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HUGH BOYD, PA.
KENNETH S. ROBERTS, N.Y.

United States Senate

COMMITTEE ON COMMERCE

EDWARD JARRETT, CHIEF CLERK

October 29, 1962

Mr. Ward Quail
Station WGN
2901 West Bradley Place
Chicago 18, Illinois

Dear Ward:

Thought you would like to see this statement
issued by Senator Pastore today.

Congratulations!

Sincerely yours,

Nick Zeppie
Communications Counsel

NZ:ns
Enclosure

IMMEDIATE RELEASE
October 29, 1962

62-261

FROM THE SENATE COMMERCE COMMITTEE

"The Federal Communications Commission and the broadcasters are deserving of high commendation for their remarkable teamwork in connection with the present crisis involving Cuba," said Senator John O. Pastore, Chairman of the Subcommittee on Communications.

Senator Pastore today released the report he received from the Chairman of the Federal Communications Commission, Newton H. Minow, which outlines in detail the substantial contribution made by a number of radio stations in connection with the present crisis concerning Cuba.

The report discloses various steps that were taken in order to establish a special link-up between regular commercial radio stations in the United States and the powerful transmitters of the Voice of America to insure a maximum Cuban audience for the President's message on the evening of October 22nd. The radio stations participating in this program were:

WCKR, 610 KCS, Miami, Florida
WGBS, 710 KCS, Miami, Florida
WSB, 750 KCS, Atlanta, Georgia
WWL, 870 KCS, New Orleans, Louisiana
WMIE, 1140 KCS, Miami, Florida
WCKY, 1530 KCS, Cincinnati, Ohio
WKWF, 1600 KCS, Key West, Florida
WGEL, International, Belmont, California
WRUL, International, Scituate, Massachusetts
KAAY, 1090 KCS, Little Rock, Arkansas
WGN, 720 KCS, Chicago, Illinois

"The speed and efficiency with which the Federal Communications Commission moved in making the arrangements and the full cooperation of the broadcasters in this unprecedented operation with the Voice of America was a fine demonstration of how effectively Government and private enterprise can cooperate during this period of national emergency and is deserving of high praise," said Senator Pastore.

"I agree wholeheartedly with Mr. Minow's statement that this was a remarkable demonstration of our radio community's willingness to cooperate fully with the Government of the United States."

FEDERAL COMMUNICATIONS COMMISSION

Washington 25, D. C.

October 25, 1962

Honorable John O. Pastore
United States Senate
Washington 25, D. C.

Dear Senator Pastore:

I thought you might be interested in having a report on the very substantial contribution made by a number of radio stations in connection with the present crisis involving Cuba.

On Monday, October 22nd, while in New York City to address the European Broadcasting Union, I received a most urgent call about 9:30 AM from Pierre Salinger. Mr. Salinger asked me to return immediately to Washington to meet with Donald Wilson, Deputy Director of the United States Information Agency, who was Acting Director in view of the illness of Mr. Edward Murrow. I returned to Washington and met with Mr. Wilson and Mr. Henry Loomis, Director of the Voice of America, at about 11:30 AM, at which time they made known to me the plans for the President's broadcast that evening and the desire to make appropriate arrangements for supplemental coverage of the Voice of America programs through commercial broadcast stations capable of sending signals into Cuba. Specifically, they gave me a list of 5 stations which they thought on the basis of their engineering studies would be the ones best able to supplement the Voice of America's programming.

This, as you may know, was an unprecedented request, my understanding being that private stations have never before been asked to carry the Voice of America. In order for appropriate arrangements to be made it was decided that it would be necessary to alert the stations early in the day so that a responsible official would be on hand when the formal White House request would be made by Mr. Salinger.

With the assistance of Commissioner Bartley and Mr. George Turner, Chief of the FCC Field Engineering and Monitoring Bureau, we determined that the 5 stations originally selected could provide a strong signal over Cuba but that 4 other stations should also be added to the list. Thus, the following stations were selected to participate in the program:

WCKR, 610 KCS, Miami, Florida
WGBS, 710 KCS, Miami, Florida
WSB, 750 KCS, Atlanta, Georgia
WWL, 870 KCS, New Orleans, Louisiana
WMIE, 1140 KCS, Miami, Florida
WCKY, 1530 KCS, Cincinnati, Ohio
WKWF, 1600 KCS, Key West, Florida
WGEL, International, Belmont, California
WRUL, International, Scituate, Massachusetts

During the course of the day we contacted either the owner or manager of each of the above-mentioned stations and advised them that at approximately 6 o'clock in the evening they would receive a call from the White House of the highest national importance. Also during the course of the day the necessary interconnecting lines were installed so that the stations would be in a position to pick up the Voice of America programming that evening. All of the foregoing was handled in a manner fully consistent with the security restrictions placed on the entire operation.

Mr. Salinger called each of the stations at about 6 o'clock and all the calls were completed within 15 minutes. In each instance the station expressed its desire to cooperate to the fullest and agreed to turn over their facilities to the Voice of America commencing at 7 PM that evening. The stations were advised that if financial hardships were involved the United States Government would reimburse them for any losses or expenses incurred.

The result was that all 9 stations carried in Spanish and Portuguese the programs of the Voice of America from 7 PM, EDT, until 6 AM the following morning. While there was some jamming of some stations, the Field Engineering and Monitoring Bureau determined that the President's message, together with other programs carried throughout the night, were getting through and that Cuba in fact received extensive coverage.

On October 23rd we received a call from Station KAAY, 1090 KCS, in Little Rock, Arkansas, a 50 Kw station which provides a strong signal over Cuba, offering its facilities to carry the Voice of America programming. This offer was accepted and as a result the Voice of America programming on October 23rd, and again on October 24th, was broadcast to Cuba by 10 stations. In addition, these stations have agreed to make their facilities available as long as needed in the present crisis. WGN, 720 KCS, Chicago, Illinois, also participated on a voluntary basis by staying on all night Monday through Tuesday morning until daylight transmitting the President's speech in English and then in Spanish.

I think you will agree that this is a remarkable demonstration of our radio community's willingness to cooperate fully with the Government of the United States during this period of national emergency.

Sincerely yours,

Newton N. Minow
Chairman

United States Senate

WASHINGTON D.C.

October 5, 1962

Mr. Ward I. Qtaal
Executive Vice President and General Manager
WGN, Inc.
2501 West Bradley Place
Chicago 18, Illinois

Dear Ward:

The clamor has evidently died down. I haven't heard anything more. Your nice letter was very much appreciated.

Sincerely,

George H. Buschmann
Administrative Assistant

GHB:le

"The speed and efficiency with which the Federal Communications Commission moved in making the arrangements and the full cooperation of the broadcasters in this unprecedented operation with the Voice of America was a fine demonstration of how effectively Government and private enterprise can cooperate during this period of national emergency and is deserving of high praise," said Senator Pastore.

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I think you will agree that this is a remarkable demonstration of our radio community's willingness to cooperate fully with the Government of the United States during this period of national emergency.

Sincerely yours,

Newton N. Minow
Chairman



CLEAR CHANNEL BROADCASTING SERVICE

Your Attention Please!

Bulletin #35

October 29, 1962

TO CCBS GENERAL MANAGERS, CHIEF ENGINEERS & FARM DIRECTORS:

Re: Distribution of CCBS Press Release
dated October 15, 1962.

The press release issued by CCBS on October 15, 1962 dealing with the Clear Channel-Higher Power matter was distributed to the radio/television industry publications and certain important industry leaders. In addition it was mailed with a personal robotyped covering letter to the following groups: (Copies of the covering letters are attached).

1. A list of 213 National, Regional and State Farm, Commodity and Cooperative rural leaders (see Exhibit A attached).
2. Those Congressmen who voted favorably on House Res. 714 (see Exhibit B attached).
3. Those Congressmen who were absent at the time of the vote on House Res. 714 (see Exhibit C attached).
4. All United States Senators (see Exhibit D attached).

Soon we will correspond with those Congressmen who voted against House Res. 714 in an effort to correct the misinformation many of them had relative to the Clear Channel-Higher Power matter.

ROY BATTLES

EXHIBIT A

October 16, 1962

Dear _____:

House Res. 714 passed on July 2 suggested that the FCC, at long last, face up to the problem of making possible much needed improvement in nighttime radio signals to remote rural people. Involved is nearly 60% of the country which depends solely (now and in the foreseeable future) upon Clear Channels for its only nighttime AM radio service.

Up to this time, the Commission has allowed heavy non-farm pressures to largely dominate its Clear Channel policies.

As a result of the Resolution our CCBS member stations faced the sober decision of whether to apply for authorization for the use of more adequate power which is recognized as the only way signal strength to the 25 million people living in the above area can be improved. The enclosed press release portrays the status of these considerations.

The FCC must now decide whether it is going to preserve radio Clear Channels and authorize the use of adequate power thereon.

If it again surrenders to pressures from the thickly populated the agonizing question of what to do next.

If you have suggestions please send them along.

Sincerely yours,

Roy Battles

Encl.

EXHIBIT B

October 16, 1962

The Honorable _____
House of Representatives
Washington 25, D. C.

My dear Mr. _____:

Your commendable interest in bringing about marked improvement in rural radio service, toward which H.R. 714 passed July 2 was aimed, prompts this letter.

As you know, the legislation suggested a one year period for the FCC to reconsider its proposed breakdown of 13 irreplaceable Clear Channel resources and to provide Clear Channel stations an opportunity to apply for the use of more adequate power which is universally recognized as the only way present inadequacies in AM radio nighttime signal strength to 25 million Americans who live in nearly 60% of the nation's land area can be overcome.

The resolution prompted all CCBS member stations to consider filing an application for more adequate power. The details are set forth in the enclosed press release.

Now that the FCC will soon have before it applications for higher power, it will have a tangible base from which to finally decide whether it is going to make possible needed improvement in nighttime AM signals to the above millions, or whether their service will remain inadequate.

Power far in excess of 50 kilowatts, of course, has been used for years in other countries and is used by many U.S. FM and TV stations.

The national interest is further involved in that the Department of Defense, for civil and military defense reasons, testified in favor of "increased power and Clear Channel operation to aid in survivable communications."

Again, our deepest gratitude.

Respectfully yours,

Roy Battles

Encl.

EXHIBIT C

October 16, 1962

The Honorable _____
House of Representatives
Washington 25, D. C.

My dear Mr. _____:

The commendable interest of the House in bringing about marked improvement in rural radio service, toward which H.R. 714, passed July 2, was aimed, prompts this letter.

As you know, the legislation suggested a one year period for the FCC to reconsider its proposed breakdown of 13 irreplaceable Clear Channel resources and to provide Clear Channel stations an opportunity to apply for the use of more adequate power which is universally recognized as the only way present inadequacies in AM radio nighttime signal strength to 25 million Americans who live in nearly 60% of the nation's land area can be overcome.

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The national interest is further involved in that the Department of Defense, for civil and military defense reasons, testified in favor of "increased power and clear channel operation to aid in survivable communications."

I stand ready to answer any questions you may have.

Respectfully yours,

Roy Battles

Encl.

EXHIBIT D

October 16, 1962

The Honorable _____
United States Senate
Washington 25, D. C.

My dear Senator _____:

The expression of the House of Representatives contained in H.R. 714, passed July 2, 1962, was aimed at making possible critically needed improvement in rural radio service.

As you know, the legislation suggested in part a one year period to provide Clear Channel stations an opportunity to apply for the use of more adequate power which is universally recognized as the only way present inadequacies in AM radio nighttime signal strength to 25 million Americans who live in nearly 60% of the nation's land area can be overcome.

The resolution prompted all CCBS member stations to consider filing an application for more adequate power. The details are set forth in the enclosed press release.

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I stand ready to try answer any questions you have have.

Respectfully yours,

Roy Battles

Encl.



CLEAR CHANNEL BROADCASTING SERVICE

Your Attention Please!

Bulletin #36

October 30, 1962

TO CCBS GENERAL MANAGERS, CHIEF ENGINEERS & FARM DIRECTORS:

Re: "White Area" Data

In response to a request from NAB, we have summarized for it certain "white area" statistics from 1938 to 1961. A copy of this summary follows:

We have some of this data broken down on a state-by-state basis on file. It is available upon request.

AM Radio Nighttime "White Areas" and Population ^{1/}

(Continental United States)

Source of Data	Year	No. Fulltime Stations	White Area Size		White Area Population
			Sq. Miles	% U.S. Land Area	
FCC	1938)	503	1,692,249	56.9	21,308,453
CCBS	1938)		1,821,622	61.3	28,470,931
CCBS	1947	1339	1,802,665	60.6	23,252,200
CCBS	1957	1875	1,725,095	57.99	25,631,259
CCBS	1961	1919	1,726,293	58.03	25,106,079 ^{2/}

^{1/} Area and population outside of nighttime groundwave coverage of all AM radio stations. Exhibit 109 standards (Type "B") were used in these calculations for all years except 1938. The difference between the two 1938 computations is accounted for by the fact that the FCC Engineering Department used the 500-microvolt groundwave contour as the boundary of primary nighttime service while the CCBS calculations took into account the rapid fading zone and used the 800-microvolt groundwave contour.

