located in eastern and western states are more prone to carry such forums than are stations located in southern and midwestern states. Where time charges for political forums are concerned, stations in large markets will grant free time for such programs in a greater degree than stations located in small markets. Eastern stations are most liberal in allowing free time for political forums, while stations located in the midwest are most stingy in offering free time for this purpose.

3. How do radio and televisions deal with transcribed or live "reports" by elected officials?

Prior to World War II, a number of office holders utilized the device of radio to make "reports to the people" at periodic intervals. It was a particularly effective device for state and national office holders, for it provided a convenient means of keeping in touch with the electorate. After World War II, the number of elected officials making such use of radio increased considerably. No exact facts or figures are available, but trade press

*See note on page 141.*
stories and statements from time-to-time by radio publicity directors of the major parties would tend to substantiate this assertion.

When a member of Congress delivers a recorded or "live" talk to the members of his constituency, it becomes the problem of the individual station to determine the nature of the broadcast. Is it a political talk? Is it simply a report by a public servant? Is it a combination of both? How important is the time factor - is it between campaigns or during a campaign? A myriad of questions appear, all pertinent and all requiring answers by the individual station.

This matter of broadcasting "reports" by elected officials is of real concern to station managements, because it often compels direct and obvious policy decisions. As was noted earlier in the discussion of equal treatment, when a political campaign grows heated, "reports" by elected officials running for reelection are viewed as political by the opposition and time for reply is demanded. The station must determine whether the "report" is truly political and, hence, whether to grant time for an opposition reply. The situation can appear on all levels of government and can involve local, state, or national office holders.

In connection with such reports, all stations were asked this series of questions:
"Have you ever carried in recent years, transcribed or 'live' reports

By your congressmen or senators?
By the governor of your state?
By the mayor (or other local or county officials)?

If you DO carry such reports by elected officials,

Are they carried FREE?
Are they charged for as regular political broadcasts?"

Tables XIII and XIV list the response to this series of questions.

Tables XIII and XIV reveal a situation wherein the exercise of political policy by broadcasters is obvious. When a campaign is not in progress, the amount of time given to "reports" by public officials is greater than during a time of campaign.

The fact that members of Congress are away from their constituencies for long periods of time undoubtedly stimulates their use of broadcast reports to the people. Special recording facilities are available in Washington and the major parties encourage the use of such reports. Many radio and television stations encourage reports by local elected officials, in line with participation in local community affairs.

It is difficult to explain the smaller amount of time devoted to reports by governors of states, unless they feel it is an unnecessary burden. As the manager of
### TABLE XIII.

**THE POLICIES OF RADIO AND TELEVISION STATIONS TOWARD THE BROADCAST OF "REPORTS" BY PUBLIC OFFICIALS DURING CAMPAIGNS**

<table>
<thead>
<tr>
<th></th>
<th>TV Stations</th>
<th>ALL Stations</th>
<th>Radio Stations</th>
<th>Full-time Network</th>
<th>Non-Net</th>
<th>Daytime only</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Replies</strong></td>
<td>(33)</td>
<td>(743)</td>
<td>(387)</td>
<td>(172)</td>
<td>(184)</td>
<td></td>
</tr>
<tr>
<td><strong>Per cent during campaigns which carry reports by</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Congressmen or senators</td>
<td>30.3%</td>
<td>40.2%</td>
<td>41.3%</td>
<td>37.7%</td>
<td>40.2%</td>
<td></td>
</tr>
<tr>
<td>Governor of state</td>
<td>30.3</td>
<td>33.5</td>
<td>36.6</td>
<td>31.9</td>
<td>28.2</td>
<td></td>
</tr>
<tr>
<td>Mayor or other local officials</td>
<td>36.3</td>
<td>37.6</td>
<td>38.5</td>
<td>37.7</td>
<td>35.8</td>
<td></td>
</tr>
<tr>
<td>On a FREE basis</td>
<td>30.3</td>
<td>41.0</td>
<td>39.0</td>
<td>46.5</td>
<td>40.2</td>
<td></td>
</tr>
<tr>
<td>On a PAID basis</td>
<td>12.1</td>
<td>13.3</td>
<td>16.0</td>
<td>9.8</td>
<td>10.8</td>
<td></td>
</tr>
</tbody>
</table>
### TABLE XIV

**THE POLICIES OF RADIO AND TELEVISION STATIONS TOWARD**

**THE BROADCAST OF "REPORTS" BY PUBLIC OFFICIALS BETWEEN CAMPAIGNS**

<table>
<thead>
<tr>
<th></th>
<th>TV Stations</th>
<th>Radio Stations</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>ALL Stations</td>
<td>Full-time</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Network</td>
<td>Non-Net</td>
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<td></td>
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<td></td>
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<tr>
<td>Per cent between campaigns which carry reports by</td>
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<td></td>
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<tr>
<td>Congressman or senators</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Replies</td>
<td>(22)</td>
<td>(559)</td>
<td>(287)</td>
<td>(135)</td>
<td>(137)</td>
<td></td>
</tr>
<tr>
<td>Per cent</td>
<td>81.8%</td>
<td>86.7%</td>
<td>90.5%</td>
<td>81.4%</td>
<td>83.9%</td>
<td></td>
</tr>
<tr>
<td>Governor of state</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Replies</td>
<td>(21)</td>
<td>(515)</td>
<td>(270)</td>
<td>(125)</td>
<td>(120)</td>
<td></td>
</tr>
<tr>
<td>Per cent</td>
<td>80.9%</td>
<td>30.9%</td>
<td>37.0%</td>
<td>70.1%</td>
<td>75.3%</td>
<td></td>
</tr>
<tr>
<td>Mayor or other local officials</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Replies</td>
<td>(22)</td>
<td>(551)</td>
<td>(284)</td>
<td>(123)</td>
<td>(139)</td>
<td></td>
</tr>
<tr>
<td>Per cent</td>
<td>81.8%</td>
<td>34.7%</td>
<td>33.3%</td>
<td>30.4%</td>
<td>81.2%</td>
<td></td>
</tr>
<tr>
<td>On a FREE basis</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Replies</td>
<td>(22)</td>
<td>(559)</td>
<td>(304)</td>
<td>(135)</td>
<td>(130)</td>
<td></td>
</tr>
<tr>
<td>Per cent</td>
<td>100.0%</td>
<td>97.0%</td>
<td>97.0%</td>
<td>94.0%</td>
<td>100.0%</td>
<td></td>
</tr>
<tr>
<td>On a PAID basis</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Replies</td>
<td>(1)</td>
<td>(65)</td>
<td>(35)</td>
<td>(19)</td>
<td>(11)</td>
<td></td>
</tr>
<tr>
<td>Per cent</td>
<td>100.0%</td>
<td>67.6%</td>
<td>60.0%</td>
<td>63.2%</td>
<td>90.9%</td>
<td></td>
</tr>
</tbody>
</table>
a small midwestern station once told the writer,

For four or five years, I offered free time for a report on state affairs by the governor. He didn't seem interested. Now this year, he is running for reelection and it's going to be a hard fight. All of a sudden, we are asked to give him a weekly time to report to the voters. It's pure politics and I turned it down flat.

Time and again, in replying to these questions, stations indicated a belief that such reports should be regarded as highly political during a campaign. In several cases, it was indicated that station time would be given these broadcasts during a campaign only if the speaker was not a candidate. Others stipulated that free time would be given only to non-candidates, while those running again for office would have to pay for the time. The most persistent comment made in connection with all such reports was that stations weigh their public interest values carefully before granting or refusing time for reports by elected officials.

4. What types of political materials will be accepted for broadcast by radio and television stations?

Besides determining those individuals or groups to receive political broadcast time, radio and television stations must also decide which types of political materials will be accepted. In 1940, the National Association
of Broadcasters expressed the view that political broadcasts should be limited to speakers, interviews and announcements — and to bona fide political meetings or rallies held outside the studio. It further held that certain types of materials should be barred from air presentation. These included dramatizations of political issues, studio political rallies, audience participation programs, and programs or spot announcements that made use of anonymous voices.

In 1948, Broadcasting Magazine quizzed representatives of the industry on a few points covering political materials. At that time, eighty per cent of the responding stations were willing to accept political spot announcements, thirty-nine per cent would carry dramatized political broadcasts, and only fifteen per cent would take songs that promoted or attacked candidates or issues.

These examples are cited to provide an insight into some of the problems facing radio and television stations in the selection of political materials. In 1952, competition for public attention has become very keen. "John Q. Public" is literally bombarded, from every direction, with materials designed to mold his buying habits, his thinking

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processes and his way of life in general. In the realm of politics, the attempts to get his attention and to influence his thinking have been pronounced. It was with these materials and techniques in mind that the following series of questions was asked:

"During a campaign, will you SELL or GIVE or REFUSE time -

For political spot announcements announcing rallies?
For political spot announcements containing arguments?
For **dramatized** political broadcasts?
For political broadcasts in which people are impersonated?
For political broadcasts containing patriotic music?
For political broadcasts containing parodies?
For political broadcasts containing religious music?"

In this series of questions, the choice was to sell, give or refuse time and it was limited to the confines of an actual campaign as defined in the questionnaire used in this study.

An analysis of the answers indicated that the respondents did not have any great difficulty in understanding the questions, although "parodies" and "religious music" were not entirely clear to some respondents. Parodies are certainly fairly common during political campaigns. Prior to the 1948 Republican Convention, Taft supporters employed a parody on the tune "I'm Looking Over A Four Leaf Clover." In 1952, another parody was composed with the "Battle Hymn of the Republic" as its basis. Parodies are common and
they have been used for many years, but the manner in which individual broadcasters regard them has never been too extensively explored. It was thought this question would reveal the broadcaster's policy inclination concerning parodies.

It is difficult, of course, to clearly define religious music. Does one classify the words to the "Battle Hymn of the Republic" as religious? Would "God Bless America" or "America, The Beautiful" fit into this category? These are commonly employed tunes which could be used with considerable effect in connection with a political broadcast. It might be said that there are songs which are both religious and patriotic. These are probably not classified as broadcasters as religious music. If a broadcaster objects to religious music in a political broadcast, it is reasonable to assume he has in mind music that is clearly liturgical or creedal in nature.

The results of the series of questions dealing with political materials are shown in Table XV.

In general, it can be said that few radio or television stations will give free time for the seven types of political materials listed in Table XV. They prefer to sell such time or to completely reject such requests, as follows:
TABLE XV
THE POLICIES OF RADIO AND TELEVISION STATIONS TOWARD
THE BROADCAST OF CERTAIN POLITICAL MATERIALS DURING CAMPAIGNS

<table>
<thead>
<tr>
<th>Replies</th>
<th>TV Stations (33)</th>
<th>ALL Stations (753)</th>
<th>Radio Stations</th>
<th>Daytime only (184)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Sell time</td>
<td>Give time</td>
<td>Refuse time</td>
<td>Sell time</td>
</tr>
<tr>
<td>Per cent which for*</td>
<td>84.8%</td>
<td>91.1%</td>
<td>91.4%</td>
<td>89.6%</td>
</tr>
</tbody>
</table>
| Political spots an-
ouncing rallies | 6.0 | 2.5 | 4.3 | 1.1 | |
| Sell time | 84.5 | 81.8 | 80.8 | 81.9 | 83.6 | 3.0 | 0.9 | 1.2 | 0.5 | 0.5 |
| Give time | 33.3 | 14.9 | 17.8 | 12.2 | 11.4 |
| Refuse time | Dramatized political | 36.3 | 72.5 | 71.0 | 71.4 | 73.9 | 3.0 | 1.5 | 1.7 | 1.0 |
| broadcasts | Sell time | 36.3 | 72.5 | 71.0 | 71.4 | 73.9 | 3.0 | 1.5 | 1.7 | 1.0 |
| Give time | 39.3 | 21.6 | 25.0 | 19.1 | 16.8 |
| Refuse time | Political broadcasts | 12.1 | 32.5 | 31.7 | 29.6 | 36.9 | 6.0 | 0.5 | 0.7 | 0.5 |
| with impersona-
| | Sell time | 54.5 | 60.2 | 62.0 | 61.6 | 55.1 |
| tions | Give time | 51.5 | 48.3 | 49.8 | 48.2 | 47.2 |
| Refuse time | Political broadcasts | 42.4 | 76.7 | 76.4 | 73.2 | 80.4 | 3.0 | 1.4 | 1.5 | 1.7 |
| with patriotic | Sell time | 3.0 | 1.1 | 1.5 | 1.7 | 1.0 |
| music | Give time | 27.2 | 15.7 | 16.0 | 18.6 | 12.4 |
| Refuse time | Political broadcasts | 24.2 | 50.6 | 51.1 | 49.9 | 49.9 | 3.0 | 0.6 | 0.7 | 0.5 |
| containing parodies | Sell time | 45.4 | 40.1 | 39.5 | 39.5 |
| Give time | 51.5 | 48.3 | 49.8 | 48.2 | 47.2 |
| Refuse time | Political broadcasts | 15.1 | 41.1 | 40.5 | 39.5 | 44.0 |
| with religious music | Sell time | 3.0 | 0.5 | 0.5 | 0.5 |
| Give time | 51.5 | 48.3 | 49.8 | 48.2 | 47.2 |

* Differences between the percentage total and 100% account for stations which did not answer.
a) Political spot announcements announcing rallies. No question here, for the majority of radio and television stations are willing to sell time for such spots. Full-time radio stations in the largest markets are least inclined to follow this policy.

b) Political spot announcements containing arguments. The majority of radio and television stations will sell such spots, although television stations to a lesser extent. More than twice as many television stations than radio stations refuse to carry them. Twice as many full-time stations in the smallest markets will carry them then will stations located in the largest markets.

c) Dramatized political broadcasts. Approximately three-fourths of all radio stations will carry them, while slightly more than one-third of the television stations will do so — on a commercial basis. Television stations and full-time network radio stations are strongest in exercising refusal of such materials. A breakdown of all full-time stations reveals that the larger the market, the less the inclination to sell time for dramatized political broadcasts.

In 1948, the radio network policy codes, with the exception of ABC's, did not permit dramatic presentations of political materials. The Columbia Broadcasting System stated the belief of its officers that appeals to the electorate should be intellectual and not based on emotion, passion or prejudice. It indicated that it felt such dramatizations would throw the radio campaign almost wholly over to the emotional side. In June, 1948, CBS reversed this policy with regard to television and radio. With regard to radio, it stated that "A democracy can only thrive with an uncensored, free flow of information" and,

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87 News item, "Variety," June 2, 1948, p. 27.
of television, it wanted to prevent shackling by the same "inhibitions, frustrations and prohibitions that long made radio a sterile medium."