^{2/} Although the bulk of the "white area" (74.99% or 1,294,679 square miles) lies west of the Mississippi River, the bulk of the "white area" population (70.75% or 17,762,169 persons) lives east thereof.

Cc to Mr. Jack DeWitt ✓

October 30, 1962

Mr. John Seigenthaler, Editor
The Nashville Tennessean
Nashville, Tennessee

Dear John:

I would be far less than grateful if I did not express to you and Amon my deep and grateful appreciation for your recent editorial endorsing our application for more power at WSM.

It was accurate, powerful in its persuasion, and told a clear story of a complex situation. Thank you very, very much.

With best wishes and kindest personal regards, I am

Sincerely,

Edwin W. Craig

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October 22, 1962
Dic. 10-19-62

The Honorable George W. Buschmann
Administrative Assistant to the
Honorable Homer E. Capehart
Senate Office Building
Washington 25, D. C.

My dear George:

Thank you for your thoughtful note and for your assurance that our problems have "subsided".

I have written another letter to the Senator, directing it to his Indianapolis office, with a copy to Washington.

Please call me, George, if you feel I should move beyond this point.

Warmest wishes and thank you for your always friendly cooperation.

Very sincerely,


Ward L. Gural

WLG/r

blind cc: James D. Shouse, Clyde Maehle, Robert Rockwell,
John Babcock, Jack DeWitt, James Quello, Roy Battles,
R. Russell Eagan, Esq.

United States Senate

WASHINGTON D.C.

October 5, 1962

Mr. Ward L. Quaal
Executive Vice President and General Manager
WGN, Inc.
2501 West Bradley Place
Chicago 18, Illinois

Dear Ward:

The clamor has evidently died down. I haven't heard
anything more. Your nice letter was very much appreciated.

Sincerely,

George H. Buschmann
Administrative Assistant

GHB:le

October 24, 1962

The Honorable J. Carlton Loser
U. S. House of Representatives
Washington, D. C.

Dear Carlton:

Following the resolution by the House of Representatives in July of this year in which that body indicated to the Federal Communications Commission that the clear channel matter should be re-examined, WSM has filed as of today an application with the FCC for permission to increase its power from 50 KW to 750 KW. Enclosed is a news release which we sent out covering the salient points of this application. I felt sure that you would wish to see it in view of your support of our position in the past and the fact that the granting of this application would obviously mean much to the State of Tennessee and our entire Southland.

While the application was prepared last week, the events of the past few days point up strongly the need for this facility for communications to our populace in time of emergency as well as a means of carrying the news in the Spanish language at certain times to the countries to the south of us.

Sincerely yours,

John H. DeWitt, Jr.

JHD:am

Enclosure

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October 24, 1962

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The Honorable Albert Gore
United States Senate
Washington, D. C.

Dear Albert:

Following the resolution by the House of Representatives in July of this year in which that body indicated to the Federal Communications Commission that the clear channel ~~matter~~ should be re-examined, WSM has filed today an application with the FCC for permission to increase its power from 50 KW to 750 KW. Enclosed is a news release which we sent out covering the salient points of this application. I felt sure that you would wish to see it in view of your support of our position in the past and the fact that the granting of this application would obviously mean much to the State of Tennessee and our entire Southland.

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Sincerely yours,

John H. DeWitt, Jr.

JHD:am

Enclosure

October 24, 1962

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The Honorable Ben West
City Hall
Nashville, Tennessee

Dear Ben:

Following the resolution by the House of Representatives in July of this year in which that body indicated to the Federal Communications Commission that the clear channel matter should be re-examined, WSM has filed as of today an application with the FCC for permission to increase its power from 50 KW to 750 KW. Enclosed is a news release which we sent out covering the salient points of this application. I felt sure that you would wish to see it in view of your support of our position in the past and the fact that the granting of this application would obviously mean much to the State of Tennessee and our entire Southland.

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Sincerely yours,

John H. DeWitt, Jr.

JHD:am

Enclosure

October 24, 1962

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The Honorable Beverly Briley
Davidson County Courthouse
Nashville, Tennessee

Dear Beverly:

Following the resolution by the House of Representatives in July of this year in which that body indicated to the Federal Communications Commission that the clear channel matter should be re-examined, WSM has filed as of today an application with the FCC for permission to increase its power from 50 KW to 750 KW. Enclosed is a news release which we sent out covering the salient points of this application. I felt sure that you would wish to see it in view of your support of our position in the past and the fact that the granting of this application would obviously mean much to the State of Tennessee and our entire Southland.

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Sincerely yours,

John H. DeWitt, Jr.

JHD:am

Enclosure

October 24, 1962

The Honorable Frank G. Clement
Third National Building
Nashville, Tennessee

Dear Frank:

Following the resolution by the House of Representatives in July of this year in which that body indicated to the Federal Communications Commission that the clear channel matter should be re-examined, WSM has filed as of today an application with the FCC for permission to increase its power from 50 KW to 750 KW. Enclosed is a news release which we sent out covering the salient points of this application. I felt sure that you would wish to see it in view of your support of our position in the past and the fact that the granting of this application would obviously mean much to the State of Tennessee and our entire Southland.

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Sincerely yours,

John H. DeWitt, Jr.

JHD:am

Enclosure

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October 24, 1962

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The Honorable Estes Kefauver
United States Senate
Washington, D. C.

Dear Estes:

Following the resolution by the House of Representatives in July of this year in which that body indicated to the Federal Communications Commission that the clear channel matter should be re-examined, WSM has filed as of today an application with the FCC for permission to increase its power from 50 KW to 750 KW. Enclosed is a news release which we sent out covering the salient points of this application. I felt sure that you would wish to see it in view of your support of our position in the past and the fact that the granting of this application would obviously mean much to the State of Tennessee and our entire Southland.

While the application was prepared last week, the events of the past few days point up strongly the need for this facility for communications to our populace in time of emergency as well as a means of carrying the news in the Spanish language at certain times to the countries to the south of us.

Sincerely yours,

John H. DeWitt, Jr.

JHD:am

Enclosure

October 24 , 1962

**The Honorable Kenneth Roberts
U. S. House of Representatives
Washington, D. C.**

Dear Congressman Roberts:

Following the resolution by the House of Representatives in July of this year in which that body indicated to the Federal Communications Commission that the clear channel matter should be re-examined, WSM has filed as of today an application with the FCC for permission to increase its power from 50 KW to 750 KW. Enclosed is a news release which we sent out covering the salient points of this application. I felt sure that you would wish to see it in view of your support of our position in the past and the fact that the granting of this application would obviously mean much to the State of Tennessee and our entire Southland.

While the application was prepared last week, the events of the past few days point up strongly the need for this facility for communications to our populace in time of emergency as well as a means of carrying the news in the Spanish language at certain times to the countries to the south of us.

Sincerely yours,

John H. DeWitt, Jr.

JHD:am

Enclosure

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October 24, 1962

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The Honorable R. A. Everett
U. S. House of Representatives
Washington, D. C.

Dear Fats:

Following the resolution by the House of Representatives in July of this year in which that body indicated to the Federal Communications Commission that the clear channel matter should be re-examined, WSM has filed as of today an application with the FCC for permission to increase its power from 50 KW to 750 KW. Enclosed is a news release which we sent out covering the salient points of this application. I felt sure that you would wish to see it in view of your support of our position in the past and the fact that the granting of this application would obviously mean much to the State of Tennessee and our entire Southland.

While the application was prepared last week, the events of the past few days point up strongly the need for this facility for communications to our populace in time of emergency as well as a means of carrying the news in the Spanish language at certain times to the countries to the south of us.

Sincerely yours,

John H. DeWitt, Jr.

JHD:am

October 24, 1962

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The Honorable Clifford Davis
U. S. House of Representatives
Washington, D. C.

Dear Congressman Davis:

Following the resolution by the House of Representatives in July of this year in which that body indicated to the Federal Communications Commission that the clear channel matter should be re-examined, WSM has filed as of today an application with the FCC for permission to increase its power from 50 KW to 750 KW. Enclosed is a news release which we sent out covering the salient points of this application. I ~~w~~felt sure that you would wish to see it in view of your support of our position in the past and the fact that the granting of this application would obviously mean much to the State of Tennessee and our entire Southland.

While the application was prepared last week, the events of the past few days point up strongly the need for this facility for communications to our populace in time of emergency as well as a means of carrying the news in the Spanish language at certain times to the countries to the south of us.

Sincerely yours,

John H. DeWitt, Jr.

JHD:am

October 24, 1962

The Honorable Tom Murray
U. S. House of Representatives
Washington, D. C.

Dear Congressman Murray:

Following the resolution by the House of Representatives in July of this year in which that body indicated to the Federal Communications Commission that the clear channel matter should be re-examined, WSM has filed as of today an application with the FCC for permission to increase its power from 50 KW to 750 KW. Enclosed is a ~~new~~ release which we sent out covering the salient points of this application. I felt sure that you would wish to see it in view of your support of our position in the past and the fact that the granting of this application would obviously mean much to the State of Tennessee and our entire Southland.

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October 24, 1962

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The Honorable Clifford Davis
U. S. House of Representatives
Washington, D. C.

Dear Congressman Davis:

Following the resolution by the House of Representatives in July of this year in which that body indicated to the Federal Communications Commission that the clear channel matter should be re-examined, WSM has filed as of today an application with the FCC for permission to increase its power from 50 KW to 750 KW. Enclosed is a news release which we sent out covering the salient points of this application. I felt sure that you would wish to see it in view of your support of our position in the past and the fact that the granting of this application would obviously mean much to the State of Tennessee and our entire Southland.

While the application was prepared last week, the events of the past few days point up strongly the need for this facility for communications to our populace in time of emergency as well as a means of carrying the news in the Spanish language at certain times to the countries to the south of us.

Sincerely yours,

John H. DeWitt, Jr.

JHD:am

Enclosure

October 24, 1962

C
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The Honorable J. B. Frazier
U. S. House of Representatives
Washington, D. C.

Dear Congressman Frazier:

Following the resolution by the House of Representatives in July of this year in which that body indicated to the Federal Communications Commission that the clear channel matter should be re-examined, WSM has filed as of today an application with the FCC for permission to increase its power from 50 KW to 750 KW. Enclosed is a news release which we sent out covering the salient points of this application. I felt sure that you would wish to see it in view of your support of our position in the past and the fact that the granting of this application would obviously mean much to the State of Tennessee and our entire Southland.

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Sincerely yours,

John H. DeWitt, Jr.

JHD:am

Enclosure

October 24, 1962

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The Honorable H. Baker
U. S. House of Representatives
Washington, D. C.

Dear Congressman Baker:

Following the resolution by the House of Representatives in July of this year in which that body indicated to the Federal Communications Commission that the clear channel matter should be re-examined, WSM has filed as of today an application with the FCC for permission to increase its power from 50 KW to 750 KW. Enclosed is a news release which we sent out covering the salient points of this application. I felt sure that you would wish to see it in view of your support of our position in the past and the fact that the granting of this application would obviously mean much to the State of Tennessee and our entire Southland.

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Sincerely yours,

John H. DeWitt, Jr.

JHD:am

Enclosure

October 24, 1962

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The Honorable Louise Reece
U. S. House of Representatives
Washington, D. C.

Dear Mrs. Reece:

Following the resolution by the House of Representatives in July of this year in which that body indicated to the Federal Communications Commission that the clear channel matter should be re-examined, WSM has filed as of today an application with the FCC for permission to increase its power from 50 KW to 750 KW. Enclosed is a news release which we sent out covering the salient points of this application. I felt sure that you would wish to see it in view of your support of our position in the past and the fact that the granting of this application would obviously mean much to the State of Tennessee and our entire Southland.

While the application was prepared last week, the events of the past few days point up strongly the need for this facility for communications to our populace in time of emergency as well as a means of carrying the news in the Spanish language at certain times to the countries to the south of us.

Sincerely yours,

John H. DeWitt, Jr.

JHD:am

Enclosure

October 24, 1962

C
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The Honorable Joe B. Evins
U. S. House of Representatives
Washington, D. C.

Dear Joe:

Following the resolution by the House of Representatives in July of this year in which that body indicated to the Federal Communications Commission that the clear channel matter should be re-examined, WSM has filed as of today an application with the FCC for permission to increase its power from 50 KW to 750 KW. Enclosed is a news release which we sent out covering the salient points of this application. I felt sure that you would wish to see it in view of your support of our position in the past and the fact that the granting of this application would obviously mean much to the State of Tennessee and our entire Southland.

While the application was prepared last week, the events of the past few days point up strongly the need for this facility for communications to our populace in time of emergency as well as a means of carrying the news in the Spanish language at certain times to the countries to the south of us.

Sincerely yours,

John H. DeWitt,

JHD:am

Enclosure

October 24, 1962

The Honorable Ross Bass
U. S. House of Representatives
Washington, D. C.