Since the 1948 campaign, the networks have been inclined to accept dramatized political materials, but have reserved the right to refuse such broadcasts if they appear too emotional and misleading. In essence, it is another instance wherein policy is resolved on the basis of individual circumstance. As Table XV shows, many individual television stations will accept such broadcasts on a commercial basis, but a greater percentage will refuse them altogether. Part of this attitude on the part of television stations may be found in the cost and technical difficulties of presenting local dramatic programs.

d) Political broadcasts in which people are impersonated. In this instance, the majority of radio and television stations express a policy of refusing time. Television stations are least liberal in permitting impersonations, even if sold commercially. The breakdown of all full-time radio stations reveals that fewer stations in the largest markets will allow impersonations than will allow them in smaller market stations, ranging to 36.1% in the case of stations in the smallest markets. Midwestern stations show the greatest disposition to allow political broadcasts containing impersonations.

Many stations indicated that impersonation must be clearly announced. In addition, several stations specified that releases had to be furnished the station prior to broadcast, signed by each individual to be impersonated.
e) Political broadcasts containing patriotic music. The majority of radio and television stations will sell time for broadcasts of this nature. The breakdown of all full-time radio stations discloses that the smaller the station, the greater the inclination to sell programs containing patriotic music. From the standpoint of geographical location, midwestern stations are least apt to sell this type of political program.

With respect to the National Anthem, several stations indicated they would not permit it to be used as background music, or to open and close the program. They would permit its use in connection with a non-studio rally or political gathering, inasmuch as it would be part of the event itself.

f) Political broadcasts containing parodies. Approximately half of the responding radio stations will sell time for political broadcasts of this description, but this is true of only a fourth of the television stations. A significant number of radio and television stations, however, refuse political material containing parodies. The breakdown of all full-time stations shows that the larger the market, the lesser the willingness to carry program material of this type. Southern stations are most liberal in allowing parody material to be broadcast.

g) Political broadcasts containing religious music. Of this type of material, it can be said that a greater number of radio and television will refuse it rather than schedule it. The breakdown of all full-time stations shows that stations in the smallest markets are most apt to sell time for political programs containing religious music, while southern stations are more inclined to do so than stations in other sections of the country.

5. What are the policies of radio and television stations with regard to the presentation of
political materials by commentators or speakers on religious programs?

Commentators and religious speakers occupy a special place in this study, because they are in a position to influence thinking in a special context. A southern station manager was particularly concerned with commentators, stating:

"Almost without exception they directly or indirectly work for a given political party. If one were to ban commentators that are partisan, then one would have to ban commentators as such. Under FCC regulations, stations are supposed to balance their schedule with commentators of opposing views. However, this is seldom done. The commentator's brand of propaganda is much more insidious than that on a paid political broadcast. The public accepts the commentator as non-partisan, which actually he is not.

Also it is not uncommon to find newscasts attacked. This is done by omitting items unfavorable and playing up items favorable. The subject of bias in news and comment is a broad one. I feel it is a field in which significant favoritism takes place. It is cleverly done. The fact remains that these broadcasts have more political significance than all of the plainly-labeled 'political broadcasts' put together - whether paid or sustaining. In addition to news and comment, it is not uncommon to stack network forum-type shows, book review programs, comedy broadcasts and dramatic programs.

Generally a commentator is too smart to endorse a candidate or party, but is content to smear the opposition and the things it stands for. It is all very subtle and hence, very effective.

Before closing, I should like to say that naturally these commentators for the most part speak from their convictions and not from ulterior motives. Smaller stations are generally creatures of their networks or press wires in this matter. As a rule, they do not have their own commentators and their
news is often broadcast verbatim as it comes in prepared summaries from their press wires. As a result, the public is often denied the whole truth."

In line with the sentiments expressed in this last paragraph, the manager of a western station commented:

"It would be interesting to study the clever, insidious method the Press Services have of coloring radio news that has to deal with political parties and political issues. It is done by them very cleverly in that they never editorialize, never endorse a candidate or issue, nor do they ever color the facts. They deal only in facts, but tend to send through only the facts which suit their purpose. Since most radio stations do not have the news editors and news staffs large enough to edit the news, and since the news is generally read verbatim from the news machine, the Press Services accomplish their purpose.

Believe me, I have no fight with the services. It is just that I have been in a position to read news over a period of fifteen years in this business, and have been able to study their methods. It seems that all the services are guilty of this practice. Of course, commentators, local and national, do the same thing."

It was not the purpose of this study to deal extensively with news commentary, but simply to secure policy expressions in connection with this type of broadcast. The same may be said of religious programs which contain a political flavor. In this connection, the manager of a small western station commented, "My only headache, in regard to political broadcasts, has been some so-called religious programs taking an active or indirect part in political issues."
To secure expressions of station policy, the following questions were asked, separately, concerning news commentators and religious speakers:

"Will you permit them to endorse candidates? Will you permit them to endorse or support the position of one party on a political issue?"

The response to these questions is indicated in Table XVI.

The results shown in Table XVI show that the majority of radio and television stations maintain a policy of restricting political expression by news commentators and religious speakers. Generally speaking, religious speakers are allowed slightly more latitude in supporting candidates than are commentators. Several stations indicated they were willing to allow local commentators, not associated with the stations, to purchase time for the exercise of political points of view. Other stations were positive in their declarations that station staff members would not be allowed to take a political point of view under any circumstances.

It is interesting to note some of the comments of individual stations on political utterances by religious speakers. As one 50,000 watt southern station program director put it, "We remind ministers who have regular paid religious programs on the station that political
### TABLE XVI

**THE POLICIES OF RADIO AND TELEVISION STATIONS DURING CAMPAIGNS TOWARD POLITICAL STANDS BY NEWS COMMENTATORS AND RELIGIOUS SPEAKERS**

<table>
<thead>
<tr>
<th></th>
<th>TV Stations</th>
<th>ALL Stations</th>
<th>Radio Stations</th>
<th>Full-time Network</th>
<th>Non-Net</th>
<th>Daytime only</th>
</tr>
</thead>
<tbody>
<tr>
<td>Replies</td>
<td>(33)</td>
<td>(743)</td>
<td>(387)</td>
<td>(172)</td>
<td>(184)</td>
<td></td>
</tr>
<tr>
<td><strong>Per cent which permit</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>News commentators</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>to endorse -</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Candidates</td>
<td>6.0%</td>
<td>12.9%</td>
<td>14.2%</td>
<td>11.6%</td>
<td>11.1%</td>
<td></td>
</tr>
<tr>
<td>One party</td>
<td>6.0</td>
<td>19.9</td>
<td>20.4</td>
<td>18.6</td>
<td>19.5</td>
<td></td>
</tr>
<tr>
<td><strong>Religious speakers</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>to endorse -</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Candidates</td>
<td>15.1</td>
<td>16.6</td>
<td>16.2</td>
<td>11.0</td>
<td>22.3</td>
<td></td>
</tr>
<tr>
<td>One party</td>
<td>13.1</td>
<td>20.0</td>
<td>19.6</td>
<td>15.1</td>
<td>25.5</td>
<td></td>
</tr>
</tbody>
</table>
rates prevail if they delve into candidate endorsement."

This was the theme of comment advanced by a large number of stations. If a religious speaker wants to enter into the realm of political expression, he must do so openly in paid political time. Here are a few other comments that touch on this policy:

**Eastern station, 5000 watts** - "No advance script is required on religious programs, but we would not favor programs of religion to enter political issues. If commercial religious programs were used to enter political issues, we would precede with regular political disclaimers."

**Southern station, 250 watts** - "I don't believe we would allow it on regular religious broadcasts as it would give one candidate an unfair advantage. If, however, the minister wanted to buy a special political program, announced as such, to support a candidate, we would allow it."

**Western station, 1000 watts**. "On a sustaining religious program, we would have some qualms about the speaker endorsing other than just a broad political belief. On paid religious programs, we doubt if we would exercise such control."

**Midwestern station, 1000 watts**. "If they clearly state and can prove they represent their denomination's established point of view on some political subject, and if they present such a point of view during a paid political broadcast, we will permit it."

**Western station, 5000 watts**. "If a church or religious organization desires to endorse or oppose any candidate, party or political group, and desires to buy time at regular political rates, our facilities are open to them."

Other random comments on this general subject are worth noting. A few of these were selected, as follows:
Eastern station, 500 watts - "Such political endorsement has possibly been accomplished during regular religious programs. Preachers tend to become 'authorities' on all subjects."

Southern station, 5000 watts - "Our policy is that religious speakers will affirmatively promote the principles of their faiths and not attack other faiths and beliefs. This is generally respected by those given the privilege of our studios - and it holds for the expression of political beliefs."

Midwestern station, 250 watts - "We do not monitor all religious broadcasts. If a case of political belief is found in such a broadcast, if it is called to our attention, we will grant the opposition time for a reply."

One southern station had this case history to present:

"During the summer of 1951, this county held a referendum to determine whether or not we would have the legal sale of liquor. During this campaign, we had quite a lot of trouble convincing our religious speakers that reference in any way to the campaign was not permissible. We received much argument from some and, in one instance, cut a minister off the air. It was quite an election and we are still 'dry'."

Two other stations also indicated they had cut the speeches of religious figures because of political comments. Another station indicated it was willing to permit religious speakers the right of political expression if a moral issue was involved, but not if it was simply an economic issue. This latter policy illustrates nicely the delicate structure of determining station political policy.
Summary.

The majority of radio and television stations replying for the purposes of this study express the policy will sell time to actual candidates, speakers authorized to represent candidates, and the political parties themselves. Fewer stations will sell time to "probable" candidates or speakers representing potential candidates. The majority of radio and television stations indicate a willingness to sell political time to individuals or groups for the presentation of a non-partisan point of view.

More than half of the replying stations do present two (or more) sided forum discussions on political subjects during campaigns. A sizeable number of stations do not carry such forums, however, either free or charged for as regular political broadcasts. Television stations and full-time radio network affiliates are most inclined to present this type of political program. The majority of stations will carry "reports to the people" when a campaign is not in progress, but this drops markedly when a campaign begins.

Seven types of program materials were listed. Few radio or television stations demonstrated an inclination of giving free time over to them, but preferred to sell such time or to completely reject such requests. The
majority of all stations will sell time for political spot announcements announcing rallies or containing arguments. Political broadcasts with impersonations or religious music find the least amount of station policy approval. Television stations are less liberal than radio stations in accepting the seven types of program materials which were enumerated.

Finally, the majority of radio and television stations maintain a policy of prohibiting political expressions by news commentators and religious speakers.
We turn now to the policies expressed by radio and television stations in the United States in connection with the censorship of political broadcasts. The general situation governing political censorship was developed extensively in an earlier part of this report, but the major points warrant a brief review. Section 315 of the Communications Act contains a provision that licensees "shall have no power of censorship over the material broadcast" by candidates for public office where broadcast under the provisions of that section. The Port Huron case established a firm precedent that this ban on censorship prohibited stations from deleting defamatory material from political broadcasts. The licensees are in the position of subjecting themselves to actions for defamation under state laws if they do not delete such materials, or incurring the ire of the Commission if they do delete them. Varying court decisions have somewhat muddled the picture, but at present a distinction appears to prevail that a candidate cannot be censored and a non-candidate can be censored.

A series of questions was developed to explore this important area of station policy, as follows:
1) "Do you require the submission of advance scripts for political broadcasts?
   If so, how many days in advance of broadcast?
   And, who checks the scripts?"

2) "Have you ever requested any speaker, who was a candidate for office, to revise or change a script in the past 4 years?
   If YES,
   - to eliminate or tone down libelous or defamatory statements?
   - to eliminate or tone down 'profane or indecent' language?
   - simply to clarify?
   - to correct errors in fact?

3) "Have you ever requested any speaker, not a candidate for office, to revise or change a POLITICAL script - in the past 4 years?"
   (If YES - this was followed by the choices listed in 2.)

4) "If you have had occasion to request the changes noted in either above situation (2 or 3), in what instances were you successful in having the desired changes made?"

5) "If you have had occasion to request the changes noted above (in 2 or 3) and the speaker REFUSED TO TAKE THE DESIRED ACTION, what did you do?
   Refuse to carry the broadcast without change?
   Carried the broadcast, but with special disclaimers for the station?
   Carried broadcast, but cut to 'dead air' at points in question?
   Or did you take some other action?"

It was thought these questions could provide some insight into station policy with regard to exercise of some forms of political censorship.

1. Do stations require the submission of advance
scripts for political broadcasts?

As observed earlier in this report, the radio and television networks do require the submission of scripts in advance of broadcast. They make it clear that they do not exercise censorship over such scripts, but do reserve the right to edit them to the extent allowed by law. They stress the obligation to avoid broadcast of obscene, indecent, profane, treasonable or similar statements. If the copy contains material which appears to be defamatory, indecent or otherwise actionable, including copyright material, the networks usually suggest tactfully to the speaker that the material should be deleted in the public interest and in order to minimize the speaker's own risk.

The submission of political scripts in advance of the program time is important in the matter of censorship, because it provides a means whereby the broadcaster can determine whether or not such scripts contain questionable materials. It provides him with an opportunity to screen such scripts before the actual political broadcast is accomplished.

Table XVII indicates the policies maintained by individual stations with regard to the submission of scripts in advance of political broadcasts.

It is readily apparent from the results shown in Table XVII that the majority of all radio and television stations do require the submission of scripts in advance
### TABLE XVII

THE POLICIES OF RADIO AND TELEVISION STATIONS TOWARD THE ADVANCE SUBMISSION OF POLITICAL SCRIPTS

<table>
<thead>
<tr>
<th>Per cent which*</th>
<th>TV Stations</th>
<th>Replies</th>
<th>ALL Stations</th>
<th>Replies</th>
<th>Full-time Network</th>
<th>Daytime only</th>
</tr>
</thead>
<tbody>
<tr>
<td>Require advance political scripts</td>
<td>97.0%</td>
<td>90.1%</td>
<td>92.2%</td>
<td>88.4%</td>
<td>37.5%</td>
<td></td>
</tr>
<tr>
<td>One day in advance</td>
<td>13.1</td>
<td>17.3</td>
<td>51.4</td>
<td>45.3</td>
<td>40.7</td>
<td></td>
</tr>
<tr>
<td>2 &quot; &quot; &quot;</td>
<td>18.4</td>
<td>23.1</td>
<td>27.2</td>
<td>29.0</td>
<td>27.7</td>
<td></td>
</tr>
<tr>
<td>3 &quot; &quot; &quot;</td>
<td>12.1</td>
<td>8.4</td>
<td>7.7</td>
<td>6.9</td>
<td>11.4</td>
<td></td>
</tr>
<tr>
<td>5 &quot; &quot; &quot;</td>
<td>6.0</td>
<td>.5</td>
<td>.5</td>
<td>.3</td>
<td>1.0</td>
<td></td>
</tr>
<tr>
<td>3 &quot; &quot; &quot;</td>
<td>6.0</td>
<td>1.7</td>
<td>1.3</td>
<td>.3</td>
<td>3.2</td>
<td></td>
</tr>
<tr>
<td>5 &quot; &quot; &quot;</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>7 &quot; &quot; &quot;</td>
<td>6.0</td>
<td>1.3</td>
<td>2.0</td>
<td>1.1</td>
<td>2.1</td>
<td></td>
</tr>
<tr>
<td>5 or more days**</td>
<td>-</td>
<td>.4</td>
<td>.2</td>
<td>-</td>
<td>1.0</td>
<td></td>
</tr>
</tbody>
</table>

### Which have scripts checked by — **

| Station manager | 60.6% | 66.0% | 65.1% | 63.9% | 70.1% |
| Program director | 57.5 | 37.3 | 41.0 | 37.7 | 30.2 |
| Station attorney | 54.5 | 30.4 | 35.9 | 26.1 | 22.3 |
| Continuity editor | 24.2 | 5.2 | 6.4 | 5.2 | 2.7 |
| Station owner | 6.0 | 11.7 | 9.3 | 9.3 | 20.1 |
| Other *** | 3.0 | .3 | .6 | .5 | 1.0 |

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*Some respondents did not answer all parts of this question series.

**Some stations have more than one individual check political scripts. This fact accounts for instances where percentages do not total 100%.

***Includes directors of talks departments, public relations directors, sales managers, news editors, traffic managers, and public affairs directors.
of broadcast. Stations operating daytime only are least stringent in requiring this action, while television stations are most positive in demanding advance scripts. The majority of all stations requiring advance scripts maintain a policy of asking for them 24 to 48 hours in advance of broadcast, although a few stations require their submission as much as eight or ten days ahead of actual broadcast.

As a general rule, advance scripts are checked by station managers, program directors or attorneys for the station. In many cases, more than one individual handles the screening of these advance scripts. In the instance of radio stations operating daytime only, the station owner figures rather prominently in the handling of advance political scripts. The important point is to be found in the fact that key station executives give personal attention to political scripts and are not inclined to delegate the responsibility of making decisions in connection with such broadcasts.

That advance scripts can be something of a station problem was indicated in comments made by several respondents. Stations want advance scripts so they can be examined prior to broadcast, but often a political figure does not meet the specified submission deadline. This means the station must often agree to an unscreened script, with all of its possible consequences, or refuse to carry
the broadcast because the script was not submitted in advance. As the manager of one 250 watt western station put it, "They like to dah in and feel that you'll turn the place upside down for them. Without advance scripts, we won't cooperate." The manager of a 1000 watt midwestern station said, "I have no particular headaches with political broadcasts with the exception of trying to get material in order to go over it - and, once in a while, with last-minute requests for time."

The question arises as to why these scripts are required in advance. Some stations desire to edit copy to the extent allowed by law. In some cases, as will be noted later, stations go beyond this and attempt to control other matters of content. The comments of several stations are listed below to give an index to station thinking with respect to the use of advance scripts.

**Western station**, 50,000 watts. "Few headaches are experienced due to careful legal briefing given those making political talks. Members of our legal staff closely scan all scripts in advance and any changes they suggest are usually complied with."

**Southern station**, 250 watts. "Scripts required in advance usually need little or no change. Speakers are required to go by their script. This cuts down on rash statements made off-the-cuff when worked up emotionally by speaking."

**Western station**, 250 watts. "We have never had great difficulty with political broadcasts. We do require advance scripts. Extreme caution is used in accepting and airing the material. Our acceptance is based entirely on the real value to the candidate, party and public. When the advance script indicates a low tone, becomes abusive or otherwise obnoxious,
we discuss it thoroughly and suggest changes. If refused - we do not carry it!"

**Eastern station, 5000 watts.** "During the past 11 years, it has been my job to read in advance all political scripts submitted to our station. In that time, I have experienced almost no difficulty with candidates, other speakers, or parties. I find that most speakers, on reconsidering a point, will realize the self-injury that likely would result from delivering a below-the-belt punch at the opposition."

**Eastern station, 250 watts.** "Of course we ask for scripts in advance. We believe we have the right and the responsibility to edit scripts for errors in fact, profanity, obscenity or obvious libel."

**Southern station, 1000 watts.** "If a candidate has libelous copy which has been submitted in an advance script and if he doesn't take the station's 'suggestion' to change it, we contact the party being libeled and let that party get a court order restraining the candidates from making said broadcast. It will generally keep the station from getting sued!"

It can be a matter of stipulated station policy.

One television station located in a large southern city requires that applicants for political time sign a memorandum of agreement which includes:

In order that public interest may be served, and to safeguard the Station licensee from liability from slanderous or libelous words or other statements which the station management deems inconsistent with its policies that might be uttered over its broadcasting facilities, any political or other speech or address to be broadcast through the Station shall be submitted to the management of the Station, IN WRITING, forty-eight (48) hours (or at such other reasonable time as may be agreed upon) before the scheduled hour of broadcasting. A copy of the speech or address shall be retained by the Station as a permanent record.

If the manuscript submitted be held by the management of the Station to contain slanderous or
libelous words, or other statements which the Station's management deems inconsistent with its policies, or in anywise to subject the Station licensee to a libel action by reason of its broadcasting, no license or permit shall exist for its utterance and the Station shall not allow the use of its broadcasting facilities therefor.

The words of the manuscript shall be free from libel and slander, and the uttered words of the speaker shall be the words of the manuscript submitted to and accepted by the management of the Station; and the speaker agrees not to breach either of such conditions. The station reserves the right to reject any statement which it deems inconsistent with its policies, but does not reserve the right to reject or censor as to political or partisan trends, or on any political basis whatever.

Many stations indicated a policy of compelling speakers to broadcast, verbatim, only the material contained in manuscripts which have been approved, after first making any changes or deletions deemed necessary by station management. Further, several stations stipulated it was the duty of the announcer and control man to follow, word for word, the station approved manuscript from which a program was being broadcast. If a deviation from the manuscript occurred, the program was to be immediately cut off the air.

2. Do stations ever request script changes by candidates or non-candidates?

What types of material provoke such requests?

As was shown earlier in this chapter, the majority of radio and television stations require scripts in advance
of political broadcasts. Although Section 315 of the Communications Act provides that licensees shall have "no power of censorship" over broadcasts involving legally qualified candidates, many stations maintain that other provisions of the Act require them to eliminate all obscene, indecent, profane, or treasonable language. In addition, some stations indicated a policy of screening scripts to prevent the broadcast of slanderous or libelous words. This is plainly in violation of Section 315.

There is nothing in the Communications Act, the Rules and Regulations of the Commission, or the Port Huron decision which forbids broadcasters to examine the scripts of political candidates and to endeavor by persuasion and negotiation to procure the consent of said candidates for the removal of matter which they or their attorneys consider defamatory or otherwise actionable, in poor taste, bad public relations, or general poor broadcasting practice.

A series of questions, indicated earlier in this chapter, was asked to determine the proportion of radio and television stations which do request script changes of candidates or non-candidates. Next came questions touching on the nature of the content materials which originally provoked such requests by the stations. The response to this series of questions is shown in Table XVIII.
### TABLE XVIII

**THE POLICIES OF RADIO AND TELEVISION STATIONS TOWARD REQUESTING CONTENT CHANGES IN POLITICAL SCRIPTS DURING CAMPAIGNS**

<table>
<thead>
<tr>
<th></th>
<th>TV Stations</th>
<th>Radio Stations</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>ALL Stations</td>
<td></td>
<td>Full-time Network</td>
<td>Non-Net</td>
<td>Daytime only</td>
<td></td>
</tr>
<tr>
<td>Replies</td>
<td>(33)</td>
<td>(743)</td>
<td>(387)</td>
<td>(172)</td>
<td>(184)</td>
<td></td>
</tr>
<tr>
<td>Per cent, in past 4 years, which</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Requested candidates to change script</td>
<td>48.4%</td>
<td>40.3%</td>
<td>49.3%</td>
<td>32.5%</td>
<td>27.7%</td>
<td></td>
</tr>
<tr>
<td>For libelous or defamatory remarks</td>
<td>36.3</td>
<td>28.3</td>
<td>37.4</td>
<td>23.2</td>
<td>15.7</td>
<td></td>
</tr>
<tr>
<td>To clarify the content</td>
<td>30.3</td>
<td>17.6</td>
<td>21.7</td>
<td>10.4</td>
<td>15.7</td>
<td></td>
</tr>
<tr>
<td>To correct errors in fact</td>
<td>15.1</td>
<td>17.4</td>
<td>25.5</td>
<td>11.0</td>
<td>6.5</td>
<td></td>
</tr>
<tr>
<td>For &quot;profane or indecent&quot; language</td>
<td>15.1</td>
<td>7.4</td>
<td>11.3</td>
<td>4.0</td>
<td>2.1</td>
<td></td>
</tr>
<tr>
<td>Requested non-candidates to change script</td>
<td>45.4%</td>
<td>28.6%</td>
<td>35.6%</td>
<td>24.4%</td>
<td>17.9%</td>
<td></td>
</tr>
<tr>
<td>For libelous or defamatory remarks</td>
<td>24.2</td>
<td>22.2</td>
<td>29.4</td>
<td>18.0</td>
<td>10.3</td>
<td></td>
</tr>
<tr>
<td>To clarify the content</td>
<td>30.3</td>
<td>14.1</td>
<td>17.3</td>
<td>10.4</td>
<td>9.7</td>
<td></td>
</tr>
<tr>
<td>To correct errors in fact</td>
<td>18.1</td>
<td>13.7</td>
<td>18.3</td>
<td>11.6</td>
<td>4.3</td>
<td></td>
</tr>
<tr>
<td>For &quot;profane or indecent&quot; language</td>
<td>9.0</td>
<td>5.3</td>
<td>8.0</td>
<td>4.6</td>
<td>2.1</td>
<td></td>
</tr>
<tr>
<td>Were successful in getting above speakers to make such changes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>For libelous or defamatory remarks</td>
<td>42.4%</td>
<td>29.9%</td>
<td>40.3%</td>
<td>26.1%</td>
<td>11.9%</td>
<td></td>
</tr>
<tr>
<td>To clarify the content</td>
<td>30.3</td>
<td>20.7</td>
<td>24.3</td>
<td>13.9</td>
<td>13.4</td>
<td></td>
</tr>
<tr>
<td>To correct errors in fact</td>
<td>15.1</td>
<td>13.3</td>
<td>25.3</td>
<td>15.1</td>
<td>3.6</td>
<td></td>
</tr>
<tr>
<td>For &quot;profane or indecent&quot; language</td>
<td>15.1</td>
<td>8.7</td>
<td>13.6</td>
<td>3.4</td>
<td>3.2</td>
<td></td>
</tr>
</tbody>
</table>
Approximately half of the full-time network radio stations and half of the television stations have requested candidates, during a campaign in the past four years, to revise or change a political script. Less than a third of the full-time independent radio stations and daytime only stations have followed this course of action. The greatest percentage of these requests for script change were motivated by content deemed to be libelous or defamatory, while errors in fact and clarification of content ranked next as problem sources. Very few full-time independent radio stations or daytime only radio stations found it necessary to request changes because of "profane or indecent" language, but slightly more than ten per cent of the full-time network radio stations and the television stations indicated such language prompted requests for script alteration.

The general picture relating to the revision or changing of a political script by a non-candidate during the past four years is similar to that involving the scripts of candidates. However, the percentages of stations requesting such changes of non-candidates are less than those involving candidates. Television stations are more stringent in requesting such script changes of non-candidates. They find it necessary to ask non-candidates for clarification of content more often than for changes involving libelous or defamatory statements.
Based on the appellate court decision on the record in Philadelphia ruling on the KYW (Westinghouse Radio Stations, Inc.) libel case, it now appears that the broadcaster has no legal compulsion to give any political speaker except a candidate, equal opportunity with anyone else to broadcast. Further, in view of the United States Supreme Court's refusal to review the appellate court decision, it appears to stand that the broadcaster can censor as much or as little of any political speech (except that of a candidate) as he desires. It may develop that in the 1952 campaigns and subsequently, radio and television stations will censor the political scripts of non-candidates more heavily than has been done in past campaigns.

Thus far in analyzing the results of this study, the age of stations as measured in years of broadcast experience has had no significant influence on the exercise of station policy. In this instance, however, differences are apparent. A breakdown of all full-time radio stations regarding requests for changes in the content of political scripts is shown in Table XIX.

The results shown in Table XVIII would lead to the conclusion that the longer a station has been in operation and has experienced political campaigning, the greater the attempt to control the content of political scripts.
TABLE XIX
THE EFFECTS OF STATION AGE ON THE POLICIES OF FULL-TIME STATIONS TOWARD REQUESTING CONTENT CHANGES IN POLITICAL SCRIPTS DURING CAMPAIGNS

<table>
<thead>
<tr>
<th></th>
<th>Operation Begun Prior To 1946</th>
<th>Operation Begun In 1946 Or Later</th>
</tr>
</thead>
<tbody>
<tr>
<td>Size of Sample</td>
<td>(297)</td>
<td>(262)</td>
</tr>
</tbody>
</table>

Percentages:

Requesting candidates to revise or change a script in the past 4 years:

- For libelous or defamatory statements: 40.3% vs. 20.3%
- To correct errors in fact: 22.2% vs. 13.3%
- To clarify content: 16.3% vs. 15.3%
- For "profane or indecent" language: 11.4% vs. 3.9%

Requesting non-candidates to revise or change a political script in the past 4 years:

- For libelous or defamatory statements: 33.0% vs. 14.4%
- To correct errors in fact: 20.2% vs. 10.2%
- To clarify content: 17.1% vs. 11.1%
- For "profane or indecent" language: 8.0% vs. 4.6%
The breakdown of all full-time radio stations* by market size and geographical location developed a few points of interest. Stations in larger markets request more script changes of both candidates and non-candidates than do stations located in the smaller markets. Eastern and midwestern stations follow this policy more carefully than do southern and western stations.

This portion of the study does not profess to be complete. No attempt was made to inquire concerning scripts containing matters of poor taste. Likewise, no effort was made to determine the proportion of stations that request script revision because the station feels bad public relations or poor broadcasting practices are involved. As many respondents indicated, it is difficult to treat with this policy subject matter in "black-and-white" fashion. Each situation is an individual one, with policy determined by time, place and circumstance at the moment of decision.

In view of the large proportion of stations that require the submission of advance political scripts and the smaller proportion of stations that have felt it necessary to request script changes in the past four years, it is reasonable to conclude that the bulk of political scripts are acceptable for broadcast as submitted.