Dear Ross:

Following the resolution by the House of Representatives in July of this year in which that body indicated to the Federal Communications Commission that the clear channel matter should be re-examined, WSM has filed as of today an application with the FCC for permission to increase its power from 50 KW to 750 KW. Enclosed is a news release which we sent out covering the salient points of this application. I felt sure that you would wish to see it in view of your support of our position in the past and the fact that the granting of this application would obviously mean much to the State of Tennessee and our entire Southland.

While the application was prepared last week, the events of the past few days point up strongly the need for this facility for communications to our populace in time of emergency as well as a means of carrying the news in the Spanish language at certain times to the countries to the south of us.

Sincerely yours,

John H. DeWitt, Jr.

JHD:am

Enclosure

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November 1, 1962

Major General John B. Bestic
The Pentagon
Washington, D. C.

Dear General Bestic:

I think you might be interested in seeing the enclosed copy of a speech in the Senate by Senator Symington which appeared in the Congressional Record of October 11, 1962.

We are actively pursuing this project and are gradually making progress in reducing the error rate. If we can manage to get high power approved on the clear channels by the FCC, our reliability should improve immensely.

I enjoyed greatly reading your statement before the AFCEA Association.

Best regards.

Sincerely yours,

John H. DeWitt, Jr.

JHD:am

Enclosure

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Clear Channel Broadcasting Service

Shoreham Building
Washington 5, D. C.

October 17, 1962

Roy Battles
Director

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

Dear Jack:

Do you think it would be well to provide a copy
of the enclosed statement in a letter to General Bestic?

Thanks and best wishes.

Sincerely,


Roy Battles

RB/bh
Encls.



Sponsored by Independently Owned
Clear Channel Radio Stations



Clear Channel Broadcasting Service

Roy Battles
Director

Shoreham Building
Washington 5, D. C.

October 19, 1962

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

Dear Jack:

This is a reminder of our telephone conversation with Jack Gould of the New York Times.

You will recall that Mr. Gould asked for any information we might have on radio activity in Cuba. Therefore, when you have found out about the English language Cuban broadcasts details, plus any other pertinent information that you think Mr. Gould would be interested in, send it along and we will place it in his hands.

Best wishes.

Sincerely,

Roy Battles

RB/bh



Sponsored by Independently Owned
Clear Channel Radio Stations

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NOT FOR PUBLICATION UNTIL
RELEASED BY THE COMMITTEE
ON INTERSTATE AND FOREIGN
COMMERCE

STATEMENT OF MAJOR GENERAL JOHN B. BESTIC
DIRECTOR OF TELECOMMUNICATIONS
HEADQUARTERS UNITED STATES AIR FORCE
BEFORE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE
HOUSE OF REPRESENTATIVES
WASHINGTON, D. C.

H. R. 8210, 8211, 8228 and 8274
BILLS "TO AMEND THE COMMUNI-
CATIONS ACT OF 1934,
AS AMENDED"

(Delivered February 2, 1962)

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I appreciate the opportunity to appear before your Committee and express Department of Defense views with respect to proposed legislation, H. R. 8210.

The Department of the Air Force, on behalf of the Department of Defense, submitted its views by letter dated January 15, 1962, to the Chairman of the House Committee on Interstate and Foreign Commerce. The Department interposed no objection to the proposed legislation and commented that, "this change would not adversely affect military operations and may be of advantage to the military services in connection with certain contingency planning."

The Department of Defense is vitally concerned with all modes and media of communication for command and control purposes. On the other hand, the Department does not wish to have its views construed as interfering with those agencies who are charged with the regulation and control of communications. The Department of Defense, as a matter of policy, defers in policy considerations to the views of the Federal Communications Commission. However, with respect to the technical aspects which we have been asked to comment on, we favor increased power and clear channel operation to aid in survivable communications.

USAF war exercises and operational analyses have proved that an enemy using nuclear weapons could cause wide damage to military circuits. Further, data exist which show that nuclear bursts can knock out high frequency

communications for several hours. Considering this, we must exploit every means of communicating which may survive.

A resource for communications survivability lies in the radio and television broadcast stations. The feasibility of using the station frequency for communicating at the same time the regular program is on the air was proved by a series of tests directed by the Joint Chiefs of Staff. The technical ability to operate simultaneously is necessary because it would not be in the public interest to withdraw a broadcast station from its normal function in peacetime.

We are installing a circuit using the above technique. The circuit will be physically separated and completely independent from any other communication system. Initially, we shall test the circuit to determine operating effectiveness and to identify problems. If the circuit confirms our thinking and proves acceptable, we will automate it as rapidly as procurement and engineering procedures will allow.

Although every broadcast station would undoubtedly cooperate, the stations represented by the Clear Channel Broadcasting Service (CCBS) are major contributors to our circuit because of the technical advantages they offer. Specifically, their geographic coverage is wider than other stations propagating over the desired paths; their degree of reliability is superior because they broadcast on discrete frequencies and are therefore less susceptible to interference.

The CCBS broadcast stations can make up a survivable system

maximizing dispersal and redundancy. Such a system, in addition, to others, could increase chances for the survival of an elemental capability. To that end, we are building a framework within which the radio broadcasting industry and the military can join their resources toward building survivable communications.

M E M O R A N D U M

November 1, 1962

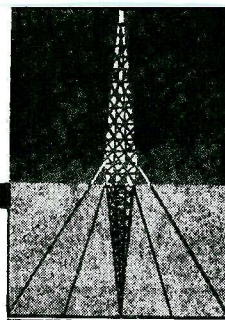
TO: MR. TOM HANSERD

FROM: JOHN H. DEWITT, JR.

Thank you so much for sending the clipping of the editorial to me. I was out of town and had seen this but Ann read it to me when I called in early this week. This attitude on the part of the Tennessean is encouraging and will probably prove quite helpful.

JHD:am

C
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RADIO STATION

WSM
 INCORPORATED
50000
WATTS

650 KILOCYCLES

NASHVILLE 3, TENNESSEE

CLEAR CHANNEL

Oct. 29, 1962

M E M O R A N D U M

Mr. DeWitt

I'm sure you know of the attached editorial from the Tennessean Saturday October 27, but because of the mutual regard held by this paper and the administration, I wanted to make sure there wasn't even an outside chance you might miss it.

Also Harvill Gibson told me that a fan called him Saturday night to tell him the Cubans were on our frequency drowning out the Opry. I think WGN has had some trouble of this sort after broadcasting the President's message of last Monday in Spanish to Cuba, because they are asking listeners to let them know of Cuban interference on 720 kc--they are asking for this mail on their all night show. Thought you might like to know these things.

Tom Hanserd

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M E M O R A N D U M

November 1, 1962

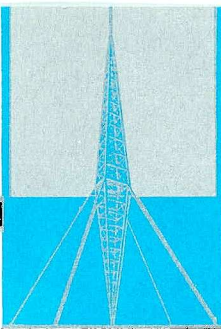
TO: MR. HOUSTON ROBERTS
FROM: JOHN H. DEWITT, JR.

Thank you for your note re the interference on WSM as reported by a listener in Florida. We have had several such complaints and have checked and found that a Cuban station has come on our frequency in Camaguay which is in violation of the North American Regional Broadcasters Agreement. It is interesting to note the listeners' concern over this development.

JHD:am

RADIO STATION

HOUSTON ROBERTS
NEWS EDITOR



WSM
INCORPORATED

50,000
WATTS

OWNED AND OPERATED BY THE NATIONAL LIFE AND ACCIDENT INSURANCE COMPANY

650 KILOCYCLES NASHVILLE 3, TENNESSEE

CLEAR CHANNEL

29 Oct. 62

Mr. DeWitt:

A listener in Pensacola, Florida, called here at 12:30 a-m, yesterday morning to report that Spanish-speaking stations were drowning out our signal in her area. The listener said the interference had been noticed for the past seven months, but was particularly bad at the time she called (Sunday morning). She asked if we could do anything about it, because the interference had ruined her reception of the Opry. She said there appeared to be "several" Spanish-speaking stations over-riding on our frequency. She supposed them to be Cuban stations, although she didn't have any positive identification.

Because of our power application and other considerations, I thought this report should be brought to your personal attention.

Houston Roberts

we are in the mon

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- Carragey 11 - 24 11/11/62*

THE AIR CASTLE OF THE SOUTH

November 2, 1962

Mr. L. D. Gibson
304 11th Street, N. W.
Norton, Virginia

Dear Mr. Gibson:

We appreciated so much receiving the copy of your letter to the FCC regarding our application for higher power. It was very thoughtful of you and I am sure will prove helpful to us for you to take the time to write ~~his~~ letter.

We try to be ever alert to our listener's desires for programming and if you have any suggestions which you think should be incorporated in our schedule, we would be delighted to hear from you.

Thank you again for your courtesy and consideration.

Sincerely yours,

John H. DeWitt, Jr.

JHD:am

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Copy

L. D. GIBSON
304 11TH STREET, N. W.
NORTON, VIRGINIA

Norton, Va.
Oct. 25, 1962

Federal Communications Commission
Washington, D.C.

Gentlemen:

It is my understanding that Radio Station W.S.M. of Nashville, Tennessee has applied (or is applying) for permission to increase their power from 50,000 to 750,000 Watts.

I feel that this would be very advantageous from a safety viewpoint for advise to a very large number of people. Also, at night, locations such as ours, radio is almost useless as most stations go off the air at sunset.

Therefore, for safety as well as entertainment, etc. I would like to see this request granted. I have no connection with radio Station W.S.M.

Thanking you for your kind consideration, I remain,

Sincerely,

L. D. Gibson

Thank you letter -

October 22, 1962

Mr. Art King
Broadcasting Magazine
1735 DeSales Street, N. W.
Washington 6, D. C.

Dear Art:

Many thanks for your letter of October 17th giving us information on Mr. Ken Cox's appearance at Hidden Valley. It was quite helpful and as you have suggested, I shall get further information from Jim Quello.

Please let me express to you the feeling which I gave Sol about your coverage of the clear channel high power matter. It was beautifully done and exhibited the type of reporting which we have come to expect of your fine magazine.

Best regards.

Sincerely yours,

John H. DeWitt, Jr.

JHD:am

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BROADCASTING

THE BUSINESSWEEKLY OF TELEVISION AND RADIO

HEADQUARTERS: 1735 DE SALES STREET, N. W., WASHINGTON 6, D. C. • METROPOLITAN 8-1022

ART KING
MANAGING EDITOR

October 17, 1962

Mr. John H. DeWitt, Jr.
President
Stations WSM-AM-TV
301 Seventh Avenue, North
Nashville 3, Tennessee

Dear Jack:

As it turns out Larry Christopher did not attend the Michigan Broadcasters meeting at Hidden Valley but Warren Middleton was on hand. Unfortunately, Warren has thrown his notes away but now he recalls the discussion in which Ken Cox took part.

He reports that Ken answered a number of questions about power and the activity of the various groups on the Hill. Les Beiderman, WTOM-TV Cheboygan, was the spokesman for the smaller stations. He is pretty articulate you know and was able to make his points felt. Jim Quello, WJR Detroit, carried on the argument for the bigger stations. Bill Schroeder, WOOD Grand Rapids, spoke for the regionals. Bill said that his group had not been very active on the Hill but they planned to do better in the future.

Apparently there was a good deal of give and take and Warren is a little vague on exactly what each person said. It seemed to me after talking to him that if you want to pursue the matter further your best bet might be to give Jim Quello a call or write him a letter and ask for a rundown. Jim is an accurate reporter and might be able to give you just what you are looking for.

Sorry not to be more helpful. If there is anything further we can do here please let me know.

All good wishes.

Sincerely,



AK:nky

WASHINGTON

NEW YORK

CHICAGO

LOS ANGELES

October 3, 1962

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

Dear Ward:

Plans are confirmed for me to arrive in Washington on October 10th at 10:30 PM with reservations at the Manger Hay Adams Hotel. I plan to leave on Friday afternoon at 5:15 PM.

See you next week.

Sincerely yours,

John H. DeWitt, Jr.

JHD:am



from JACK DEWITT

Ann

Hold onto
to my letter
reply comes in
1

Jack

FROM THE DESK OF

Ward L. Quaal

Mr. Delwit

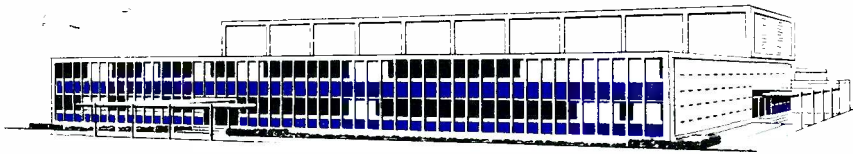
Jack

This is a bit
"too rough" to
mail to Russ.

Pls. read +
destroy.

A "lighter"
version has been
dictated.

Best!
Ward



Radio 720 Television Channel 9

wgn inc.

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

Ward L. Quaal Executive Vice President and General Manager

September 24, 1962

Dic. 9-21-62

R. Russell Eagan, Esq.
Kirkland, Ellis, Hodson, Chaffetz & Masters
16th and K Streets, N. W.
Washington 6, D. C.

Dear Russ:

Reference is made to your communication of September 20, as addressed to Jim Quello.

In my opinion, Russ, you are a very charitable gentleman. I do not feel that Mr. Cox deserves any kind of consideration after his ill-starred performance at Hidden Valley, Michigan.

Isn't it a strange paradox that we, as licensees, cannot even speak inferentially of that which is pending before the Federal Communications Commission, but that the Chief of the Broadcast Bureau can cast all the venom within him over a public address system to a convention audience of broadcasters. I say, Russ, it is wrong and we are foolish to accept the statement which you set forth in your remarks.

I do not know, frankly, how one goes about control of similar type situations in the future, but let us forget all about high power and the stations of the Clear Channel Broadcasting Service in the months and years to come if Mr. Cox and people like him are allowed to make speeches across the length and breadth of the land. I say that he needs to be controlled at this time, as his conduct was strictly unbecoming that of a person in a position of responsibility in one of the Government's most vital executive agencies. I disagree vigorously with those who have such a profound respect for his alleged intellect. In my opinion, it doesn't exist, because people of intelligence never pre-judge a position on anything no matter what it is. He came to this job well schooled by the twisted mentality developed by Burton K. Wheeler, Ed Johnson and others who have flatly refused to give consideration to distinguished authorities in our field, such as our beloved late Louis Caldwell and Jack DeWitt.

September 24, 1962

When people close their minds to anything, they do not gain my respect and the greatest array of evidence in a 6-month hearing in Washington would not change Ken Cox's opinion about clear channels and higher power because he made up his mind long ago. Therefore, Russ, I am shocked to read your communication wherein you tell us that what he did really was within the "line of duty". I must admit, I do not know what should be done to call this to the attention of persons in superior position at either the Commission or the House and/or Senate Commerce Committees, but I do not intend to forget about it, let me assure you of that.

If the remarks given to me by Jim Quello are accurate, and I have never known Jim to depart from the truth, then persons like John Patt, Worth Kramer, Jim Quello, Jack DeWitt and I are persons "lacking in integrity and moving in every direction behind the scenes to see that the haves have more and the weak grow weaker". That is, frankly, the sum and substance of what this man had to say in Hidden Valley, Michigan.

Throughout my life in broadcasting and removed from it, I have been a "fighter" for what I think is right. I think that the case for clear channels and high power is eminently sound and thoroughly consonant with the "public interest, convenience and necessity" and I expect, therefore, that each of us in the group, including our law firm, has a solemn obligation to find some way to not only re-orient the thinking of Mr. Cox, but to see to it that justice is done to those stations that are, in the final analysis, the umbrella which has preserved the radio arm of broadcasting during these days of television's development and fantastic growth.

Sincerely,

Ward L. Quaal

WLQ/ck

cc: Roy Battles
John F. Patt
Worth Kramer
John H. DeWitt, Jr.

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

LAW OFFICES OF
KIRKLAND, ELLIS, HODSON, CHAFFETZ & MASTERS

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

WASHINGTON 6, D. C.

TELEPHONE STERLING 3-3200

CHICAGO OFFICE
PRUDENTIAL PLAZA
CHICAGO 1, ILLINOIS

September 26, 1962

JOSEPH DuCOEUR
RAYMOND G. LARROCA
JOHN P. MANWELL
RONALD J. WILSON
JAMES M. JOHNSTONE
DONALD L. GUNNELS
MAX H. CROHN, JR.

**Mr. Johnie E. Campbell
WSM Transmitter Site
Route 5
Franklin, Tennessee**

Dear Johnie:

I am writing to give you the information you requested yesterday over the telephone.

I ordered the latest WHLO vertical pattern and the latest horizontal daytime patterns for KXOK and WLAP from Cooper-Trent today and expect to receive them tomorrow.

I also purchased seven copies of the U. S. Aerial Planning Chart (AP-9) without overprinting and had them mailed directly to you at the transmitter site by the Coast and Geodetic Office. Incidentally, these charts are sold in Room 1125 of the Department of Commerce (near the corner of 15th and Constitution) and the telephone number is WO 7-3876.

With respect to your request for appropriate file numbers, I obtained the following information:

<u>Frequency</u>	<u>Call Letters</u>	<u>Location</u>	<u>File No.</u>
630	KXOK	St. Louis, Mo.	BR-982
630	WLAP	Lexington, Ky.	BR-309
640	WHLO	Akron, Ohio	BR-282
650	WESC	Greenville, S. C.	BR-1489
630	WAVU	Albertville, Ala.	BR-2071

I called Bernice and she promised to check with Seabrooke concerning the mailing to you of the reproductions of the ground conductivity maps (Figure M-3). Bernice told me that with respect to compiling a list of pending applications for the frequencies 630 through 670 kc, she had been informed in response to a telephone call she made to the Commission that no applications were pending on any of these frequencies. Whoever Bernice talked to did not have the correct information, and I am attaching hereto a list of all pending applications for the frequencies concerned.

The only remaining information you requested pertaining to the precise authorized operating hours for WOI, Ames, Iowa; WNAD, Norman, Oklahoma; and WHLO (formerly WHKK), Akron, Ohio.

Taking up WDI initially, its regular authorization authorizes it to operate from local sunrise to local sunset. However, WOI also, for some time, has had a Special Service Authorization to operate between 6 a. m. CST and local sunrise in Ames. Local sunrise at Ames is as follows for the 12 months of the year (January through December) (CST): 7:45, 7:15, 6:30, 5:30, 5:00, 4:30, 4:45, 5:15, 6:00, 6:30, 7:00 and 7:30. Local sunset at Ames for the 12 months of the year (CST) is as follows: 5:00, 5:45, 6:15, 7:00, 7:30, 7:45, 7:45, 7:15, 6:30, 5:30, 5:00 and 4:45.

With respect to WNAD, it is authorized to operate from local sunrise to local sunset at Norman, Oklahoma. The sunrise times for the 12 months (CST) are as follows: 7:45, 7:15, 6:45, 6:00, 5:30, 5:15, 5:30, 5:45; 6:15, 6:30, 7:00 and 7:30. The local sunset times are: 5:45, 6:15, 6:30, 7:00, 7:30, 7:45, 7:45, 7:15, 6:45, 6:00, 5:30 and 5:15.

WHLO, Akron, Ohio, is authorized to operate from local sunrise in Akron to local sunset in Los Angeles, California. The local sunrise times for Akron (EST) are as follows: 7:45, 7:15, 6:45, 5:45, 5:15, 5:00, 5:00, 5:30, 6:00, 6:30, 7:15 and 7:45. The sign-off times for WHLO for the 12 months of the year expressed in terms of Eastern Standard Time are as follows: 8:00, 8:30, 9:00, 9:30, 9:45, 10:00, 10:00, 9:45, 9:00, 8:15, 7:45 and 7:45. Local sunset at Akron occurs at the following times (EST) for the 12 months of the year: 5:15, 6:00, 6:30, 7:00, 7:30, 8:00, 8:00, 7:30, 6:30, 5:45, 5:15 and 5:00.

I also tabulated the sunrise and sunset times for KIKK, Pasadena, Texas, but I assume you already have these. However, if you do not, please let me know and I shall send them on to you.

I trust this letter covers all of the items referred to in our phone conversation yesterday.

Cordially,



R. Russell Eagan

RRE:bw
Encl.

cc: Messrs. DeWitt & Battles

P. S. I noted that the WHLO, Akron, Ohio, license dated September 28, 1961 contained a condition to the effect that the station would be required, upon receiving notice from the Commission, to modify its antenna or reduce its operating power so as to reduce interference to CBN, Newfoundland, to a value not in excess of that caused by WHKC operating with 500 watts on a non-directional basis. This puzzles me a little, as there is no existing station with the call letters WHKC. There is a station which operates on 610 kc at Columbus, Ohio which now has the call letters WTVN but used to have the call letters WHKC. On the other hand, the call letters of WHLO used to be WHKK. In other words, I don't know whether the reference to WHKC is a reference to WHLO, Akron, or to WTVN, Columbus. I am inclined to believe that the reference was intended to be to WHLO, inasmuch as CBN operates on 640 kc. If you want me to verify this, please let me know.

Pending Applications for 630-670 kc as of September 27, 1962

<u>Frequency</u>	<u>Location</u>	<u>Call Letters</u>	<u>Applicant</u>	<u>Requests</u>	<u>Date Filed</u>	<u>File No.</u>
1. 630	Window Rock, Ark.	New	The Navajo Bible School & Mission	630kc, 1kw, D	8/21/61	BP-15061
2. 630	Magnolia, Ariz.	KVMA		Inc. pow. 1kw to 5kw; install new trans. & DA system; DA-D	3/2/61	BP-14717 Dkt. 14194
3. 630	Wilmington, N. C.	WMFD		CP to inc. day pow. 1kw to 5 kw; make changes in DA-D system; install new trans. (request waiver of § 3.28(c))	4/29/59	BP-13038 Dkt. 13813
4. 630	Salina, Kas.	New	John M. Hall	630kc, 500 kw, DA-2, U	8/12/60	BP-14303
5. 630	Anadarko, Okla.	New	James R. Williams	630kc, 500w, D	7/30/59	BP-13369
6. 630	Bartlesville, Okla.	New	Floyd Bell & J. P. Dunklin d/b/a B-D Broadcasters	630kc, 500w, D	6/25/59	BP-13275

<u>Frequency</u>	<u>Location</u>	<u>Call Letters</u>	<u>Applicant</u>	<u>Requests</u>	<u>Date Filed</u>	<u>File No.</u>
7. 640	Anchorage, Alas.	KHAR		CP to change freq. from 590 kc to 640 kc; inc. pow. from 5 kw to 50 kw; install DA-N; change trans. & studio locations and install new trans.	12/7/61	BP-15234
8. 640	Blackshear, Ga.	New	Eugene Ketring & Robert Clyde Lay d/b/a Satilla Broadcasters	640 kc, 205 w, D	resub. 7/9/57	BP-11426
9. 640	Ames, Iowa	WOI		Ext. of SSA oper. add. time with pow. 1 kw from 6:00 a. m. CST to local sunrise for period 2/1/53; amend expiration date	10/13/52	BSSA-276 Dkt. 11290
10. 640	Norman, Okla.	WNAD		Inc. pow. 1 kw to 5 kw (daytime); install new trans. & change trans. site; DA (Daytime)	2/4/47	BP-5731
11. 650	Fairfield, Calif.	New	Alvin A. Ross tr/as Valley Broadcasting Co.	650 kc, 1 kw, D	9/1/60	BP-14336

<u>Frequency</u>	<u>Location</u>	<u>Call Letters</u>	<u>Applicant</u>	<u>Requests</u>	<u>Date Filed</u>	<u>File No.</u>
12. 650	Albuquerque, N. M.	New	Frank Donald Hall	650 kc, 10 kw, D	12/23/60	BP-14586
13. 660	Omaha, Neb.	KMEO		M. L. to inc. pow. 500 w daytime to 1 kw daytime	7/25/49	BML-1365
14. 660	Columbus, Ohio	New	Heart of Ohio, Inc.	660 kc, 1 kw, daytime		E2-P-5364
15. 660	Greenville, S. C.	WESC		MP to change from DA-D to DA-CH and install new trans.	resub. 11/17/60	BMP-9208
16. 660	Dallas, Tex.	KSKY		Inc. pow. 1 kw to 50 kw; install new trans; amend. to install DA-D		E3-P-3966
17. 670	Pacific Pali- sades, Calif.	New	Howard Blake d/b/a Suburban Broadcasting Co.	670 kc, 1 kw, day- time	2/27/48	BP-6631
18. 670	San Fernando, Calif.	New	E. A. Weinert, E. B. Bailey, W. F. Kelley, Nicholas Traina & Josephine Traina, a partnership d/b/a. Los Angeles Broadcasters	670 kc, 10 kw day	3/7/49	BP-7139

<u>Frequency</u>	<u>Location</u>	<u>Call Letters</u>	<u>Applicant</u>	<u>Requests</u>	<u>Date Filed</u>	<u>File No.</u>
19. 670	Santa Barbara, Calif.	New	William M. Buckley d/b/a Tri Counties Broadcasting Co.	670 kc, 5 kw D	7/31/57	BP-11503
20. 670	Vernon, Calif.	New	The Wave Publications	670 kc, 250 w D	5/20/47	BP-6098

Executive 3-0255



Clear Channel Broadcasting Service

Roy Battles
Director

Shoreham Building
Washington 5, D. C.

September 13, 1962

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

Dear Jack:

Nick Zapple reports that the Senate Commerce Committee will take a look at the President's FCC nominee, E. William Henry, at 10:00 a.m. on Friday, September 21, 1962, in the regular Committee Room for Commerce hearings in the Senate.

Best wishes.

Sincerely yours,


Roy Battles

RB/bh
cc: Messrs. Quaal, Rollo & Eagan



Sponsored by Independently Owned
Clear Channel Radio Stations

September 24, 1962

Mr. James Quello
Station W J R
Detroit, Michigan

Dear Jim:

Since you were present, would you please send me a note on what Mr. Ken Cox actually said at the recent meeting of the Michigan broadcasters. Ward Quaal is very much disturbed about it, as well he might be, if it is bad as I have heard second hand.