*See note on page 141.
Several of the respondents appended remarks to this effect, holding that few political figures knowingly insert remarks of a dubious quantity into a speech designed for broadcast. It is clear, however, that radio and television stations take no chances and do make a special effort to scan political scripts.

3. **Do stations have success in getting political speakers to make requested script revisions or changes? If not, what actions are taken?**

When a station finds script materials of questionable quality in a political script, how does the speaker react to requests for changes or revisions in this material? Will he make the changes or will he insist on delivering the talk in its original form? As we have noted, a station is permitted to screen the contents of a talk by a non-candidate, but is not permitted this privilege with regard to political talks by candidates except for those elements allowed by law.

Table XVIII, in this chapter, demonstrates that many stations are successful in getting these political speakers to make requested changes in their scripts. At the same time, it indicates that such requests have met with a lack of success in some cases.

Where stations have been successful in getting
political speakers to accede to requests for script changes, the following reasons are advanced:

a) The speaker did not realize his script contained questionable material. When it was called to his attention, he was quite willing to make the necessary changes.

b) The speaker realized the nature of his remarks, but wanted to make them regardless. When the legal implications were explained, he agreed to the changes rather than risk involvement in a suit for libel or slander.

c) A threat to cancel the broadcast was enough to bring about the desired changes.

d) The speaker was asked to consider the public interest and welfare and asked to place himself above the level of petty acrimony. This appeal to lofty principles won the speaker over to change.

Many of the stations that were successful in getting political speakers to agree to requested script changes allowed that candidates and non-candidates alike generally respected the judgment of management. At the same time, however, several expressed a fear of potential circumstances where a political speaker would refuse to adjust his remarks.

If a speaker is requested to make script changes and refuses, what avenues of action are exercised by the station involved? A large metropolitan station explains its stand in this statement:

"Responsibility shall rest with the station
management for careful, authoritative checking of all political materials delivered to the station. All actionable utterances, libelous statements or defamatory matter shall be deleted by the speaker or the broadcast canceled by written notice over the signature of the manager to the speaker or to the purchaser of the particular time segment."

The manager of a 250 watt southern radio station wrote a note describing a local situation wherein a political speaker refused to make changes in his script. The manager said:

"I told him we wouldn't carry his broadcast without changes. He wanted to rip into his opponent - and libel was sticking out all over his speech. He left and then came back with several of the key men in his party, plus two or three attorneys. We argued and I finally called my attorney in Washington and let them talk to him. That settled them down, but they sure tried to put the pressure on me."

In those instances where stations were unsuccessful in getting political speakers to make changes in their scripts, the stations were asked to indicate which action they took, as follows:

Did they carry the broadcast without changes?

Did they carry the broadcast, with special disclaimers for the station?

Did they carry the broadcast, but cut to "dead air" at the points in question?

Or, did they take some other action?

As was shown in Table XVIII, most stations which had occasion to request changes in political scripts were
successful in getting speakers to make requested changes in their scripts. Of those stations which had requested script changes and were unsuccessful in obtaining this action, very few replied to this series of questions dealing with the procedure they followed when requests for political script changes were resisted. The numbers of stations which did answer are indicated in Table XX.

At no point in this study were stations asked directly if they censored political broadcasts, but these answers are an indication that some stations do follow this practice if they feel it is necessary. One midwestern station manager was very candid in this regard, stating:

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

When a request is made for a change in a political script and this request is refused by the speaker, it is assumed that many stations will carry the broadcast in its original form. This happened in the KIDO case, cited earlier in this report, when the station went ahead and carried a broadcast in spite of its better judgment - only to find itself involved in a libel action for $100,000. Along this same line of thought, a southern station reported:
### TABLE XX

**THE ACTIONS TAKEN BY RADIO AND TELEVISION STATIONS DURING CAMPAIGNS WHEN A POLITICAL SPEAKER REFUSES TO MAKE SCRIPT CHANGES**

<table>
<thead>
<tr>
<th>Stations which</th>
<th>Radio Stations</th>
<th>TV Stations</th>
<th>Full-time Network</th>
<th>Non-Net</th>
<th>Daytime only</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refused to carry broadcast without changes</td>
<td>3*</td>
<td>35</td>
<td>13</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Carried broadcast, but with special disclaimers</td>
<td>2</td>
<td>27</td>
<td>4</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Carried, but cut to &quot;dead air&quot; at points in questions</td>
<td>1</td>
<td>4</td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Went ahead and carried with questioned material included</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

*Figures in this table represent raw numbers of stations which indicated they had requested political speakers to make changes in scripts and were unsuccessful in securing such changes.*
"We asked a local candidate to delete parts of this script that our attorney told us were libelous, but the candidate told us it was censorship and that he would appeal to Washington. As a result, we gave in and carried it without change. Sure enough, the editor of the local paper informed us that he was going to file suit. We got together with the editor, explained the whole situation - and he agreed to drop the matter. Just to be on the safe side, we carried several apologies."

While the numbers of stations involved are not significant, it is interesting to note that stations in the largest markets are most inclined to refuse to carry political broadcasts when script changes are denied. An inspection of the effects of geographical location shows that southern station managers are most stringent in this regard.

4. In what other ways do radio and television stations attempt to protect themselves from legal repercussions resulting from political broadcasts?

It has been shown that the majority of radio and television stations do require the submission of scripts in advance of political broadcasts. These scripts are edited to the extent allowed by law or, in some cases, are edited beyond the extent allowed by law. These actions are taken, in part, to guard against unfavorable audience reaction, but mainly to protect the station from legal entanglements that might result from questionable
political materials.

For those stations carrying political broadcasts, there are five other actions that can be taken by the broadcaster to protect himself from legal repercussions which might result from such broadcasts:

a) **He can carry libel insurance.**

b) **He can get indemnity-waivers from speakers.**

c) **He can take out a bond on political speeches as libel protection.**

d) **He can use disclaimers.**

e) **He can employ retractions.**

None of these actions are certain protection against legal actions resulting from political broadcasts, but all of them could serve to mitigate possible effects.

In 1941, the National Association of Broadcasters Insurance Committee evolved a libel, slander, and copyright infringement policy with the Employers Liability Assurance Corporation, Ltd.\textsuperscript{88} The costs of this kind of insurance are generally held to be prohibitive for the local small station. One such **libel insurance policy** written by a Kansas City firm requires the station to pay the first $2,500 in any libel action and the company

covers the rest. Stations in this study were asked, "Do you carry liability insurance as protection from damage suits incurred as a result of political broadcasts?" Station replies are shown in Table XXI.

Networks and network stations make a practice of getting indemnity-waivers from national political contenders. On the network level, the risk is slight. National political contenders are usually well-briefed on the implications of libelous or slanderous matter. They avoid such material as scrupulously as possible. Indemnity-waivers are of little protection to individual stations, however, unless the candidate involved is wealthy enough to shoulder the damages.

The language of indemnity-waivers varies somewhat from station to station, but the basic intent is largely the same in each case. Several stations indicated they made use of the "Standard Agreement Form for Political Broadcasts" which was originated by the Nunn stations.* The Nunn stations started supplying these forms to broadcasters at a cost on a request basis and in mid-1949, the supplying of these forms was taken over by the National Association of Broadcasters with the consent of Mr. Gilmore Nunn. The forms are now made available at cost to

*A group of stations with common ownership. These stations are located in Texas, Tennessee and Kentucky.
### TABLE XXI
PROPORTION OF RADIO AND TELEVISION STATIONS
WHICH CARRY POLITICAL LIABILITY INSURANCE

<table>
<thead>
<tr>
<th></th>
<th>TV Stations</th>
<th>Radio Stations</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>ALL Stations</td>
<td>Full-time Network</td>
<td>Full-time Non-Net</td>
<td>Daytime only</td>
</tr>
<tr>
<td>Replies</td>
<td>(33)</td>
<td>(743)</td>
<td>(387)</td>
<td>(172)</td>
<td>(184)</td>
</tr>
<tr>
<td>Per cent of stations which carry political liability insurance</td>
<td>36.3%</td>
<td>22.2%</td>
<td>22.7%</td>
<td>19.7%</td>
<td>23.3%</td>
</tr>
</tbody>
</table>
broadcasters desiring them. This form, known as NAB Form PB-1 or NARTB Form PB-1, appears as Appendix C of this study.

The "Standard Agreement Form For Political Broadcasts" lists the laws and regulations covering political broadcasts, as well as providing the language of agreement between the political speaker and the broadcast station. With regard to indemnity, it states simply that "I further agree to indemnify and hold harmless the station for any damages or liability that may ensue from the performance of said broadcasts."

Another indemnity-waiver approved by a state association of broadcasters located in the South provides the following language:

"I further agree to indemnify and hold harmless the station for any damages or liability that may ensue from the performance of said broadcasts. I further specially release and forever discharge the station from any liability for damages to me as a result of any defamatory statements directed at me over this station by any opposing candidate, candidates, or their representatives."

Finally, to illustrate the complexity of language that can attend such an indemnification agreement, the following is cited:

"In consideration of the use of the facilities of Broadcasting Station K---; and as part of the contractual agreement for the use of such facilities, the undersigned (and each and/or both and/or all of them, jointly and severally, if there be more than
one) hereby indemnifies, saves and hold harmless the above-named Station and Company and their respective officers, agents, employees, stockholders members and underwriters against any and all demands, claims and assertions of claims whatsoever by or upon the part of any and all persons, firms and corporations whatsoever for damages on account of injury to reputation, name, credit or business suffered or alleged to have been suffered in consequence of radio broadcast or broadcasts made or alleged to have been made, or arranged for, by the undersigned in his, her, or its own behalf, or in behalf of any other person, firm or corporation by reason of, or resulting from libelous or slanderous matter, or invasion of the right of privacy, involved in or including speeches, plays, commentations, announcements, dialogues and songs broadcast by or in behalf of, or broadcast through arrangements made by or in behalf of, the undersigned or in connection with which the undersigned had any connection.

The indemnification herein provided for shall also cover the cost of defending all such demands, claims and assertions of claim, including legal costs and counsel fees; shall be binding upon the heirs, executors, administrators and assigns of the undersigned, and shall inure to the benefit of the heirs, executors, administrators, assigns and underwriters of the above-named indemnities."

It still holds, however, that if a person is seeking libel damages and finds the political speaker financially irresponsible, he will undoubtedly turn to the station itself for redress. In this event, the language of any indemnity-waiver cannot be relied upon for absolute protection.

The third thing a broadcaster can do is to take out a bond on political speeches as libel protection, but these are more expensive and most broadcasters do not feel this financial burden is warranted.
The fourth device a broadcaster can use partially to protect himself from the repercussions which might result from a political broadcast is known as a disclaimer. This is simply a statement used in connection with a political broadcast wherein the station disavows all part or share in the content of the broadcast. As part of this study, stations were asked, "Do you use station disclaimers with local political broadcasts?" Station replies are shown in Table XXII.

It is clear that the majority of radio and television stations do make use of political disclaimers. This is done partly to separate station and speaker in the minds of listeners, but it also serves a legal purpose. In a court action, it could point up the fact that broadcasters have no right to censor the content of a political speech. As in the case of indemnity-waivers, no standard language has been adopted for these disclaimers by the industry. A few of the disclaimers used by local stations will explain the nature of their content:

a) **Disclaimers used at the opening.**

"The following is a paid political broadcast presented by ______. During the next minutes, you will hear ______. The views expressed are entirely those of the speaker and do not necessarily reflect the views of this station."

or

"The facilities of Station ______ have been engaged for the following period by ______ on behalf of ______ candidate for ______. The speaker(s) (is) (are) ______."
TABLE XXII

PROPORTION OF RADIO AND TELEVISION STATIONS
WHICH USE DISCLAIMERS WITH LOCAL POLITICAL BROADCASTS

<table>
<thead>
<tr>
<th></th>
<th>Radio Stations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>TV Stations</td>
</tr>
<tr>
<td>Replies</td>
<td>(33)</td>
</tr>
<tr>
<td>Per cent of</td>
<td></td>
</tr>
<tr>
<td>stations which</td>
<td></td>
</tr>
<tr>
<td>use</td>
<td></td>
</tr>
<tr>
<td>disclaimers with</td>
<td></td>
</tr>
<tr>
<td>local political</td>
<td>87.0%</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Claims and opinions expressed during all W--- political broadcasts are those of the speakers.

"For the next ___ minutes the facilities of this station have been engaged commercially by ______ for a political speech on behalf of ________ candidate for ________. This announcement is made in conformity with the fixed policy of W--- to make its facilities to all candidates for public office on a non-partisan and equal basis. The views of the speaker are his own and do not necessarily represent those of the management of this station. All material, script and speaker are furnished by ____________. The speaker this ________ is __________.

b) Disclaimers used at the closing. These are often exactly the same as the opening, shifted to past tense.

"The political broadcast you have just heard was paid for by ________________."  
or

"The preceding was a paid political (announcement) (broadcast) and the opinions expressed do not necessarily constitute the views of the management or staff of this station."

These disclaimers are usually used in connection with political broadcasts of program length, but many stations also precede or follow, or both, spot announcements with such disclaimers. When the identity of the sponsor is clear as in the case of a candidate buying a spot for himself, a statement similar to one of the following may be used, either before or after the announcement:"
"A paid political announcement."
or "The following is a paid political announcement."
or "The foregoing was a paid political announcement."

When the sponsor is not stated in the copy, one of the following may be used:

"A paid political announcement brought to you by

or "The foregoing paid political announcement was brought to you by _________________."

When libelous material is included in a broadcast, some broadcasters attempt to protect themselves with a special disclaimer form. The station simply states that it feels libelous material is contained, but that federal law prohibits the station from censoring political scripts.

In the case of stations affiliated with a network, the disclaimer is usually provided by the network at the point of program origin. In a few instances, however, the local station adds a disclaimer of its own.

Finally, retractions will often serve to mitigate the damages recoverable for defamation. A few states have statutes providing specifically for retractions of radio defamation. In California a retraction broadcast within three weeks after demand prevents the recovery of any damages except those to property, business or occupation. In Indiana the broadcast of a retraction within ten days after notice of the mistake or falsity of the defamatory words prevents the recovery of any but actual
damages, defined to mean only damages to character, property, business, trade, profession or occupation. In North Carolina the statute is similar to that of Indiana, except that there is no time specified within which a retraction must be made and the term "actual damages" is not defined. 89

Summary.