Commissioner Ford was here last week and I had the opportunity to take him by my home on Thursday evening and let him see BRECOM in operation which I believe was helpful. He volunteered the information that he still feels that twelve high power stations would do much to improve white area service at night.

Best regards.

Sincerely yours,

John H. DeWitt, Jr.

JHD:am

C
O
P
Y

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

October 1, 1962

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

Dear Johnie:

Re: Producing a Second Copy of Vital
Records Now Located in Washington
CCBS Office.

Pursuant to your suggestion, we have secured bids from J. Emory Ward of the E. P. Secker, Inc., organization relative to producing a second copy of the materials that you selected from our office files and shelves for which you would like to have a second copy located in your offices at Nashville for safekeeping.

This operation is pursuant to discussions that I have had with Jack DeWitt, Ward Quaal and Harold Hough, relative to whether or not to insure the vital records in this office or whether to try to produce a second copy to be located elsewhere in order that these vital records would not at sometime be lost through fire, theft, or otherwise lost.

Mr. Ward, after some trial and error operations, has come to the conclusion that Ozilid reproductions which would cost 21¢ each are not satisfactory. I agree with him after seeing the copy produced.

We have also come to the conclusion that Xerox, which would cost about 35¢ a page, is also impractical.

Hence, it appears that photostating is the best method of preserving these records. We come to you, therefore, for final advice. First, there is the question of cost. We can get 11 x 16 photostats -- that is the negatives -- for 70¢ a page. 8½ x 14 negatives will cost 45¢ a page, and 8½ x 11 negatives will cost 30¢ a page. The colored penciled lines on the originals, of course, will not show. In order to photostat them in color Mr. Ward said it would cost "a million dollars."

October 1, 1962

Therefore, since we estimate there is approximately 500 pages to photograph, the large size would cost \$350, the medium size, \$225, and the 8½ x 11 \$150. All of these prices would be subject to a 10% discount. This sounds to me like a pretty reasonable way of reproducing these essential records. Do you agree.

Second, if you agree with the above conclusion, then we must decide what size negative to produce. In order to give you a basis for making this decision we are mailing to you under separate cover two pages taken from the books that you want photographed including the three sizes of negatives that we could produce for the above three prices.

It is my assumption that the 8½ x 11 photograph would do the job since, if you wanted additional copies, all you would have to do would be to have the negative blown up at the time you have the additional copies produced.

Send me your advice at your earliest convenience.

Needless to say we must have back the two pages lifted from the original books here in our office so that these books will be complete as file records here.

If we go ahead with this job then we will send the new copies to you for safekeeping.

Best wishes.

Sincerely yours,

ROY BATTLES

RB/bh

cc: Mr. DeWitt



Clear Channel Broadcasting Service

Roy Battles
Director

Shoreham Building
Washington 5, D. C.

September 28, 1962

CONFIDENTIAL

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

Dear Jack:

As you know, I have been directed to issue a press release with respect to the filing of applications for higher power. I am writing to you and each of the other stations to advise you of my plans and to secure your final approval. I would appreciate receiving your comments and suggestions no later than Monday, October 8.

My plans are to issue a press release of the type attached hereto to all media by mailing it Sunday, October 14. However, I plan to make a copy of the release available to Sol Taishoff on Wednesday, October 10 so that the story will appear in Broadcasting on Monday, October 15, which I understand is the first date on which any station will file its application. If the first applications are not ready for filing by October 15, this schedule will have to be altered.

We are anxious, of course, that no news leaks concerning the plans to file higher power applications occur prior to the publication of the story in Broadcasting.

Sincerely,

Roy Battles

RB/bh

cc: Mr. Edwin W. Craig

Jack
This is the letter & press release (proposed) that went to all CCBS Stations today



Sponsored by Independently Owned
Clear Channel Radio Stations

September 25, 1963

R. Russell Egan, Esq.
Kirkland, Ellis, Hodson, Chaffetz & Masters
18th and K Streets, N. W.
Washington 6, D. C.

Dear Russ:

Reference is made to your communication of September 20, as addressed to Jim Quillo.

Your letter is rich in charity in the wake of the performance given at Hidden Valley, Michigan. I am afraid I cannot accept your evaluation of the situation, either insofar as it applied to the ill-starred performance, per se, or the effect it will have upon the group.

For almost three decades, these stations have remained together as a "unit" in behalf of better service for people who have long been denied the benefits that the great radio industry can and must bring them.

Yesterday, in my office, I had a full scale report on the Hidden Valley meeting by Professor Leo Martin of the Department of Radio and Television at Michigan State University, East Lansing. His review of what transpired is even more critical than that of Jim Quillo. He couldn't believe me when I told him we had done nothing about it as yet.

I, personally, intend to do something about this, Russ, and would be in Washington to do something on it now except for commitments which will keep me here until the second of October. If the group doesn't want to do anything about it, WGN does. Let me warn you that a few more appearances by this particular individual and you and your colleagues and Roy Batties will have no more worries. It will be all over.

I dictated a much stronger letter on September 21, which was typed for my signature yesterday, but upon reading it, I decided it wouldn't meet


R. Russell Sagan -- 2

September 25, 1962

acceptance standards in the U. S. Mail, but I did feel impelled to write this "shorter" version.

Best regards.

Sincerely,



Ward L. Quaal

WJQ/ck

cc: Roy Battles
James Quillo
John F. Patt
Worth Kramer
John H. DeWitt, Jr.

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

LAW OFFICES OF
KIRKLAND, ELLIS, HODSON, CHAFFETZ & MASTERS

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

WASHINGTON 6, D. C.

TELEPHONE STERLING 3-3200

CHICAGO OFFICE
PRUDENTIAL PLAZA
CHICAGO 1, ILLINOIS

September 20, 1962

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

**Mr. James H. Quello
Vice President & General Manager
The Goodwill Stations, Inc.
Fisher Building
Detroit 2, Michigan**

Dear Jim:

After you called me the first part of this week with respect to the remarks made by Ken Cox regarding Clear Channels at the recent Michigan Association of Broadcasters meeting, I arranged to have lunch with Ken today in order to discuss some of the statements he made regarding Clear Channels during the question and answer period.

I have just returned from this luncheon. The purpose of this letter is to summarize our conversation.

First, I think we have to appreciate that because of Cox's position as Chief of the Broadcast Bureau he must confine his public statements to utterances which are not contrary to expressed views of the full Commission. In this instance, when Cox was queried respecting the Clear Channel proceeding and the recent legislation, I believe he felt that he had to defend the Commission's decision released last September and the official position of the Commission in opposing the Clear Channel legislation as introduced.

The extent to which Cox's personal views are in accord with the above views of the Commission, I am not prepared to say. I don't believe Cox has ever sat down and analysed the issues involved. Personally, I have some hope that if he were to do so,

he would be bound to be impressed by the facts in the case, which are on our side.

With respect to Cox's statement at the Michigan meeting which invited opponents of higher power to make their views known to the Hill and to the Commission, I think that he merely meant to state the obvious and suggest that persons with such a viewpoint could have appeared on the Hill in opposition to the Clear Channel legislation. No doubt in his role as Commission spokesman, he gave the implication that persons with this viewpoint should have "supported" the Commission in opposing the legislation.

As for his suggestion of making such views known to the Commission, he told me that he had in mind the fact that he did not believe that higher power will be authorized without further rule making proceedings and that persons opposing higher power would have the right to file comments in any such proceeding. Of course, we hope that the Commission, in acting upon our pending petitions for reconsideration and the higher power applications to be filed, either waives the 50 kw limitation or amends the rules without any further rule making proceeding so as to authorize higher power. Cox feels that we are free to discuss the merits of the Clear Channel case with Commissioners, although he added that he felt certain Commissioners would not wish to discuss the merits of anything pending before the Commission.

Cox feels that the obstacles to authorizing higher power consist of (1) the fact that some Commissioners, who have a philosophy of favoring small stations as against large stations, believe that the Clear Channel issues involve such a conflict and (2) some Commissioners are concerned as to the adverse economic effect of higher power on non-clear channel stations. Of course, these matters, plus the argument of "too much power in the hands of too few", have been our major obstacles for many a year.

With respect to BRECOM, Cox stated that the opinion expressed in Michigan to the effect that there is no military need for Clear Channels and higher power was based upon conversations he has held with Jim Barr and Ken Miller. His essential point seemed to be that the extent to which Clear Channels are usable would not be impaired by duplication. I think that he and others should be made to realize that higher power would materially enhance the reliability of

the use of radio as (1) a backup for military communications and (2) for civilian defense alerting and information purposes.

All in all, I believe that Ken, in answering questions concerning the Clear Channel proceeding and Clear Channel legislation, was merely defending the Commission's September, 1961 decision and its opposition to the Dingell bill. I don't think we can criticize him for doing this.

I did use the opportunity to discuss with him some of the facts involved. I would like to see others have conversations of this type with him.

Cordially,



R. Russell Egan

REE:bw

cc: Messrs. Patt, Kramer,
Battles, DeWitt & Quaal



from JACK DEWITT

9/19/62

Mr. E. W. Craig -

Since the meeting in Nashville we learned that Jimmy Shouse does not favor a pre-announcement of the fact that a number of stations will file for high power. Vic Sholis still is in favor of announcing that such will take place because he feels that unless such an announcement is made someone might draw the conclusion that the few stations that file on the agreed upon date will be the only ones who might file. Roy Battles and I feel that these two points of view can be brought together by simply making the announcement at the time the first applications are placed with the FCC.

JHD

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PERRY S. PATTERSON
R. RUSSELL EAGAN
CHARLES R. CUTLER
FREDERICK M. ROWE
ALOYSIUS B. M'ECABE

September 17, 1962

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

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

Re: Higher Power Press Release

Dear Roy:

In response to your memo of September 14, I am enclosing a suggested revised draft of a press release. It seems to me that the release should be dated and mailed out on a Saturday to the persons listed in your memo and that a copy of the release should be given to Broadcasting on the previous Tuesday or Wednesday.

As you suggested over the telephone today, one of my revisions suggests that we list the details with respect to each member in view of the fact this question will be asked.

No doubt you can "dress up" the enclosed draft to do away with some of my over legalistic phraseology. If possible, the release should be abbreviated.

Cordially,



R. Russell Eagan

RRE:bw
Encl.

✓
cc: Messrs. DeWitt & Quaal

Saturday, September , 1962
FOR IMMEDIATE RELEASE

CCBS MEMBERS TO FILE FOR HIGHER POWER

Roy Battles, Director of the Clear Channel Broadcasting Service (CCBS), announced today, following a survey he conducted among members of CCBS, that the following members of the organization expect to file applications with the Federal Communications Commission in the near future requesting authority to operate with power in excess of 50 kilowatts in order to provide stronger, more reliable radio signals to millions of rural and small-town Americans:

<u>Station & Location</u>	<u>Frequency (kc)</u>	<u>Amount of Power (kw)</u>
1. KFI Los Angeles, Calif.	640	750
2. WSM Nashville, Tenn.	650	750
3. WLW Cincinnati, Ohio	700	750
4. WGN Chicago, Ill.	720	750 (?)

<u>Station & Location</u>	<u>Frequency (kc)</u>	<u>Amount of Power (kw)</u>
5. WSB Atlanta, Georgia	750	750 (?)
6. WJR Detroit, Mich.	760	750 (?)
7. WBAP Fort Worth, Texas	820	500 (?)
8. WFAA Dallas, Texas	820	500 (?)
9. WHAS Louisville, Ky.	840	500
10. WHO Des Moines, Iowa	1040	750
11. KSL Salt Lake City, Utah	1160	750 (?)
12. WHAM Rochester, N. Y.	1180	500 (?)
13. WOAI San Antonio, Texas	1200	500 (?)

Battles explained that the applications would be filed because of House Resolution 714 passed on July 2, 1962 and that the applications would request the Commission to waive its present rule limiting power to 50 kw.

CCBS is an informal organization of individually owned, as distinguished from network owned, Class I-A Clear Channel standard broadcast (AM) radio stations, each of which is the only

U. S. station authorized to operate on its frequency during nighttime hours. The group was organized in 1934 for the two-fold purpose of (1) keeping all of the U. S. I-A Clear Channels free of duplication (that is, the assignment of additional fulltime stations) and (2) removing the Commission's power ceiling of 50 kw. Edwin W. Craig, Chairman of the Board of WSM, Inc., Nashville, Tennessee, has served as Chairman of CCBS since its inception.

Clear Channel stations are the only source of nighttime radio for over 25 million Americans living in nearly 60% of the nation's land area and provide the only choice of nighttime radio programs to additional millions of rural and small-town Americans. For years it has been recognized that the nighttime radio service received by these people is inadequate in terms of signal strength and should be improved.

CCBS has long advocated that the only feasible means of improving service to the millions of underserved Americans is to authorize operating power in excess of 50 kw for all Class I-A Clear Channel stations.

Since 1945 the Federal Communications Commission has had before it a rule making proceeding which involves primarily the questions of whether the present power ceiling of 50 kw should be changed and whether additional nighttime stations should be authorized

on any of the existing Class I-A Clear Channel frequencies.

H. Res. 714 expressed the sense of the House that the FCC (1) should authorize power in excess of 50 kw if it finds that such operation will serve the public interest and (2) should not authorize for a period of 1 year any additional nighttime stations on any of the existing 25 Class I-A Clear Channel frequencies. The House Report accompanying H. Res. 714 alluded to the fact that the Department of Defense favored "increased power and Clear Channel operation to aid in survivable communications" and that the Committee which held hearings on the matter "was impressed with the engineering testimony * * * that operation with power in excess of 50 kw would greatly benefit large areas and populations which do not have available to them any adequate nighttime radio service." The Report stated that a 1 year moratorium on a final resolution of the 17 year old Clear Channel rule making proceeding by the FCC was urged in order to (1) give the FCC an opportunity to reconsider, in light of H. Res. 714, its decision of September, 1961 to duplicate some of the Clear Channel frequencies and to postpone a decision on the higher power question, and (2) "to give all Class I-A Clear Channel stations an opportunity to file with the Commission an application to go to higher power * * *."

Roy Battles, Director
Clear Channel Broadcasting Service
532 Shoreham Building
Washington 5, D. C.
Executive 3-0255

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

September 14, 1962

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

FROM: Roy Battles

Gentlemen:

Here is the first rough draft of the proposed CCBS press release. It is planned to issue this release about the time Congress adjourns.

Please give me your reaction as to whether this is the kind of release we should issue plus your suggestions as to how it can be improved.

You will note that I have left out such points as the increased man made interference noise in rural areas - South American interference both now and potentially, etc.

I assume there is no possibility that any CCBS member station will have its application ready to file before October 15, 1962. Is this true?

What about distribution? Here are my suggestions:

1. Broadcasting Magazine
2. Radio Daily
3. Sponsor Magazine
4. Variety
5. UPI
6. AP
7. The Washington offices of newspapers affiliated with CCBS member stations, namely, (a) Chicago Tribune, (b) Dallas Morning News, (c) Atlanta Journal and Constitution, (d) Louisville Courier Journal, (e) Fort Worth Star-Telegram.
8. 30 copies to the rack in the Press Club
9. A copy to each CCBS General Manager
10. Copies to those who work close with us, namely, (a) Bill Greene, CBS, (b) Joe Baudino, Westinghouse, (c) Scoop Russell, NBC, (d) Larry Haeg, WCCO, and (e) William Dean, WWL.
11. Copies to Oren Harris, John Dingell, John Bennett, Carlton Loser, John Flynt, Senator Capehart and Senator Talmadge with special notes of transmittal.

Jack:
Will you please check this with Mr. Craig. If he objects to being the "guy" in the press release, it could go out with my name. He is named as better.

Is there danger of making a mistake?

12. Copies to Borschardt and Williamson
13. Copies to our farm list of 200 with a short robotyped letter of transmittal
14. What do you think of the following:
 - (a) A copy with a short letter of transmittal to all members of the House Commerce Committee.
 - (b) A copy with a short letter of transmittal to all Congressmen who voted favorably on House Resolution 714.
 - (c) A copy with a short letter of transmittal to all Congressmen who were absent on the day of the vote and did not have an opportunity to vote.

Best wishes.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Roy Battles', written over a circular scribble.

Roy Battles

RB/bh
Encl.

FIRST ROUGH DRAFT PROPOSED CCBS PRESS RELEASE

Clear Channel Broadcasting Service
Room 532
Shoreham Building
Washington 5, D. C.
Tel: EXecutive 3-0255

FOR RELEASE _____

Wash. D.C. (date) . Several Clear Channel radio stations soon plan to apply for permission to broadcast with power in excess of the present 50 kilowatt ceiling.

Edwin W. Craig, Chairman of the Clear Channel Broadcasting Service, reports that this action is in compliance with the intent of House Resolution 714 passed last July.

The Resolution's legislative history suggested a one year period to provide for two opportunities: First, for all Class I-A Clear Channel stations to file with the Federal Communications Commission an application for authority to use higher power. Second, for the Commission to carefully review the entire matter of providing for more adequate nighttime radio service to remote rural people.

Clear Channel stations are those stations licensed to provide wide area nighttime radio coverage to remote regions. They are the only source of AM radio listening at night for over 25 million Americans living in nearly 60% of the nation's land area.

Craig, who is also Board Chairman for WSM, Inc., Nashville, said that more adequate power is needed on Clear Channel stations to provide stronger, more reliable radio signals to millions of rural and small town residents. These listeners use radio more than most others, and cannot be provided with nighttime AM radio service in any other feasible way.

The Department of Defense is on record favoring the preservation of radio Clear Channels and the use of higher power thereon for military and civil defense reasons.

Practically every country, according to Craig, except the United States uses broadcasting power far in excess of 50 kilowatts. He said, in his opinion, "the U.S. ceiling is outmoded and must be lifted if the national interest is to be adequately served."

Craig said that while he personally knows of several CCBS member stations that are preparing applications for authority to use more adequate power, he does not know exactly how many will file for such authority, the level of power that they will seek, or when the applications will be filed.

The Clear Channel Broadcasting Service is a _____ year old association of non-network owned Clear Channel stations. Its present 13 members include KFI, Los Angeles; WSM, Nashville, Tennessee; WLW, Cincinnati, Ohio; WGN, Chicago; WSB, Atlanta, Georgia; WJR, Detroit, Michigan; WBAP, Fort Worth, Texas; WFAA, Dallas, Texas; WHAS, Louisville, Kentucky; WHO, Des Moines, Iowa; KSL, Salt Lake City, Utah; WHAM, Rochester, New York; WOAI, San Antonio, Texas.

SUMMARY OF REASONS FOR PASSAGE OF RADIO CLEAR
CHANNEL LEGISLATION (H. R. 8120 AND RELATED BILLS)
AT THIS SESSION OF CONGRESS

Here are some of the reasons why the national interest requires that Congressional guide lines be established to preserve existing radio (AM) Clear Channels and to authorize the use of higher power:

1. Clear Channel skywave service is the only means of bringing nighttime radio service to some 25 million Americans who live in nearly 60% of the nation's land area (white area). About 17 million of the "white area" population live east of and 7.3 million live west of the Mississippi River.
2. Additional millions depend on skywave service for their only choice of nighttime radio programs.
3. The present skywave service afforded to these millions of Americans, all of whom live in rural and small town areas, is inadequate in terms of signal strength.
4. It is impossible to provide any significant number of these millions of people with nighttime groundwave or local service. Even though the number of fulltime radio stations has increased from 900 to over 1900 in the past 15 years, the number of people who are dependent on nighttime skywave service for their only nighttime radio service and for their only choice of nighttime radio programs has not changed significantly.

28. PRESUNRISE OPERATIONS BY DAYTIME RADIO STATIONS

FALSE DISTRESS SIGNALS; REBROADCASTING; STUDIOS OF FOREIGN STATIONS

SEC. 325. (a) No person within the jurisdiction of the United States shall knowingly utter or transmit, or cause to be uttered or transmitted, any false or fraudulent signal of distress, or communication relating thereto, nor shall any broadcasting station rebroadcast the program or any part thereof of another broadcasting station without the express authority of the originating station.

(b) No person shall be permitted to locate, use, or maintain a radio broadcast studio or other place or apparatus from which or whereby sound waves are converted into electrical energy, or mechanical or physical reproduction of sound waves produced, and caused to be transmitted or delivered to a radio station in a foreign country for the purpose of being broadcast from any radio station there having a power output of sufficient intensity and/or being so located geographically that its emissions may be received consistently in the United States, without first obtaining a permit from the Commission upon proper application therefor.

(c) Such application shall contain such information as the Commission may by regulation prescribe, and the granting or refusal thereof shall be subject to the requirements of section 309 hereof with respect to applications for station licenses or renewal or modification thereof, and the license or permission so granted shall be revocable for false statements in the application so required or when the Commission, after hearings, shall find its continuation no longer in the public interest.

CENSORSHIP; INDECENT LANGUAGE

SEC. 326. 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.

USE OF NAVAL STATIONS FOR COMMERCIAL MESSAGES

SEC. 327. The Secretary of the Navy is hereby authorized, unless restrained by international agreement, under the terms and conditions and at rates prescribed by him, which rates shall be just and reasonable, and which, upon complaint, shall be subject to review and revision by the Commission, to use all radio stations and apparatus, wherever located, owned by the United States and under the control of the Navy Department, (a) for the reception and transmission of press messages offered by any newspaper published in the United States, its Territories or possessions, or published by citizens of the United States in foreign countries, or by any press association of the United States, and (b) for the reception and transmission of private commercial messages between ships, between ship and shore, between localities in Alaska and between Alaska and the continental United States: *Provided*, That the rates fixed for the reception and transmission of all such messages, other than press messages between the Pacific coast of

the United States, Hawaii, Alaska, Guam, American Samoa, and the Orient, and between the United States and the Virgin Islands, shall not be less than the rates charged by privately owned and operated stations for like messages and service: *Provided further*, That the right to use such stations for any of the purposes named in this section shall terminate and cease as between any countries or localities or between any locality and privately operated ships whenever privately owned and operated stations are capable of meeting the normal communication requirements between such countries or localities or between any locality and privately operated ships, and the Commission shall have notified the Secretary of the Navy thereof.

SPECIAL PROVISION AS TO CANAL ZONE

SEC. 328. This title shall not apply to the Canal Zone. In international radio matters the Canal Zone shall be represented by the Secretary of State.

ADMINISTRATION OF RADIO LAWS IN TERRITORIES AND POSSESSIONS

SEC. 329. The Commission is authorized to designate any officer or employee of any other department of the Government on duty in any Territory or possession of the United States to render therein such service in connection with the administration of this Act as the Commission may prescribe and also to designate any officer or employee of any other department of the Government to render such services at any place within the United States in connection with the administration of title III of this Act as may be necessary: *Provided*, That such designation shall be approved by the head of the department in which such person is employed.

OPERATION BEFORE SUNRISE WITH DAYTIME BROADCASTING FACILITIES

SEC. 330. (a) *If such operation does not violate any treaty or agreement to which the United States is a party, any standard broadcast station may, notwithstanding any other provision of this Act, operate with its authorized daytime facilities during—*

(1) *any presunrise period after 6 o'clock antemeridian, local standard time; and*

(2) *any presunrise period after 4 o'clock antemeridian, local standard time, in the case of any such station which, on sixty days during the twelve calendar months preceding the date of enactment of this section, operated during such presunrise period after 4 o'clock antemeridian, local standard time, with the daytime facilities licensed to it on the date of enactment of this section, if such operation was consistent with rules of the Commission then in effect.*

(b) *The provisions of subsection (a) shall not permit a station to operate during any of the hours in which an unlimited time standard broadcast station in the same community or urbanized area, operating with its nighttime facilities, serves substantially the same area as would be served by such presunrise operation.*

(c) *Where any unlimited time station makes a prima facie showing that presunrise operation by a station using daytime facilities under the provisions of this section results in harmful interference within a sub-*

30 PRESUNRISE OPERATIONS BY DAYTIME RADIO STATIONS

stantial portion of the primary service area it serves with its nighttime facilities, such unlimited time station shall be entitled to a hearing. The Commission shall modify or terminate the operation authorized by subsection (a) only if it is determined after hearing that such interference has been shown and that such modification or termination serves the public interest, convenience, or necessity.

(d) Notwithstanding section §16 of this Act or any other provision of law, no right to a hearing shall arise by virtue of operation under this section, except as specified in subsection (c).

(e) If any standard broadcast station licensed to operate only during daytime hours is not authorized by this section to operate during the presunrise period after 4 o'clock antemeridian, local standard time, the licensee or permittee of such station may make written application to the Commission to authorize such operation. The Commission may authorize such operation, in whole or in part, if it determines that such operation will not cause any harmful interference with the radio communication of any other radio broadcasting station in a substantial portion of the primary service area of such other radio broadcasting station.

(f) As used in this section the term "harmful interference" means any emission, radiation, or induction which seriously degrades, obstructs, or repeatedly interrupts a radio communication service.

(g) Nothing in this section shall affect the Commission's authority to authorize sharing time arrangements under which only one of the stations concerned shall have any of the rights provided for in this section.



CLASS I-A CLEAR CHANNEL STATIONS

JUNE 29, 1962.—Referred to the House Calendar and ordered to be printed

Mr. HARRIS, from the Committee on Interstate and Foreign Commerce, submitted the following

R E P O R T

[To accompany H. Res. 714]

The Committee on Interstate and Foreign Commerce, to whom was referred the resolution (H. Res. 714) expressing the sense of the House of Representatives with respect to the authorization by the Federal Communications Commission of class I-A clear channel operations, having considered the same, report favorably thereon without amendment and recommend that the resolution do pass.