The majority of all radio and television stations do require the submission of political scripts in advance of broadcast, with full-time network-affiliated radio stations and television stations being most stringent. As a general rule, these advance scripts are checked by station managers, program directors, or attorneys for the station. Key station executives tend to give personal attention to political scripts, editing the copy to avoid the broadcast of obscene, indecent, profane, treasonable, or other content elements allowed by law. Some stations indicated a policy of screening to prevent the broadcast of slanderous or libelous words - or to remove broadcast matter considered in poor taste, bad public relations or poor broadcasting practice. In keeping with their policy

89 "Liability Of Broadcasters For Defamation," Mimeographed Release, National Association of Broadcasters, September 1, 1949, p. 4.
of demanding advance scripts, full-time network-affiliated radio stations and television stations are most prone to request changes in political scripts. The greatest number of requests for script change are motivated by libelous or defamatory statements. The longer the station has been in operation, the greater the tendency to screen political scripts.

Many speakers accede to requests for the revision of political scripts, but a few insist on presenting the material in its original form. In this eventuality, several stations indicated they would exercise a policy of refusing to carry the broadcast without changes or would carry, but with special disclaimers.

A broadcaster can protect himself from legal repercussions which might result from political broadcasts by carrying libel insurance, indemnity-waivers, political speech bonds, or by using disclaimers and retractions. These devices in themselves will not prevent legal suits, but may serve to mitigate the extent of damages involved.
CHAPTER VIII

MISCELLANEOUS EXPRESSIONS OF POLITICAL BROADCAST POLICY INCLUDING THOSE RELATING TO COMMUNISTS

It is difficult to deal with all aspects of political broadcast policy in a single questionnaire, because the subject is both broad and dynamic. This chapter deals with the miscellaneous results of this study which have not appeared in earlier chapters. It covers general policy expressions, policies of affiliates in connection with network political broadcasts, and the policies of radio and television stations toward political broadcasts by known or suspect Communists.

It was deemed of interest in this study to ask one broad, free response question dealing generally with problems involved in political broadcasts. All stations were asked:

"THIS IS PURELY OPTIONAL, but do you have any general comment to make regarding political broadcasts? Or - have you had any experiences with such broadcasts which have been headaches?"

It developed that a very small proportion of the responding stations took advantage of this opportunity to offer comments. In view of the length of the questionnaire, this is not particularly surprising. Many of the respondents indicated, in fact, that most of their opinions had been revealed by the manner in which they
completed the questionnaire itself. It is not therefore proposed to deal at length with these questions, but rather to uncover the highlights of the comments which were offered.

A) STATIONS EXPRESSING NO PROBLEMS WITH POLITICAL BROADCASTS.

Several of the responses indicated that the stations concerned felt that political broadcasts offered no particular problems.

**Southern station, 5000 watts.** "We have no problems with our political broadcasts. We honestly endeavor to give 'public service' in this most important matter. We make announcements urging people to vote. We do not do this at anyone's request, but because we believe it to be our duty. We'd like nothing better than a forum type broadcast on campaign issues, as well as between campaign forums, to be scheduled once a week or more often."

**Midwestern station, 1000 watts.** "No problems. In fact, we wish even a greater number of office-seekers would give their views via broadcasts — and not because of the revenues involved, either. We think it assists the voter."

**Eastern station, 250 watts.** "We do not consider political broadcasts a problem. In fact, we consider it a privilege and a responsibility to enlighten the public on political as well as other matters."

**Southern station, 250 watts.** "We follow FCC regulations, good business, good taste and the public interest dictates. If we propose to serve the public, we have no right to list political broadcasts as a problem area. It's our obligation to handle them as fairly and wisely as humanly possible."

**Eastern station, 1000 watts.** "After 22 years of experience with politicals, I can report only affable relations with both parties. As a matter of fact; I
enjoy handling such broadcasts.

Western station, 1000 watts. "Radio stations perform an invaluable public service by carrying political broadcasts to the people of the community. It gives the voter a chance to sit back and give relaxed attention to the views of the speaker. We think this careful attention brings about a more healthy government and we are all in favor of carrying political broadcasts."

B) THE TYPES OF PROBLEMS WHICH BROADCASTERS EXPERIENCE IN CONNECTION WITH POLITICAL BROADCASTS.

Several respondents simply stated that all political broadcasts are headaches. An analysis of the various replies revealed certain other major areas of complaint. Some of these complaints were stated in connection with candidates who lacked adequate knowledge of the broadcasting situation.

Eastern station, 1000 watts. "This type of broadcasting requires close supervision, more so than any other type of broadcasting. The politicians know very little about radio and you have to guide them constantly."

Southern station, 250 watts. "This is a small community. Actually the campaigns are heated, but we can handle them. Our biggest headache are those candidates who are completely uneducated to the proper use of radio as a fine promotion medium. They ignore our advice, which is conscientiously offered in the interests of good programming."

This type of comment was counterbalanced, however, by stations which indicated that candidates are willing
to take station advice.

**Midwestern station, 5000 watts.** "We've had no real troubles with political broadcasts in more than 20 years of broadcast experience on 5 stations in 4 states. All candidates, we have found, can be properly and successfully approached. They are usually eager for suggestions and generally follow them carefully."

One station took a slightly different tack where candidates lacking radio or television "know how" are concerned.

**Eastern station, 1000 watts.** "Too many of these candidates stumble around blindly. If they want to effectively utilize radio or television, the smartest thing they can do is engage the services of a commercial advertising agency - or a public relations firm. Those outfits know what they are doing and they'll show a candidate to best advantage."

Other respondents were concerned about the actions of individual candidates or parties, as follows:

**Southern station, 250 watts.** "When you run into hard-headed opposing candidates - brother! These fellows are usually very narrow-minded, some even crackpots, if you know what I mean. They try to take advantage of every opportunity to dig at each other - and don't care what happens to the station."

**Eastern station, television.** "In many instances, we have found that speakers deviate from their advance script. This, of course, is difficult to control in the television situation, but we find that some candidates take an unfair advantage of it. We now tape record all political speeches and where we catch deviations, warn the speaker that he'll be cut from the air if it ever happens again."

**Western station, 250 watts.** "Candidates can be a big headache. While working on another station, a political broadcast was lost because of a bad hum on a
remote line. The candidate involved came up with accusations of espionage which followed even to United Press and newspaper releases."

Southern station, 5000 watts. "Two years ago, an aldermanic candidate demanded a copy of his opponent's speech made the night before, but we refused his request. He called in his attorney for additional pressure, but we stood pat and finally the issue was forgotten."

Southern station, 250 watts. "A few times in the past, we've had candidates or 'would be' candidates attempt to get something free on a local newscast. We've even had them try to put materials into regular commercial programs of other types."

Midwestern station, 5000 watts. "All political broadcasts are headaches. Too many candidates will attempt to tie up choice availabilities during a campaign. It causes heated arguments. They don't care about prior commercial commitments or the balance of a programming structure. The hell with that! They simply want the best time and they don't care how they get it."

Eastern station, television. "We try to keep candidates separated. Most of our political broadcasts are on the 'Meet The Candidate' type of show wherein the candidate and his family are questioned by a so-called people's reporter. These do not offend and seem to hold down tendencies for mudslinging. But we've had some unpleasant experiences when members of opposing parties have met in the station lobby."

Western station, 250 watts. "Inasmuch as we are in a small market area and know almost every candidate personally, they do try to cooperate. However, we still have problem of getting them to submit scripts in advance. I don't know why, but too many of them try to skirt this requirement."

In a previous chapter, the commercial practices of radio and television stations with regard to political broadcasts were scrutinized. Several stations went beyond merely answering the specific questions relating to such
practices and incorporated additional comments. Some typical ones are listed below:

**Southern station, 1000 watts.** "Based on our experience, I would advise any station to get a high rate for all political stuff and collect in advance."

**Western station, 5000 watts.** "They are always headaches, but we must live, too. The money derived is worth the effort."

**Southern station, 250 watts.** "We charge double the national rate for regional politics and triple the national rate for national politics. We're kind to the county politicians and only charge them the national rate. These rates may seem stiff, but we feel the trouble warrants the charges. We've learned the sad way to get our money in advance. Political years are a life-saver to us, as we realize a profit in those years."

**Midwestern station, 1000 watts.** "The broadcaster knows he is apt to lose audience during a political broadcast, especially if it is a long one. Still, it is a good source of revenue coming at a time when other business is slack."

**Southern station, 250 watts.** "We try to do the best we can from a financial standpoint without endangering listenership. This phrase may seem mercenary and I suppose it is. But, we know that the more money we get from candidates, the less they spend to buy votes. In a small community, it is easier to see these things."

Many stations indicated they solved this problem by treating politcials as regular business accounts. One manager said that his schedule was so solidly sold for regular commercials that he didn't have availabilities—and that he preferred to keep things that way. Several stations expressed a belief that some free political time
should be given and distributed evenly as part of a station's responsibility to serve the interests of its community.

In the "free response" section of the questionnaire, some of the respondents chose to discuss the libel situation in radio and television, as follows:

**Eastern station, 5000 watts.** "This station's experience with political broadcasts has been without incident, due to the fact that all speakers are warned, well in advance, that scripts containing libel or slander will not be tolerated."

**Eastern station, 1000 watts.** "We believe in allowing any candidate or representative of any party to say anything about anything, provided it is in good taste and not libelous."

**Southern station, 1000 watts.** "I don't think libel laws are just in placing the burden on the broadcaster. Our only recourse is cutting speakers from the air. That's like closing the barn door after the horse has escaped."

**Midwestern station, 250 watts.** "We would like to know where we stand as to our rights concerning censoring political broadcasts. We haven't censored any because we didn't think we could. We have asked candidates to restrain themselves and they have, but they all know we aren't going to censor anything and the time may come along when they'll try to take advantage of that fact."

**Western station, 250 watts.** "Political broadcasts are always headaches during campaigns, no matter how minor. The law is most confusing concerning a station's obligation during campaigns and difficult to adjust to FCC rules and regulations."

C. THE ATTITUDES OF AFFILIATES TOWARD NETWORK POLITICAL PROGRAMS.
Political broadcasting does present policy decision considerations to every broadcaster, but it can be a special problem in the case of the network affiliate. Unless the network affiliate wants to count himself out of every political broadcast the network makes available, the local station takes on the problems of the network and adds them to his own. One writer sums it up this way:

Suppose Candidate A buys time on a network and presents a speech which is carried by Station XYZ (along with many other stations on the network). Candidate B comes directly to XYZ and demands equal time. Under Section 315, the station is obliged to submit. And so is every other station that carried the network feed of Candidate A's speech, if Candidate B makes individual demands for time upon the other stations.

The question of libel arises here too. If Candidate A makes a libelous remark in his network speech (which the network, of course, is prevented by law from censoring), Station XYZ can be sued at the drop of a subpoena. Again Section 315 might be invoked to mitigate damages and in this case there is possibly further protection in this regard because the matter would probably be tried in federal court, the network feed having put the broadcast in interstate commerce. But the basic liability of XYZ remains.

In connection with network political programs, affiliated stations responding for the purposes of this study were asked the following questions:

---

"Do you carry **sustaining** network political broadcasts?  
Do you carry **commercial** network political broadcasts?

Will you make FREE time available locally for a reply to a network sustainer with political values?

Have you ever refused to carry a political broadcasts,
   *By a candidate, offered by the net as a commercial?*
   *By a non-candidate offered by the net as a commercial?*

The responses to these questions are listed in Table XXIII.

This table demonstrates that affiliates are most inclined to carry network political programs when offered on a commercial basis. As one would logically expect, a greater number of network sustainers of a political nature are carried between campaigns.

Less than half of the affiliates will make free time locally for a reply to a network sustainer with political values. Actually, this question should have included both sustaining and commercial political programs. A number of the replying stations indicated that they expect the network itself to make equal time for replies to both sustaining and commercial political programs - and do not feel it is a local problem. As the manager of a midwestern affiliate expressed it, "You should make a broader differentiation between local and network political program. Affiliates have little control of network
<table>
<thead>
<tr>
<th>Number of network affiliates</th>
<th>During campaign</th>
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<td>387</td>
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<table>
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<th>Per cent which</th>
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<tr>
<td>Carry sustaining network political broadcasts</td>
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<tr>
<td>Carry commercial network political broadcasts</td>
</tr>
<tr>
<td>Have refused to carry any political broadcasts —</td>
</tr>
<tr>
<td>By a candidate, offered as commercial by net</td>
</tr>
<tr>
<td>By a non-candidate, offered as a commercial by net</td>
</tr>
<tr>
<td>Will make FREE time available locally for a reply to a net sustainer with political values</td>
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programs." Other respondents stated that the stature of the individuals involved would determine whether local time would be granted for a reply to a network political program.

D) THE SCHEDULING OF COMMUNISTIC POLITICAL BROADCASTS BY RADIO AND TELEVISION STATIONS.

"If a Communist approached your station with a request for a political broadcast, would you grant it or refuse it?"

In some states, the Communist Party is a legally recognized political organization and its candidates are entitled to a position on the election ballot. Where such is the case, legally qualified candidates of the Communist Party must be provided equal time treatment with all other candidates for equal offices - under the provisions of Section 315 of the Communications Act of 1934. As noted earlier in this report, many broadcasters hold to a policy of refusing time to Communists in an election campaign, contending that public opinion would sustain the station's position.

The following series of questions was asked of all radio and television stations involved in this study:

"During a campaign, will you SELL or GIVE or REFUSE time —
To a Communist, if he is a candidate running on the Communist ticket?
To a representative of the Communist Party - to support or oppose a candidate of another political party?
To a person strongly suspected of being a Communist - if on the ballot of any other party?
To an organization you believe has Communist affiliations?

It must be realized that these are difficult questions to answer. Many of the respondents took time to note the fact that Communists present a very special problem. As such, decisions made concerning such political broadcasts had to be carefully weighed and evaluated. The respondents were willing to express their policy on this score, but they were cautious to point out that such policies are highly flexible and subject to change.

The results of these policy questions concerning Communist political broadcasts appear in Table XXIV.