PURPOSE OF HOUSE RESOLUTION

It is the purpose of the resolution to express the sense of the House of Representatives with respect to two interrelated matters within the jurisdiction of the Federal Communications Commission:

First, that the Federal Communications Commission may, notwithstanding Senate Resolution 294, 75th Congress, authorize the use of power in excess of 50 kilowatts on any of the 25 class I-A clear-channel stations in the standard broadcast band, if the Commission, after consideration of all pertinent factors, finds that operation with power in excess of 50 kilowatts will serve the public interest.

Second, that the Federal Communications Commission should not authorize, for a period of 1 year from the date of adoption of the resolution, nighttime operation of any station on any of the 25 class I-A clear-channel frequencies, unless such station was or could have been authorized (consistent with the rules of the Commission then in effect) to operate on such a frequency on July 1, 1961.

BACKGROUND OF HOUSE RESOLUTION

1938 Senate resolution

On June 7, 1938, the U.S. Senate adopted a resolution expressing the sense of the Senate in opposition to authorizing operations by radio stations with power higher than 50 kilowatts. The Senate resolution reads as follows:

Resolved, That it is the sense of the Senate of the United States of America that the operation of radio-broadcast stations in the standard broadcast band (550 to 1600 kilocycles) with power in excess of 50 kilowatts is definitely against the public interest, in that such operation would tend to concentrate political, social, and economic power and influence in the hands of a very small group, and is against the public interest for the further reason that the operation of broadcast stations with power in excess of 50 kilowatts has been demonstrated to have adverse and injurious economic effects on other stations operating with less power, in depriving such stations of revenue and in limiting the ability of such stations to adequately or efficiently serve the social, religious, educational, civic and other like organizations and institutions in the communities in which such stations are located and which must and do depend on such stations for the carrying on of community welfare work generally; and be it further

Resolved, That it is therefore the sense of the Senate of the United States of America that the Federal Communications Commission should not adopt or promulgate rules to permit or otherwise allow any station operating on a frequency in the standard broadcast band (550 to 1600 kilocycles) to operate on a regular or other basis with power in excess of 50 kilowatts (Congressional Record, vol. 83, p. 8944).

As a reading of the resolution shows, the opposition to higher power was based not so much on technical as on economic and social grounds. The proponents of the resolution were apprehensive that permitting a few stations to operate with power in excess of 50 kilowatts would result in undesirable concentration of control of the media of communication and would give stations authorized to broadcast with power in excess of 50 kilowatts such an economic advantage as to deal a serious blow to other stations. This apprehension was based largely on the assumptions (1) that national advertisers would tend to rely on these few stations for coverage of all or most of the Nation rather than buying time on regional and local stations, and (2) that the stations not authorized to operate with higher power would lose their network affiliation.

FCC clear channel proceeding

On February 20, 1945, the Federal Communications Commission instituted a clear channel proceeding¹ for the purpose of determining how best to improve the inadequate service rendered to rural areas (about 23 million persons residing in almost 60 percent of the land area of the continental United States (excluding Alaska) were not receiving a single adequate nighttime radio service). Sixteen years later, on September 13, 1961, the Federal Communications Commission adopted

¹ In the matter of *Clear Channel Broadcasting in the Standard Broadcast Band* (Docket No. 6741).

its report and order in this proceeding which proposes to "duplicate" ² 13 of the presently existing class I-A clear channels.

In its decision the Commission indicated that it had given careful consideration to the question of authorizing clear channel stations to operate with power in excess of 50 kilowatts. In delaying decision on the issue of higher power the Commission referred to the 1938 resolution of the U.S. Senate. ³ In their testimony before the committee, some of the Commissioners indicated that they felt obligated to give some weight to the Senate resolution. ⁴

COMMITTEE HEARINGS

The committee through its Subcommittee on Communications and Power held extended hearings on February 1, 2, and 13, 1962, on several bills. ⁵ These bills propose to amend section 303(c) of the Communications Act of 1934 by providing that, except to the extent authorized as of July 1, 1961, only one station shall be licensed for nighttime operation on any of the 25 class I-A clear channel frequencies in the standard broadcast band. Two of the bills (H.R. 8210 and H.R. 8228) would, in addition, have added a proviso stating that the class I-A stations on these channels shall be authorized to operate with more than 50 kilowatts power where the station can show that the greater power requested would improve significantly its nighttime skywave service to small towns and rural areas which do not receive any satisfactory nighttime AM groundwave service.

These bills were introduced to counteract the decision of the Federal Communications Commission in the clear channel case which provides for duplication of stations on about one-half of the clear channels.

In the course of the hearings the subcommittee heard testimony from several Members of Congress and representatives of the clear channel stations and farm groups in support of the several bills and particularly in support of those bills which would authorize clear channel stations to operate with power in excess of 50 kilowatts.

The Chairman of the Federal Communications Commission and several Commissioners testified in opposition to the legislation. The Commission requested, however, congressional policy guidance on the question of higher power. Some Commissioners, while opposing the legislation, reiterated their dissatisfaction with the Commission's decision in the clear channel case because it would provide adequate nighttime service to only a small fraction of the 25 million Americans who now are without any adequate nighttime service.

REASONS FOR HOUSE RESOLUTION

Upon conclusion of the hearings the committee gave careful consideration to the issues before it. The committee decided that it was not desirable by legislation to freeze for all time the present concept of clear channel operation. On the other hand, the committee was greatly impressed with the engineering testimony presented to it

²The "duplication" of clear channels would involve authorizing stations other than the clear channel stations to operate at night on clear channel frequencies. The concept of a clear channel station implies that no other station is authorized to operate at nighttime on a clear channel frequency.

³ Report and order in the matter of Clear Channel Broadcasting in the Standard Broadcast Band (docket No. 6741), paragraphs 18, 19, 20, 21, and 25 (hearings, p. 168, et seq.).

⁴ Committee hearings, p. 254.

⁵ H.R. 8210, H.R. 8211, H.R. 8228, and H.R. 8274.

by several members of the FCC and the representatives of the clear channel stations that operations with power in excess of 50 kilowatts would greatly benefit large areas and populations which do not have available to them any adequate nighttime radio service. The committee also received testimony from General Bestic, on behalf of the Department of Defense, who stated: "* * * we favor increased power and clear channel operation to aid in survivable communications." ⁶

The Commission in its testimony, as well as in its clear channel decision, referred to the Senate resolution of 1938 as one of the important reasons why the Commission did not feel free to authorize operations at power in excess of 50 kilowatts. Under the provisions of section 303(c) of the Communications Act of 1934, the Commission is directed to assign frequencies and to determine the power which stations shall use on the basis of the Commission's determination of what is required in the public interest. The 1938 resolution, however, has had a limiting effect on the Commission's discretionary powers to determine what best serves the public interest.

The committee, therefore, decided that the full and complete discretion of the Federal Communications Commission to determine what operations are in the public interest should be restored and that this should be done by means of a resolution expressing the sense of the House of Representatives that the Commission should have this full and complete discretion, the Senate resolution of 1938 notwithstanding.

The testimony of several of the FCC Commissioners indicated a desire to authorize such higher power at least for some clear channel stations. The committee feels that the opportunity to authorize such higher power, unencumbered by the Senate resolution of 1938, might have altered the views of some of the Commissioners who voted with the majority of the Commission in disposing of the clear channel case as proposed in the Commission's report and order.

Therefore, the resolution recommended by the committee urges a 1-year moratorium on the Commission's decision in the clear channel case in order to give all class I-A clear channel stations an opportunity to file with the Commission an application to go to higher power, and to give the Commission an opportunity to reconsider its report and order in the light of this resolution of the House of Representatives.

In recommending adoption of this resolution, the committee is not unmindful that the Commission may have to seek solutions other than those now proposed with respect to the specific problem of providing suitable frequencies for stations in San Diego, Calif., and Anchorage, Alaska.

⁶ Hearings, p. 85.

CLEAR CHANNEL BROADCASTING SERVICE



Your Attention Please!

Bulletin #23

July 3, 1962

TO CCBS GENERAL MANAGERS AND CHIEF ENGINEERS:

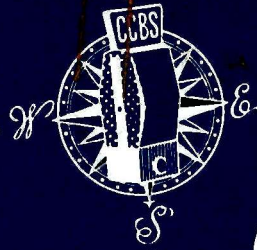
Re: Committee Report "Daytimer"
Legislation - H.R. 4749.

Here is a copy of the report (House Report #1870) made by the House Interstate and Foreign Commerce Committee in connection with its approval of H.R. 4749 as amended in Committee.

This legislation, as you know, deals with possible presunrise operations by daytime radio stations. The legislation is currently before the House Rules Committee where, to date, no action has been taken.

The interpretation of the Report by Broadcasting Magazine will be found on Page 48 of the June 25, 1962 issue of the magazine.

ROY BATTLES



CLEAR CHANNEL BROADCASTING SERVICE

Your Attention Please!

Bulletin #22

July 3, 1962

TO CCBS GENERAL MANAGERS AND CHIEF ENGINEERS:

Re: House Adoption of Clear Channel
House Res. #714.
Daytimer Bill H.R. 4749.

1. House Res. 714

The House of Representatives adopted yesterday Clear Channel House Resolution 714 by a hairline margin. This is a significant victory in terms of a step in the direction of sound and wise broadcast policy development as it relates to radio Clear Channels and their use. It opens the door for possible further progress.

The Resolution is a "sense of the House of Representatives" expression. It does not go to the Senate nor does it have the effect of law. Yet, it represents a major national expression.

The wording of the Resolution is exactly the same as that sent to you with Bulletin #21 dated June 27, 1962. Broadcasting Magazine carried a story about it on Page 32 of the July 2, 1962 issue.

The decision of whether the legislation should have taken the form of a Bill, which would have required Senate action and Presidential approval in case of passage, or a House Resolution was made by the House Committee on Interstate and Foreign Commerce. The leadership of that Committee insisted upon a House Resolution.

House Resolution 714 came within a few votes of defeat. This is an indelible indication of the paramount challenge that CCBS stations face in terms of telling the Clear Channel story - creating understanding and cultivating informed friends in high places.

Enclosed you will find House Report #1955 which is the Report of the Interstate and Foreign Commerce Committee to the Congress relative to House

Resolution 714. Also enclosed are pages 11672 through 11686 of the July 2, 1962 issue of the Congressional Record. These pages contain a verbatim transcript of the debate on both the Daytimer Bill, H.R. 4749, and the Clear Channel Resolution, House Res. 714.

We were only able to get sufficient copies of these two items to provide each CCBS station with one copy. It is enclosed in the envelope addressed to the General Manager who may want to share it with others interested.

Be sure to note those Congressmen starting on Page 11685 of the enclosed Congressional Record who voted for and against the legislation. The paired votes listed on page 11686 beginning with the words "until further notice" mean nothing and cannot be considered as for or against. You will also want to read the transcript of the debate relating to the legislation.

The attack on the legislation by Congressman Paul Jones of Missouri was very damaging. You should know, however, that Congressman Jones is President of KBOA, a daytime station on 830 kc at Kennett, Missouri.

2. House Passage of H.R. 4749. (language of this Bill sent to you on June 7 with Bulletin #19.)

House approval yesterday of H.R. 4749 was a foregone conclusion. The daytime broadcasters have done their homework well. Unlike the Clear Channel legislation, however, H.R. 4749 is a Bill. It must be approved by the Senate and escape a Presidential veto before it can become law.

In view of the late date and the mass of important legislation log-jammed in the Senate, there is considerable question as to whether passage at this session is possible. In this town, however, anything is possible -- and broadcasters affected by this legislation would do well to pay attention to this possible Senate action.

Also, in the General Managers' envelope is one copy of House Report #1870, which is the report to the Congress relative to H.R. 4749.

ROY BATTLES

bill to provide the financing necessary for these recreational facilities.

Mr. ROGERS of Texas. I could not agree with the gentleman that that would be in order. I do not think it would be quite fair to the people in that area.

Mr. YOUNGER. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Texas. I am glad to yield to the gentleman.

Mr. YOUNGER. What is the water in this reservoir used for—irrigation?

Mr. ROGERS of Texas. Irrigation.

Mr. YOUNGER. Solely?

Mr. ROGERS of Texas. You could say solely except for the recreational purposes in connection with the reservoirs themselves.

Mr. YOUNGER. Is the water used by the cities or for public use?

Mr. ROGERS of Texas. No, not that I know of, except under the compact between this country and Mexico. Of course, this is the Rio Grande River. It subsequently becomes the boundary between the United States and Mexico.

Mr. YOUNGER. Will we add here to the pollution which we will later have to spend money on?

Mr. ROGERS of Texas. No. We are reducing it here. That is one of the primary purposes of this type of legislation. There are no facilities to take care of the health situation there. That would be part of the recreational structure.

Mr. SAYLOR. Mr. Speaker, the gentleman from Texas has explained the purpose of this bill. For the reason that we have no user charge and since these two reservoirs were built under the policy of the Federal Government to allow the construction cost or the charge for recreational facilities to be included in the initial construction, I believe the bill should pass and these facilities should be built. As the gentleman from New Mexico [Mr. MORRIS] has explained, the State of New Mexico has agreed that they will, when these facilities are erected, operate them in these two reservoirs.