It is readily apparent in Table XXIV that the majority of radio and television stations replying to the questionnaire will not allow Communist candidates time for political broadcasts. Not many will even sell such time, but prefer to keep Communist candidates off the air completely. It is probable that many of the stations that will sell such time are located in states where the Communist Party is legally recognized and entitled to a place on the ballot. In this situation,
### TABLE XXIV

**THE POLICIES OF RADIO AND TELEVISION STATIONS TOWARD POLITICAL BROADCASTS BY COMMUNISTS DURING CAMPAIGNS**

<table>
<thead>
<tr>
<th></th>
<th>TV Stations</th>
<th>ALL Stations</th>
<th>Full-time Network</th>
<th>Non-Net</th>
<th>Daytime only</th>
</tr>
</thead>
<tbody>
<tr>
<td>Replied</td>
<td>(33)</td>
<td>(743)</td>
<td>(387)</td>
<td>(172)</td>
<td>(184)</td>
</tr>
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**Per cent which for**

**Communist candidate on Communist ticket will**

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<tbody>
<tr>
<td><strong>Refuse time</strong></td>
<td>63.6%</td>
<td>58.2%</td>
<td>57.3%</td>
<td>56.3%</td>
<td>63.5%</td>
</tr>
<tr>
<td><strong>Sell time</strong></td>
<td>12.1%</td>
<td>27.3%</td>
<td>23.6%</td>
<td>31.3%</td>
<td>22.3%</td>
</tr>
<tr>
<td><strong>Give time</strong></td>
<td></td>
<td>.1%</td>
<td>.2%</td>
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**Representative of Communist Party to support or oppose a candidate of another political party will**

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<tbody>
<tr>
<td><strong>Refuse time</strong></td>
<td>66.6%</td>
<td>64.4%</td>
<td>62.5%</td>
<td>65.6%</td>
<td>66.6%</td>
</tr>
<tr>
<td><strong>Sell time</strong></td>
<td>17.9%</td>
<td>21.1%</td>
<td>21.9%</td>
<td>22.6%</td>
<td>9.0%</td>
</tr>
<tr>
<td><strong>Give time</strong></td>
<td></td>
<td>.1%</td>
<td>.2%</td>
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**A person suspected of being a Communist, if on ballot of any other party will**

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<tbody>
<tr>
<td><strong>Refuse time</strong></td>
<td>48.4%</td>
<td>45.2%</td>
<td>44.1%</td>
<td>41.8%</td>
<td>50.5%</td>
</tr>
<tr>
<td><strong>Sell time</strong></td>
<td>21.2%</td>
<td>36.4%</td>
<td>39.5%</td>
<td>39.5%</td>
<td>31.5%</td>
</tr>
<tr>
<td><strong>Give time</strong></td>
<td>3.0%</td>
<td>.1%</td>
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**An organization believed to have Communist Affiliations will**

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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Refuse time</strong></td>
<td>63.6%</td>
<td>58.2%</td>
<td>57.3%</td>
<td>56.9%</td>
<td>60.3%</td>
</tr>
<tr>
<td><strong>Sell time</strong></td>
<td>6.0%</td>
<td>23.2%</td>
<td>23.5%</td>
<td>25.5%</td>
<td>20.6%</td>
</tr>
<tr>
<td><strong>Give time</strong></td>
<td>3.0%</td>
<td>.2%</td>
<td>.2%</td>
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* Differences between the percentage total and 100% account for stations which did not answer.*
many broadcasters explained that they were compelled to give Communist candidates broadcast time against the will of station management.

Likewise, the majority of radio and television stations follow a policy of refusing time for organizations believed to have Communist affiliations or to be representatives of the Communist Party who desire to support or oppose a candidate of another political party. In these situations, plus those involving Communist Party candidates, television stations are most inclined to refuse to grant such time and least inclined to offer any such time for sale.

A real poser was the question of allowing time for a person suspected of being a Communist, but appearing on the ballot of another party. Approximately half of the television stations and the daytime only radio stations refuse time to such individuals, while the percentage of full-time radio stations which will refuse it is slightly smaller. Actually, this involves the direct exercise of judgment and decision on the part of station management. Many of the television stations and daytime only radio stations have been constructed since the end of World War II fighting, hence they have begun operation in an era of anti-Communist feeling in the United States. This undoubtedly explains their stringent
policy attitude toward Communists in American politics.

A breakdown of all full-time stations* shows that stations in the southern and midwestern sections of the country are most positive in refusing time to Communists or those believed to be Communist. With regard to market size, the larger the market, the greater the degree - although slight - to grant time to such individuals or organizations. The touchest place for a Communist to secure political broadcast time would be on a 250 watt station located in the South!

As in the case of other questions employed in the questionnaire, typical comments by respondents are listed below:

Stations lacking experience with Communists.

Many of the replying stations indicated that Communists had never approached them with requests for political time, but this did not prevent indications of policy.

Eastern station, 500 watts. "It is difficult to answer the Communism question yes or no. Never having faced those conditions, we don't know for certain what we do - but most likely we would refuse such time."

*See note on page 141.
Midwestern station, 1000 watts. "If a Communist asked us for political time, our first impulse would be to toss him out the door. Our second impulse would be - probably - to sell him the time. We've never had the problem and I hope we don't have it."

Midwestern station, television. "This problem has not arisen at our station. We're new and the Commies do not have a place on our state ballot. The issue would have to receive serious consideration, but I suspect we would tend to refuse such requests."

Stations holding it to be a commercial proposition.

Midwestern station, 5000 watts. "Up to 1944, we handled them the same as any other party. Their money is the same color as any other, isn't it? Under present conditions, with feeling what it is, we would probably have to refuse it - but our sales department wouldn't like it."

Southern station, 1000 watts. "This station does not enter into political issues or controversies. We are strictly neutral. Since we sell time to candidates, they are treated impartially regardless of party affiliation. Sell to one, sell to another. It's strictly a matter of business."

Southern station, 250 watts. "Time for political broadcasts is available to all major philosophies represented at the polls. We figure our disclaimers will clear us with the audiences, so we don't mind selling to Communists. One thing, though, we will certainly not solicit their business."

Stations claiming lack of choice.

Southern station, 250 watts. "The FCC Regulations make it clear that 'equal opportunity' must be granted all candidates to use our facilities. As long as this regulation is in force, we have no choice with regard to Communists. Under those conditions, we cannot refuse time to a member of the Communist party or any other party."
Eastern station, 1000 watts. "We will refuse time for the Communists whenever the law does not make it impossible for us to do so. The rules of the Commission are taken as the law on such matters."

Eastern station, 250 watts. "FCC regulations require a record be kept as to every inquiry for political time by recognized political parties - and these must indicate the disposition of each case. If we didn't have this record on file, we would be tempted to refuse the Reds and forget about it. As long as it's in black-and-white, we have to allow them time - but they have to buy it."

Comments regarding the "public interest" aspects of such broadcasts.

Eastern station, 1000 watts. "We refuse time to Communists or suspected Communists, because we do not believe we are operating in the public interest, good or welfare when such material is aired."

Eastern station, 1000 watts. "As to Communists - so long as the party is constitutional, we feel it our duty to allow them to buy time. After all, objectivity is our job. The people must make the ultimate decision."

Western station, 5000 watts. "Look, we're not a bunch of little gods. We can't sit on high and say to people - here's what's good for you and don't touch this. Our job is to present a fair representation of all viewpoints - and we should do this aggressively. Then, the people must evaluate what they hear. If the people cannot understand the base principles of Communism, then I fear for our country."

Attitudes toward "suspect" individuals or organizations.

Midwestern station, 250 watts. "It cannot be thought an individual or party is Communist. We are not sitting in the seat of judgment, which implies subjectivity."
Western station, 500 watts. "K--- does not permit known Communists to speak, but neither do we make it our decision as to whether or not the speaker is a Communist. Suspicion is not enough. There is enough of that at present, without the station taking on the obligation. We are hypercritical of all political broadcasts and frown on all sensationalism and 'catch effects.' No class distinction or creed distinction is allowed."

Eastern station, 1000 watts. "Regarding Communists, I believe they should be refused time, but how do you prove they are Communists? If we strongly suspect, we would refuse. In most cases, however, I would prefer - demand, that is - unassailable information regarding such identification."

Southern station, 250 watts. "An investigation is initiated before we try to determine Communist affiliation. In the past, we have contacted the FBI on this problem."

Other comments regarding political time for Communists.

Eastern station, 1000 watts. "We once contracted to give - I mean, to sell - 25 half-hours to the Communists. What a mess! Our whole staff was kept busy answering phone calls of complaint and letters. We didn't quit, however, but continued with the series because we felt it was only fair. In the future, we'll try to avoid them - mainly because it wasn't worth the effort."

Southern station, 1000 watts. "We will not tolerate any Communist broadcast. They are not American even though on a recognized ticket. Their ultimate goal is the destruction of America and our way of life. Why accept business that wants to put us out of business?"

Southern station, 250 watts. "In our opinion, the Communist Party is an outlaw group, so labeled by the Supreme Court and so labeled by their own tenants. As an outlaw group, there is no question of giving them equal time representation with other political organizations. Furthermore, it would be of definite disservice to our listeners to subject
them to the expert, but poisonous propaganda of Communist speakers. We are definitely anti-Communist. However, we do not feel it is our job to judge the opinions or beliefs of those who are not so labeled."

**Western station, 250 watts.** "Our only headache was encountered when we refused time to the Communist Party for several programs not connected with any campaign. They immediately threatened suit and mailed thousands of direct mail folders into our area claiming this station had instituted an 'Iron Curtain' policy in suppression of the right of free speech. It urged citizens to write the station to have the practice curbed. Result? A huge stack of mail from individuals and organizations commending the station on its actions."

At this juncture, it is proposed to cite a recent case dealing with Communism. In June 1952, Station KOWL, located in Santa Monica, California, told the Commission it felt justified in cancelling the program contract of Reverend Clayton Russell in October 1950 because of his alleged associations with Communists. The station made its contention in a reply to the "blacklisting" complaint of the American Civil Liberties Union. The manager of the station informed the FCC:

> We will not permit Communists or persons who are sympathetically identified with Communists or Communistic organizations to use the facilities of Station KOWL and we shall do everything in our power to prevent any Communistic utterances over the station.

> We believe this to be good Americanism and we do not believe that the Commission or any other agency of our government will rule otherwise.

> If we be wrong it will, of course, be up to us to determine whether we want to subvert our ideals or discontinue the broadcasting business.
If we had had any knowledge of Rev. Russell's Communistic associations when he approached us for time on KOWL we would certainly have refused to sell to him. Not until the late summer of 1950 did we become suspicious. Paul R. Snider, our Program Director, reported that he listened to several of Rev. Russell's Sunday programs when he was in the control room; that Rev. Russell made no attempt to preach but endeavored primarily to arouse Negroes to action; that, shortly after Paul Robeson had been cited by a Congressional Committee for un-American activities, Rev. Russell devoted his program time to extolling the virtues of Robeson, stating that he represented the colored people and that if he were persecuted all Negroes would be persecuted.

When a rally was held in Los Angeles for Paul Robeson Rev. Russell appeared on the platform and it is common knowledge that he was active in making Robeson's appearance possible.91

The station listed other reasons for the contention. KOWL was sued for libel by Reverend Russell in May 1951 for $100,000 damages, but the suit was dismissed because it was "predicated upon the erroneous supposition that KOWL is a common carrier" and was never refiled. At the time of this study, the Federal Communications Commission had not taken action on this case and its interesting ramifications.

The Communist problem is one that disturbs networks as well as individual stations. Colonel William A. Roberts, in representing the DuMont Television Network before the Senate Subcommittee on Privileges and Elections in

April 1952, indicated his network would not permit the Communist Party, though a legal political party, to buy time on its facility. He was questioned on this and it was noted that it would be in possible willful violation of the law. Roberts said that DuMont was ready to accept that risk. He added, however, it was an "unfair burden on the broadcaster" to make him evolve private decisions (on parties, candidates, their remarks, etc.) which he felt rightfully should be made by the public.

Finally, the "free response" question produced the additional comments listed below:

**Southern station, 1000 watts.** "We have had no real troubles with political broadcasts except trying to arrange the schedule to fit in all the requests. When they arrive, they arrive in a flood - and they all seek the best!"

**Midwestern station, 5000 watts.** "I'd like to see the FCC create a suggested code for broadcasts in the field of politics. Twice I've gotten valuable suggestions from Washington, but always off-the-record and I've not been too sure of their legal validity."

**Southern station, 250 watts.** "We've really had some lulus down here. We put on a negro candidate and that really had folks in an uproar. Too, we had a sheriff who couldn't read and had to ad lib - and his ad libs were a caution. We solved that one by recording his stuff and editing it completely. Although we're in a southern location, we will not tolerate speeches of discrimination and we've refused a couple of speakers known for their violent remarks. You ought to come down here. It's an education!"

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Western station, 1000 watts. "I think political broadcasts are more trouble than they're worth. However, ours is the only station in our city and county and we feel obligated to carry them."

Eastern station, 250 watts. "We've had little experience. Politics make very little impression on everyday listeners. Politicians come along every two years and they're soon forgotten."

Western station, television. "As an owned and operated station of a major network, most policy matters are determined by the network management."

Midwestern station, television. "Television is so new, comparatively, that we have had little actual experience with political broadcasts as yet. As TV, they are all poor - most money, time and equipment is wasted. I'm afraid we haven't found the proper techniques for good presentation."

Southern station, 250 watts. "The worst trouble I have is with 'authorized speakers' because they say anything to hurt the other man and I am placed in an embarrassing position."

Summary.

This chapter has been concerned with the policies of affiliates toward network political broadcasts, the scheduling of Communist political materials, and other items of general comment. A very small proportion of the responding stations took advantage of the opportunity to offer a free response comment on political broadcasts, but a few of those written in were cited to provide an insight into the types of remarks that were advanced. Affiliates prefer to carry commercial, rather than sustaining, network political broadcasts. A greater
number of network sustainers of a political nature are carried between campaigns.

The majority of radio and television stations prefer to keep Communist candidates completely off the air. Many broadcasters who do schedule Communist materials indicate they do so because of Commission rules and regulations. The majority of stations also follow a policy of refusing time for organizations believed to have Communist affiliations or to representatives of the Communist Party who desire to support or oppose a candidate of another party. A considerable portion of all radio and television stations refuse to allow time for a person suspected of being a Communist, but appearing on the ballot of another party. It would appear that post World War II radio and television stations are more stringent with Communists than are the older, more experienced stations.
CHAPTER IX

SUMMARY AND CONCLUSIONS

It has been pointed out previously in this study that for more than a quarter-century, the Communications Commission, the Congress, the courts, and the broadcasting industry have struggled with the complex problems of putting political broadcasts on the air. These years have produced a mass of legislative, regulatory and judicial actions designed to guide or control the actions of thousands of broadcasters. Unfortunately, no clear pattern of action or responsibility has been evolved for these broadcasters. The licensee's role in political broadcasting is confused and subject to contradictory interpretations, as we have seen in earlier chapters.

The only individual who has a legal right to demand time on a broadcasting station is a qualified candidate for public office and then only if time has previously been conceded a rival candidate. No other individual has an inherent right to use the facilities of a radio or television broadcasting station. These stations are not common carriers like the telephone or telegraph. Except in time of national emergency, the licensee has absolute discretion - subject to considerations in the public interest, convenience or necessity - in his choice.
of those to whom he concedes access to the microphone or to the television camera. It is the radio or television station operator who makes political broadcast policy decisions on parties, political speakers, their remarks and their very manner of seeking time.

Probably one of the chief values of democracy arises from the argument and debate, the give-and-take, which takes place during political campaigns. Most people feel a certain obligation to listen to political broadcasts. Probably the vast majority listen not so much to acquire information as to derive emotional satisfaction from having their own views expressed by men of prominence. In addition, there is a desire to hear what a fellow has to say for himself. The current of individual political thought is agitated by radio and television programs. This leads to a weighing of and to discussion of issues with other voters of similar or of opposing beliefs. Listeners to broadcast political programs think and talk about the issues and personalities brought to them over the air.

Political broadcasts contribute to the premise of democratic theory that when the people are fully informed, understand the case and know what the argument is about, they will make the right decisions or choose the right representatives to make decisions for them. The writer does not assert that the microphone and the tele-
vision camera have been powerful levers in raising the level of intellectual honesty of argumentative discourse, but they have made it possible for the political speaker to reach the family group in the home where there is a chance to talk over issues in a small and familiar circle.

As the person who determines the specific program material to be broadcast over his station, the individual licensee has a privilege and a responsibility. In the matter of political broadcasts, the licensee is a trustee entrusted with the duty of preserving for the public generally radio and television as mediums of free expression and fair presentation. The research project reported in this paper was undertaken to learn something concerning the role of the broadcaster, his policy practices and philosophies concerning political broadcasts. The major finding has been that there exists a state of widespread confusion in the field of broadcasting as to the proper way of handling political broadcasts.

a) Broadcasters lack a clear set of standards for the handling of political broadcasts.

Actually, little is known about individual station practices concerning the handling of political broadcasts. As mentioned earlier in this report, the political policies of the networks do influence some stations, particularly
established affiliates, but these network practices can hardly be regarded as having much influence on actions of the majority of stations. Consequently, while policies of the networks are important in the political area, they must be recognized as exerting only limited influence. The limited research undertaking reported in the preceding pages represents the most complete effort yet accomplished with the purpose of discovering how individual stations deal with political broadcasts.

As far as state and national laws are concerned, they place the broadcaster in a peculiar position with relation to political broadcasts. In some instances, when the broadcaster acts in conformity with the requirements of federal statute, he is placed in jeopardy from his own state statutes. It may happen that in trying to observe the requirements of state statutes, he can produce violations of federal statutes. The caught-in-the-middle broadcaster can often be further confused by conflicting court opinions of both federal and state statutes.

Atop the whole structure of broadcasting, however, rests the Federal Communications Commission. Under the Act of 1934, the Commission was directed to issue rules and regulations whenever necessary to carry out the working of the law. These Commission actions have had varied and inconsistent influences upon the handling of political broadcasts by individual station licensees.
At no time has the Commission clearly defined the proper role of the licensee in such broadcasts. It has made statements of responsibility and obligation, but the only actions it has undertaken with regard to political broadcasts have come after the fact of individual political broadcast actions involving individual broadcasting stations. The powers of the Commission are so great that its actions usually are heeded by station licensees, but these actions have been so sporadic as to leave broad areas of political broadcasting policy virtually untouched.

In the final analysis, the individual broadcaster has to determine his own course of action, always keeping in mind the requirements of state and federal laws, the actions of the Communications Commission, and whatever he can garner from the practices of other licensees. From none of these sources, however, can he get a clear concept of his own duties and responsibilities.

Logically, this leads to the question: "How does the individual broadcaster regard the handling of political broadcasts?"

b) Broadcasters are generally willing to carry political broadcasts, but they are concerned about the problems which surround this kind of program material.
The study undertaken in this research project shows that radio and television stations are generally willing to carry political broadcasts. Broadcasters seem to accept the thesis that the basis of the American system of broadcasting is not the right of the individual to be heard, but the right of the public to hear. The broadcaster accepts his position as a steward in the public interest. He accepts the problems of selection and rejection, of program balance, and of fair treatment, but he asks for consideration of all the practical aspects of maintaining station operation. He contends that his position qualifies him to understand the public interest and good programming practices. He often questions the Commission's interpretations of his rights and responsibilities. In several instances, as shown in this report, he ignores the law and the Commission to follow the course of action he personally thinks is the best one.

During political campaigns, most broadcasters make time available for political broadcasts only on a paid basis. In light of this fact, the individual broadcaster might well be accused of dollar sign motivation. The broadcaster replies, first of all, that he is in business, and material considerations cannot be waived aside. If during a campaign political speakers want time, and usually time which involves the sacrifice of regularly-scheduled commercial programs, he will sell them time.
He thus serves the public interest, but maintains his business function. In cases where special, high political rates are charged, the broadcaster's position is not so easily defended. The new McFarland Bill, which has now become law, rules out special political rates for future campaigns, but until the passage of this bill a number of stations were quite willing to sock the politicians.

It is not the writer's purpose to say whether the policy of selling political time is a good one, but rather to point out that this is the course of action followed by broadcasters in the absence of any laws or directives to the contrary. If abuses exist, and some lawmakers insist they do, no corrective legislative or regulatory steps have been taken to clarify the situation.

In this research project concerning political broadcasts, it was found that broadcasting stations are generally very fair in providing equality of opportunity between candidates. This is required by Section 315 of the Act of 1944, but the broadcasters themselves indicate that equal opportunity between candidates is fair and necessary. As a general rule, stations attempt to provide rival candidates with equal access to time and equal programming treatment.

One conspicuous exception occurs in the case of political broadcasts involving Communists or suspected.
Communists. Regardless of the fact that the law stipulates and the Commission stipulates that candidates must be given equal opportunity, more than half of the radio and television stations reporting will not sell or give time to Communist candidates. Furthermore, they will not sell or give time to an individual suspected of being a Communist. The fact that such an attitude, relating to candidates, is a clear violation of the law on the books apparently bears little weight in the matter.

Fears of offense to the listening public has gone far in conditioning the thought and practice of the broadcaster, but in the instance of Communists there is evidence that personal belief on the part of the broadcaster reinforces this policy. The broadcaster does not believe the public wants to hear Communists on the air and he does not feel himself that Communists are entitled to broadcasting time. There are exceptions to this attitude, of course, but it seems to express the opinion of the majority of station licensees who cooperated in this study. Despite the fact that a technical violation of the law is involved, station operators contend their defiance of the statute would be upheld in the court of public opinion. The Commission has never strongly expressed itself concerning the rights of Communists to political broadcast time, which would seem to add weight to the broadcaster's attitude.
that he is on safe ground in refusing air time to Communist candidates.

In the light of this attitude concerning Communists, one might expect station licensees to exercise complete independence in program selection. In the case of network affiliated stations, however, this report shows that affiliates almost never take issue with network decisions regarding paid political broadcasts. If a political program is offered by the network as a commercial program, the majority of stations go right along with the proposition. Less than ten per cent of the network affiliates have ever refused to carry broadcasts by candidates or non-candidates when offered by the network as paid political fare. In the case of network sustaining political programs, the affiliates are less inclined to make station time available, but more affiliates will accept the material than will refuse it.

In view of this tendency to accept network political broadcasts, one might expect most stations to follow the political broadcast policies of the networks, in handling their own local political problems. On the whole, however, individual stations allow much more latitude in the kinds of political materials they will accept for transmission than will the networks. In particular, radio stations are rather liberal in permitting the broad-
cast of argumentative political spot announcements, dramatized political broadcasts, impersonations and so forth. The networks have learned through long experience to be conservative in accepting such materials, but individual station operators are often willing to allow almost every form of political broadcast to be aired. They are apparently not as cautious as the networks or have had more limited experience with political broadcasts - or they may feel policies followed are of little concern so long as the time provided for political broadcasts produces appropriate revenues. It may be, too, that individual stations are simply not well informed concerning the policies of the major radio and television networks. The Communications Commission has made few, if any, statements concerning types of program materials which could be deemed acceptable, hence the licensee has a free hand.

The majority of radio and television stations maintain a policy of restricting political expression by news commentateurs and religious speakers, but more than ten per cent of the stations will allow either news commentators or speakers on religious programs to take sides on political issues. In the case of network affiliates, most station operators contend they have no influence on the commentary programs carried by the networks and at the same time express concern over the "insidious" influence that can be
exercised by such programs.

Let us examine, for a moment, the role of the non-candidate in political broadcasts. In the case of candidates for office, the responsibility of the broadcaster is clearly stipulated and he accepts it, except in the case of Communist candidates. But what about political speakers who are not candidates? What about commentators and religious speakers who deliver political utterances? As far as the law is concerned, the right of broadcast is granted only to candidates and then only when time has been given to a rival candidate. According to court decision, the licensee is clearly responsible for the remarks of all non-candidate political speakers. Does this mean he can censor such remarks? Does this mean he can make time allocation decisions free from the spirit of the equal opportunity provisions of the law concerning candidates? One might assume as much, but opinions of the Commission have indicated otherwise. In at least one instance, involving political spot announcements, the Commission called upon a station for an explanation of its action of refusing such materials. If this is not a type of censorship of program content by the Commission, it looms close to the line of fact.

It is not proposed at this point to take the entire area of political broadcasting apart point by point, but
these paragraphs evidence some of the confusion which pervades the area. One of the most important conclusions of this study is found in the fact that when broadcasters are not satisfied with the content of political programs, they do not always hesitate to censor. It is a fact. It is a clear violation of the law. Nearly all stations require advance scripts, a practice permitted by law. In the case of candidates, the law stipulates that no censorship of content is to be accomplished. As mentioned above, court decisions differentiate between situations involving candidates and non-candidates, but this report shows stations censoring a larger proportion of candidates than non-candidates. It discloses that the specific prohibitions against political censorship contained in the Communications Act are often disregarded.

In the instance of political censorship, the motives of the broadcasters are understandable. Slander and libel statutes, both civil and criminal, have been enacted by the several states and civil and criminal actions based on these fall within state authority. Although the Act of 1934 forbids censorship, many broadcasters circumvent this prohibition rather than face court action brought about by the broadcast of actionable program materials.

Most broadcasters want to do the right thing in handling political broadcasts, but lacking recognizable
guides, the right thing is usually determined by their own individual standards. This situation is undoubtedly contributed to by the general confusion surrounding the whole question of political broadcasting. If it is accepted that political broadcasting is important, the need for clarification of the entire process of political broadcasting is inescapable. With this in mind, the writer offers the following proposals.

**CONCLUSIONS**

There are two schools of thought concerning the American system of broadcasting. One sees the Communications Act as an experiment in controlled communication, setting a course that lies in the middle between pure economic laissez faire and government operation. Broadcasting must have the public interest as its paramount consideration. As such, broadcasting must help the people achieve certain positive, socially desirable ends and generally advance the good manners of communication. Private enterprise has been invited to navigate the process of broadcasting, but has been provided with an appropriate lists of "do's and don'ts" to guide the way. The Communications Commission is entrusted with discretionary interpretation, based on appraisal of the public will and the individual broadcaster is expected to exercise accountability in keeping with the public interest.
The other school of thought holds that private enterprise should be allowed to set the course for broadcasting, without the assumption of powers by the government in dictating program content. It maintains that the evils of government control are greater than the few evils that are incident to private operation. The hundreds of broadcasters are less subject to error than the members of the Communications Commission.

The writer does not propose to offer a solution to this debate, but he does feel that the status of political broadcasting can be considerably clarified without undue disturbance to the broadcasters or the Commission. As in so many things affecting broadcasting in the United States, both parties are at fault in not taking positive steps to create an acceptable and smooth-working arrangement.

For the broadcasters, the writer suggests the following:

1. In the area of political broadcasting, accept the fact of government participation and the modified interpretation of the First Amendment.

2. Whenever the industry feels that actions of the Commission exceed the boundaries of its allotted powers, offer a positive challenge in the courts and in the legislative chambers.

3. Volunteer cooperation, genuine cooperation,
with the Commission in establishing the standards of practice for the handling of political broadcasts.

If the industry is willing to observe these principles, the primary responsibility for the clarification will then rest in the hands of the Communications Commission. If political broadcasts warrant fairly uniform treatment, and the writer believes they do, then the Commission is the logical agency to assemble the rules and regulations that will govern their conduct. The networks and the National Association of Radio and Television Broadcasters are large and energetic organizations, but the scope of the entire broadcasting industry exceeds their control or capabilities.

For the Commission, the writer suggests the following:

1. In the area of political broadcasting, accept the principle that program content is important enough in the public interest to warrant clarifying action beyond what has previously been provided by the Commission.

The Act of 1934 prohibits the Commission from exercising censorship over program content, but this has not prevented the regulatory agency from issuing declarations concerning content in the "public interest." Without
stipulating the exact nature of program content, the Commission is in a position to create rules and regulations which could guide licensees in the presentation of political broadcasts. Instead of waiting and issuing opinions after an individual instance has occurred, the writer believes the Commission should make its views known in advance.

2. The Commission should survey the entire area of political broadcasting and then assemble rules to govern the presentation of political broadcasts.

Shortly after the 1952 elections, the Commission should call for a report of political broadcasting activities from each radio and television station. This should cover, at the least, all of the elements touched upon in this project, plus the manner in which the 1952 political broadcasts were handled by each station. Based on this survey, the Commission should evolve a set of rules and regulations dealing with as many predictable political broadcasting situations as possible. This should cover both candidates and non-candidates.

This Commission code for political broadcasting should be mailed to all radio and television stations prior to the 1954 elections, with the request that stations voluntarily attempt to put its provisions into effect for those elections. At the end of the 1954 elections,
each station would be sent a detailed questionnaire concerning their handling of political broadcasts and a reply would be required.

Based on the acceptance, application and general response to its volunteer code, the Commission would then overhaul its political rules and regulations and publish them in regulatory form in ample time for use in the 1956 presidential election year campaigns. After publication, the rules and regulations would be supplemented by further interpretative directives when required.

It is assumed that industry advice and cooperation would be sought after and given due consideration in the preparation of such rules and regulations, but the Commission would have the final word.

3. The Commission should abandon its practice of refusing to review program content, in the absence of a formal complaint, and allow broadcasters to seek opinions on questionable cases before they are actually broadcast.

Broadcasters have often sought the advice of the Commission in various programming matters, only to be rebuffed on the ground that program content was not within the powers of the regulatory body unless a violation of the Act or the Rules and Regulations was involved.
In the case of political broadcasts, the writer believes that in the "public interest," the Commission could offer opinions concerning such materials.

For the industry and the Commission, the writer suggests the following:

That both the Commission and the industry strive to have the provisions of the Act of 1934 relating to the censorship of political broadcasts repealed as soon as possible. In a word, they should seek to make the broadcaster responsible for all of the political utterances made over his station's facilities while giving him full power to control the content of all materials so broadcast.

If this feat was accomplished, much of the confusion attendant to political broadcasting at the present time would be eliminated. The broadcaster would have to conform to the provisions of state law, without having to concern himself with conflicting interpretations on the part of the governmental regulatory body.

One condition should be attached to this action. In all instances wherein a political speaker felt he had been unjustly censored, the facts in the case should be immediately brought to the attention of the Commission and an examiner should offer a prompt opinion. In the Bainey case, the Commission demonstrated that it could
take prompt action when necessary. If evidence was produced indicating the station was exercising undue control of content to the extent of unjustly stifling free speech, a "cease and desist" order could be made by the Commission. In addition, such actions would merit the attention of the Commission when the time for the renewal of the station's license was at hand. In such a case, the burden of proof would be placed on the station and properly so.

In any event, repeal of the censorship provisions of the Act of 1934 would clarify the broadcaster's right and responsibilities and give more substance to the role of the Commission.

None of these things would be easy to accomplish and all would undoubtedly provoke a great deal of controversy, but it would be a healthy process for all interested parties. This research project showed that fewer than half of the television stations and slightly more than a third of the radio stations involved have their political policies assembled in printed or published form. If the above actions were successfully accomplished it would be possible for all stations to state clearly political broadcasting policies. It is reasonable to hope that the best interests of the electorate would be served by the possession of such knowledge.
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"Senate Mulls Radio TV Political Dollars," Billboard, 64:1, April 26, 1952.


Special Publications


Federal Communications Commission (all of the documents listed below were secured in mimeographed form at the offices of the Commission, Washington 25, D.C.):

Comments on Title I of the Sadowski Bill: H R 6949, Undated.


Letter to the President, Release No. 56238, Undated.


Public Notice No. 28055, in re KWFT, Wichita Falls, Texas, October 22, 1948.

Public Notice No. 73458, in re identification of spot announcement sponsors, October 18, 1944.

Public Notice No. 93622, in re KOB, Albuquerque, New Mexico, May 17, 1946.


National Association of Radio and Television Broadcasters (all of the documents listed below were secured in mimeographed form from the offices of the Association, Washington 6, D.C.):


"Is your hat in the ring?" 1952.
"Liability Of Broadcasters For Defamation," September 1, 1949.

"Speeches By Or For Candidates For Public Office," September 1, 1949.

Supplement to Part C, "Speeches By Or For Candidates For Public Office," Revised to October 2, 1950.


Publications of Learned Organizations


Call Letters: P  
Location: :  
Payer D

**POLITICAL BROADCAST QUESTIONNAIRE**

*By: Call 205 - Department of Speech*

*Ohio State University - Columbus 10, Ohio*

Because this questionnaire has been designed for answer by busy executives, most of the questions can be answered by a simple "✓" check mark.

In radio and TV, it is difficult to answer the question: "WHEN is a political campaign in progress?". For the purposes of this survey, we will make this rather arbitrary differentiation:

- **During Campaign** - approximately six weeks before a primary election and during the period between the primary and general elections.

- **Between Campaigns** - any time not covered by the above.

With this in mind, simply check the correct reply. If you feel you cannot answer with a simple YES or NO, would you be kind enough to note your reply in the margin or on the reverse side of the sheet?

<table>
<thead>
<tr>
<th>DURING Campaign</th>
<th>BETWEEN Campaign</th>
</tr>
</thead>
<tbody>
<tr>
<td>YES</td>
<td>NO</td>
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</table>

1. Does your station SELL time for political broadcasts? |

2. Do you ever give FREE time for political broadcasts? |

3. Do you ever present two (or more) sided forum discussions on political issues?
   - Are they carried FREE? |
   - Are they charged for as regular political broadcasts? |

4. Have you ever carried, in recent years, transcribed or live "reports" by your congressmen or senators?
   - By the governor of your state? |
   - By the mayor (or other local or county officials)?
   - If you DO carry such reports by elected officials,
     - Are they carried FREE? |
     - Are they charged for as regular political broadcasts? |

5. If you sell political time, will you sell:
   - To actual candidates themselves? |
   - To authorized speakers representing candidates? |
   - To "probable" candidates? |
   - To speakers representing potential candidates? |
   - To political parties? |
   - To individuals who desire to present a non-partisan view? |
   - To groups who desire to present a non-partisan view? |

6. Do you make any attempt to restrict the total amount of time you are willing to make available for political broadcasts?
   - If YES - how do you restrict it? |

7. Do you cancel regular commercials for sustaining political broadcasts? *commercial* political broadcasts? |
   - If you do give or sell political time, are there any programs which you will NOT cancel or shift for political broadcasts? News broadcasts |
   - Sports broadcasts |
   - Religious broadcasts |
   - General Entertainment |
   - Forum (regular series) |
8. Is your station affiliated with a national network? YES NO
   If YES - do you carry sustaining network political broadcasts?
   commercial
   Will you make FREE time available locally for a reply to
   a network sustaining with political values?
   Have you ever refused to carry any political broadcasts,
   by a candidate, offered by the net as a commercial?
   By a non-candidate, offered by the net as a commercial?

9. Do you require the submission of advance scripts
   for political broadcasts? YES NO
   If so - how many days in advance of broadcast? _______ DAYS
   and, who checks the scripts? Program Director ______
   Continuity Editor ______
   Station Manager ______
   Attorney for Station ______

10. Have you ever requested any speaker, who was a candidate for office,
    to revise or change a script - in the past 4 years?
    If YES - to eliminate or tone down libelous or defamatory statements?
    to eliminate or tone down "profane or indecent" language?
    simply to clarify?
    to correct errors in fact?

    Have you ever requested any speaker, not a candidate for office, to
    revise or change a POLITICAL script - in the past 4 years?
    If YES - to eliminate or tone down libelous or defamatory statements?
    to eliminate or tone down "profane or indecent" language?
    simply to clarify?
    to correct errors in fact?

If you have had occasion to request the changes noted in either above
situation, in what instances were you successful in having the
desired changes made?
In eliminating or toning down libelous or defamatory statements?
In eliminating or toning down "profane or indecent" language?
In simply clarifying?
In correcting errors in fact?

If you have had occasion to request the changes noted above, and the
speaker REFUSED to take the desired action - what did you do?
   Refuse to carry the broadcast without changes?
   Carried broadcast, but with special disclaimers for station?
   Carried broadcast, but cut to "red air" at points in question?
   Or did you take some other action?

11. Will you permit commentators to endorse candidates?
    Will you permit commentators to endorse or support the position
    of one party on a political issue?

12. Will you permit speakers on a religious program to endorse candidates?
    Will you permit speakers on religious programs to endorse or support
    the position of one party on a political issue?
13. If your station does sell time for political broadcasts, is it 
   at regular rate, with standard discounts? ..........................  
   or at regular one-time rate with no discount? .........................  
   or at a political rate, higher than standard base rate? .........  
   With regard to such sales, do you 
   Actively solicit such sales? ............................... ............  
   Not solicit, but will accept them? ................................. ............  
   Discourage as much as possible? ................................. ............  

14. During a campaign, will you SELL or GIVE or REFUSE time 
   for political spot announcements announcing realities? ..........  
   for political spot announcements containing arguments? .........  
   for dramatized political broadcasts? ..............................  
   for political broadcasts in which people are impersonated? .......  
   for political broadcasts containing patriotic music? ..........  
   for parodies? ................................. ............  
   for religious music? ................................. ............  

15. During a campaign, will you SELL or GIVE or REFUSE time 
   to a Communist, if a candidate running on Communist ticket? ...  
   to a representative of the Communist Party - to support 
   or oppose a candidate of another political party? ...............  
   to a person strongly suspected of being a Communist - if 
   on the ballot of any other party? ................................. ............  
   to an organization you believe has Communist affiliations? ....  

16. DOES YOUR STATION 
   use station disclaimers with local political broadcasts? YES_NO  
   use station disclaimers with network political broadcasts? YES_NO  
   have its political broadcast policies available in printed or published form? YES_NO  
   Carry liability insurance as protection from damage suits incurred as a 
   result of political broadcasts? YES_NO  

17. THIS IS PURELY OPTIONAL, but do you have any general comment to make regarding political 
   broadcasts? Or - have you had any experience with such broadcasts which have been 
   headaches? (Use reverse side if necessary)  

Would you be kind enough to enclose any printed or mimeographed materials you have relating to political broadcasts over your station? This might include -  
   a) A STATEMENT OF YOUR POLITICAL BROADCAST POLICY (if available)  
   b) A COPY OF YOUR STANDARD CONTRACT COVERING POLITICALS (if any is used)  
   c) A COPY OF THE TEXT OF YOUR STATION DISCLAIMER (if any is used)  
   or any other materials you might deem helpful  

If you don't mind, would you indicate who completed this query: Station Manager__  
   Program Director__  
   Sales Manager__  
   Station Owner__  
   Continuity Editor__  
   Other__  

Many thanks,  
   RICHARD M. MALL  
   Deroj Hall 205 - Department of Speech  
   Ohio State University - Columbus 10, Ohio
Dear Sir:

How do you plan to handle political broadcasts in the 1952 campaigns?

There's a problem that will face you in just a few months. Inasmuch as little is known about political broadcast policy, we are attempting to assemble data that will be of value to all concerned.

This material will be used in a graduate thesis, but is done in the practical hope of familiarizing station managements with political policies and practices throughout the industry. All valid results will be published in ample time for use in the '52 campaigns.

A questionnaire is enclosed. It is fairly complete, yet it is one that can be answered with simple check marks. We would like your candid replies. In turn, no identification will be made of you or your station without your express permission.

It will take a few moments, certainly - but we need your help and cooperation. We hope to produce interesting results for all concerned.

Sincerely,

Richard M. Mall
Derby Hall 205
STANDARD AGREEMENT FORM FOR Political Broadcasts

RADIO STATION........................................... ..................................................
LOCATION...........................................

Gentlemen:

I, .................................................. (being ) (representing) ................................................................., a legally qualified candidate for the office of ................................................................. in the election, do hereby make request for station time as follows:

DATE(S)........................................... 
PERIOD........................................... AM
FROM......................................... PM local standard time
TO........................................... AM
FROM......................................... PM local standard time

RATE ........................................... check)

I represent herewith that the cash ) tendered herewith in advance payment for the above described broadcast time has been furnished by ................................................................. and you are directed to so describe the sponsor in your radio log, or otherwise, and to announce the program as paid for by such person(s).

It is my understanding that the above is the same uniform rate for comparable station time charged all such other candidates for the same public office described above, and the same is agreeable to me.

In the event that the facilities of the station are utilized for the above stated purpose, I agree to abide by all provisions of the Communications Act of 1934, as amended, and rules and regulations of the Federal Communications Commission governing such broadcasts, in particular those provisions re-printed on the back hereof, which I have read and understand. I further agree to indemnify and hold harmless the station for any damages or liability that may ensue from the performance of said broadcasts.

For the above broadcasts I agree to prepare a script, same to be in the hands of the radio station at least ................................................................. before the time of the scheduled broadcast above.

Sig. ...........................................

Accepted) by ........................................... Title ...........................................

Rejected) by ........................................... Title ...........................................

For Radio Station ...........................................

If rejected, the reasons therefor are as follows:

This application, whether accepted or rejected, will be available for public inspection, in accordance with FCC Regulations, Section 3.424.
REGULATIONS GOVERNING POLITICAL BROADCASTS BY RADIO

From Section 326 of the Communications Act of 1934:
No person within the jurisdiction of the United States shall utter any obscene, indecent, or profane language by means of radio communication.

From Section 315 of said Act:
If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station, and the Commission shall make rules and regulations to carry this provision into effect: Provided, That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is hereby imposed upon any licensee to allow the use of its station by any such candidate.

From Section 317 of said Act:
All matter broadcast by any radio station for which service, money, or any other valuable consideration is directly or indirectly paid, or promised to or charged or accepted by the station so broadcasting, from any person, shall, at the time the same is so broadcast, be announced as paid for or furnished, as the case may be, by such person.

From Federal Communications Commission's interpretive letter of May 10, 1946 to Radio Station KOB:
"Section 317 of the Communications Act makes it mandatory that an announcement be made of the identity of the sponsor in all cases where a broadcast station receives or will receive a consideration for time. This is the burden of each station licensee and it is incumbent upon it to take all reasonable measures in this connection. The fact that in particular cases the station may be required to make a different type of investigation to determine the facts relating to identity of sponsorship is not considered to violate the equal opportunity provision of the Act."

From the Rules and Regulations Governing Standard and High Frequency Broadcast Stations:
Section 3.421 General Requirements
No station is required to permit the use of its facilities by any legally qualified candidate for public office, but if the licensee shall permit any such candidate to use its facilities, it shall afford equal opportunity to all such candidates for that office in the use of such facilities. Provided, That such licensee shall have no power of censorship over the material broadcast by such candidate.

Section 3.422 Definitions
A legally qualified candidate means any person who has publicly announced that he is a candidate, for nomination by a convention of a political party or for nomination or election in a primary special, or general election, municipal, county, state or national and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors, and who
(a) has qualified for a place on the ballot, or,
(b) is eligible under the applicable law to be voted for by sticker, by writing his name on the ballot, or other method, and
(1) has been duly nominated by the political party which is commonly known and regarded as such, or,
(2) makes a substantial showing that he is a bona fide candidate for nomination or office, as the case may be.

Section 3.423 Rates
The rates, if any, charged all such candidates for the same office shall be uniform and shall not be rebated by any means, directly or indirectly; no licensee shall make any discrimination in charges, practices, regulations, facilities, or services for or in connection with the service rendered pursuant to these rules, or make or give any preference to any candidate for public office or subject any such candidate to prejudice or disadvantage; nor shall any licensee make any contract or agreement which shall have the effect of permitting any legally qualified candidate for any public office to broadcast to the exclusion of other legally qualified candidates for the same public office.

Section 3.424 Records; Inspection
Every licensee shall keep and permit public inspection of a complete record of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if request is granted.

Section 3.404 In the Station Log
(2) If a speech is made by a political candidate, the name and political affiliations of such speaker shall be entered.
(3) An entry showing that each sponsored program broadcast has been announced as sponsored, paid for, or furnished by the sponsor.
I, Richard Merrill Mall, was born in Cambridge, Massachusetts, January 15, 1919. I received my secondary school education in the public schools of New Orleans, Louisiana, and Manhattan, Kansas. My undergraduate training was obtained at Kansas State College, from which I received the degree Bachelor of Science in 1940.

Following graduation I was employed as a writer, announcer and producer at radio stations in Kansas and Missouri. This was interrupted by four years service in the Army during World War II, following which I returned to radio activities. In 1946 I joined the faculty of the Department of Speech, Kansas State College, and was in charge of all radio instruction. In 1947, I was employed as an assistant in the Department of Speech, Ohio State University, while taking graduate work. I received the degree Master of Arts from Ohio State University in 1949. I was appointed as an instructor in 1950 and held this position while completing the requirements for the degree Doctor of Philosophy. During my graduate student years, I was also employed by various radio and television stations in Columbus, Ohio.