The SPEAKER. The question is, will the House suspend the rules and pass the bill Senate 46, as amended?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PRESUNRISE OPERATIONS BY DAYTIME RADIO STATIONS

Mr. HARRIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4749) to amend the Communications Act of 1934, with respect to the hours of operations of certain broadcasting stations, as amended.

The Clerk read as follows:

That part I of title III of the Communications Act of 1934 (47 U.S.C. 301-329) is amended by adding at the end thereof the following new section:

"OPERATION BEFORE SUNRISE WITH DAYTIME BROADCASTING FACILITIES

"SEC. 330. (a) If such operation does not violate any treaty or agreement to which the

United States is a party, any standard broadcast station may, notwithstanding any other provision of this Act, operate with its authorized daytime facilities during—

"(1) any presunrise period after 6 o'clock antemeridian, local standard time; and

"(2) any presunrise period after 4 o'clock antemeridian, local standard time, in the case of any such station which, on sixty days during the twelve calendar months preceding the date of enactment of this section, operated during such presunrise period after 4 o'clock antemeridian, local standard time, with the daytime facilities licensed to it on the date of enactment of this section, if such operation was consistent with rules of the Commission then in effect.

"(b) The provisions of subsection (a) shall not permit a station to operate during any of the hours in which an unlimited time standard broadcast station in the same community or urbanized area, operating with its nighttime facilities, serves substantially the same area as would be served by such presunrise operation.

"(c) Where any unlimited time station makes a prima facie showing that presunrise operation by a station using daytime facilities under the provisions of this section results in harmful interference to radio reception of a substantial portion of the area or population within the primary service area it serves with its nighttime facilities, such unlimited time station shall be entitled to a hearing. The Commission shall modify or terminate the operation authorized by subsection (a) only if it is determined after hearing that such interference has been shown and that such modification or termination serves the public interest, convenience, or necessity.

"(d) Notwithstanding section 316 of this Act or any other provision of law, no right to a hearing shall arise by virtue of operation under this section, except as specified in subsection (c).

"(e) If any standard broadcast station licensed to operate only during daytime hours is not authorized by this section to operate during the presunrise period after 4 o'clock antimeridian, local standard time, the licensee or permittee of such station may make written application to the Commission to authorize such operation. The Commission may authorize such operations, in whole or in part, if it determines that such operation will not cause any harmful interference with the radio communication of any other radio broadcasting station which affects a substantial portion of the area or population within the primary service area of such other radio broadcasting station.

"(f) As used in this section the term 'harmful interference' means any emission, radiation, or induction which seriously degrades, obstructs, or repeatedly interrupts a radio communication service.

"(g) Nothing in this section shall (1) affect the Commission's authority to authorize sharing time arrangements under which only one of the stations concerned shall have any of the rights provided for in this section, or (2) be deemed to preclude the Commission from authorizing by rule, with or without the necessity of application, any standard broadcast radio station authorized to operate only during daytime hours to operate during any presunrise or post-sunset period, or both, in such circumstances and under such conditions as the Commission may find to be in the public interest."

SEC. 2. The amendment made by this Act shall take effect on the ninetieth day after the date of its enactment.

The SPEAKER. Is a second demanded?

Mr. SPRINGER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. HARRIS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the purpose of this legislation is to make available to many persons in the United States, before sunrise in wintertime, vitally needed radio programs furnishing local news and information. At present many persons in the United States reside in areas which are not served by fulltime community radio stations and, therefore, they have to do without such early morning local news and information programs in wintertime.

What is responsible for this situation? Well, under the regulations of the Federal Communications Commission, many daytime broadcasting stations may not begin operations until after sunrise and in wintertime, especially in northern localities, sunrise occurs rather late in the morning.

You may wonder why the Federal Communications Commission has adopted rules which seem so unreasonable at first flush and which seem to discriminate against many small community radio stations.

Let me try to explain the background of the problems which the Commission and the Congress are facing. I shall have to begin to tell you briefly about the physical characteristics of the radio signals transmitted by standard broadcasting stations.

Standard broadcasting stations are known to most of you as AM stations as distinguished from FM stations, FM standing for frequency modulation and AM standing for amplitude modulation.

Now, the electromagnetic waves transmitted by standard or AM broadcasting stations consist of two basic types: groundwaves and skywaves. The strength of groundwaves is consistent day and night and groundwaves travel along the surface of the earth.

Skywaves are propagated into the atmosphere. During the daytime most of the skywaves are not reflected back to the earth's surface. As the sun sets, however, a layer of electrified particles about 65 miles above the earth becomes in effect a mirror and reflects most of the skywaves back to earth. Skywaves are of variable strength but can travel many hundreds of miles with considerable intensity during the nighttime.

Now, since groundwaves are of consistent strength day and night, the service rendered by groundwaves is referred to as the primary broadcasting service. Since skywaves are of variable strength and are effective only at nighttime for broadcasting purposes, the service rendered by means of skywaves is referred to as secondary broadcasting service.

Now, the absence of skywaves during the daytime makes it possible to permit more AM stations to broadcast during the day without creating undue interference than at night. It is for this reason that about one-half of the 3,400 standard broadcast stations licensed by the Federal Communications Commission are licensed for daytime operations only.

Now, you can see the basic reason why, under the present rules of the Federal

bill (S. 46) to provide for the establishment and administration of basic public recreation facilities at the Elephant Butte and Caballo Reservoir Areas, N. Mex., and for other purposes.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to investigate, plan, construct, operate, and maintain basic recreation facilities at Elephant Butte and Caballo Reservoirs, Rio Grande Federal reclamation project, New Mexico (including access roads and facilities for the safety, health, and protection of the visiting public), and to provide for the public use and enjoyment of such recreation facilities and the water areas of such reservoirs in such manner as is consistent with the primary purpose of such project. The cost of such recreation facilities shall be nonreimbursable and nonreturnable.

Sec. 2. The construction of recreation facilities at or near Elephant Butte and Caballo Reservoirs, as herein authorized, shall not provide in any manner whatsoever a basis for the allocation of water for recreation use or for the allocation of reservoir capacity for recreation use; and the priority for irrigation use of water stored in Elephant Butte and Caballo Reservoirs and the priority of use for irrigation purposes of the capacities of such reservoirs shall not be affected in any manner by the provision for recreation facilities as authorized herein.

Sec. 3. The Secretary of the Interior may issue such rules and regulations as are necessary to carry out the provisions of this Act and may enter into an agreement with the State of New Mexico, or a political subdivision thereof, for the administration, operation, and maintenance of the facilities herein authorized.

Sec. 4. There are authorized to be appropriated such amounts, but no more than \$607,000, as may be necessary to carry out the provisions of this Act.

The SPEAKER. Is a second demanded?

Mr. SAYLOR. I demand a second.

Mr. ROGERS of Texas. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ROGERS of Texas. Mr. Speaker, I yield myself such time as I may desire.

Mr. Speaker, the purpose of this legislation is to authorize the construction of recreational facilities at two existing Federal reservoirs in New Mexico in order to provide for public use and enjoyment of these water areas.

Now, one of these reservoirs, the Elephant Butte Reservoir, was one of the early reclamation projects and was completed in the year 1916. The Caballo Reservoir, or regulating reservoir, downstream from the Elephant Butte Reservoir, was constructed and completed in 1938. At the time the Elephant Butte Reservoir was constructed, recreational facilities were not being provided, and this reservoir is located in an area where people have great need for water facilities for recreational purposes.

As a matter of fact, it is not only not unusual, but it is usual for people to drive as far as 600 or 700 miles on a

weekend with a boat tied to their car in order to get to a reservoir.

Mr. Speaker, some time ago there were some limited recreation facilities built in connection with the Elephant Butte Reservoir under the CCC program. But that constitutes all of the recreational facilities they have at either reservoir.

Mr. Speaker, we went into this thing in detail in an effort to determine just exactly what the Congress of the United States should do to correct the situation. It was concluded that the greatest service which could be rendered from a recreational standpoint in that area was that something should be done to make facilities available. When the bill came over from the Senate, it was more or less open ended, with the appropriations on an estimated basis. The committee amendment that we placed in the bill put a ceiling at, I believe, \$607,000. Now, \$149,000 of that amount will go for recreational purposes at the Caballo Reservoir—the downstream reservoir—and about \$458,000, or the difference between \$149,000 and \$607,000, will go for recreational facilities at Elephant Butte.

Mr. Speaker, there is one other point that I think should be made, and that is this: Under the present reclamation projects recreation or money allocated for recreation is not reimbursable to the Federal Government. It is what we call a nonreimbursable item. As I pointed out, at the time these reservoirs were built, there were no recreational facilities provided. However, when this matter came before the subcommittee, we discussed at that time the possibility of working out some kind of a situation where a minimum or a reasonable payment could be made by people using these recreational facilities in order to defray the expense. The reason that a charge of that kind is not contained in this bill is because there is a bill on the general subject pending before our committee on which we are presently working and which we hope to conclude before long, making it possible to make some reasonable charge insofar as all of the Federal facilities are concerned in order to help defray many expenses, even though it is nonreimbursable.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Texas. I would be happy to yield to the gentleman from Iowa.

Mr. GROSS. Does not the gentleman think that this bill ought to await action on the other bill which the gentleman mentioned?

Mr. ROGERS of Texas. No; I do not think so, I will say to the gentleman from Iowa, because the charge is not being made in other areas where recreational facilities were provided. The situation out here in this area simply poses a problem where you have a reservoir there with no recreational facilities. It is bad from a health standpoint, it is bad from the standpoint of availability of recreational services to people over an extremely wide area.

Mr. GROSS. If the gentleman will yield further—

Mr. ROGERS of Texas. I yield to the gentleman from Iowa.

Mr. GROSS. Let me ask the gentleman this question: What contributions are the States of New Mexico and Texas making to these recreational facilities?

Mr. ROGERS of Texas. Well, now the gentleman means on the recreational facilities?

Mr. GROSS. Yes; that is what this bill deals with, is it not?

Mr. ROGERS of Texas. Yes. They are making the same contribution insofar as contributions are concerned that all other States in which reservoirs are located are making on reclamation projects. There is no particular fund set up by the State other than our regular recreational funds which are used in conjunction with the Federal Government expenditures in order to make these recreational facilities available. Now, this bill provides that the Secretary of the Department of Interior can make an agreement with the State of New Mexico to work this situation out, and there is an expense involved in that particular.

Mr. GROSS. The fact of the matter is that the States are not putting anything into this recreational activity.

Mr. ROGERS of Texas. Oh, yes; I do not think there is a State in the United States that does not have a Recreation Department and recreation funds, and they spend a tremendous amount of money, in connection with Federal projects, such as access roads and other facilities on State land.

Mr. GROSS. What are they putting into this project, if anything?

Mr. ROGERS of Texas. This project is located in New Mexico on the Rio Grande River, quite a few miles from Texas; and I should like to yield to the gentleman from New Mexico to answer the gentleman's question.

Mr. MORRIS. Mr. Speaker, the State of New Mexico has already expended \$900,000 for a paved road up to the Federal area. The State of New Mexico will operate and maintain facilities that will be built by the Federal Government. We hope to have many of the people from the gentleman from Iowa's State down in New Mexico so they may have a decent place to fish when they come there.

Mr. GROSS. I hope that if the \$600,000 is authorized in this bill Iowans will get at least a smell of what goes on down there. But that is beside the point. I cannot understand why the taxpayers of the entire country have to provide more than a half million dollars to take care of recreational facilities under these circumstances.

Mr. ROGERS of Texas. Mr. Speaker, let me say this to the gentleman from Iowa. When you look at the statistics of these projects you will find that approximately 80 percent of the people who go to these areas come from outside of the State in which the project is located. That is the reason we are presently considering general legislation on the subject of making charges because it would be quite unfair for a State to be required to pay a large sum of money for recreational facilities in New Mexico to take care of the people in Iowa, and vice versa.

Mr. GROSS. Then let us hold up this bill and see what is done with the other

Communications Commission, daytime stations are permitted to operate only between sunrise and sunset.

Since this rule—which as you can see is based on physical factors—makes it impossible for daytime stations to broadcast during the early morning hours in wintertime, the Commission sought to give daytime facilities an opportunity to come on before sunrise if their operation before sunrise did not cause undue interference to other stations.

Now the bills on which the committee held hearings, and there were many bills introduced by different Members who were greatly concerned over this situation, would have authorized operations by daytime stations at least during the hours from 6 a. m. to 6 p. m.

In the course of the hearings, the committee heard testimony in favor of this legislation from numerous Members of Congress, many operators of daytime broadcasting stations, and the committee has received numerous communications from the listening public urging adoption of this legislation. Members of the FCC and spokesmen of organizations representing regional broadcasting stations and clear channel stations presented testimony in opposition to the legislation.

Now, the committee was confronted with an exceedingly difficult situation. The problems involved are highly technical but the committee felt very strongly that some opportunity should be provided to make available in wintertime during presunrise hours, local news and information programs which would furnish to many persons information on local weather and traveling conditions, local school, civic and charitable activities, local agricultural marketing information and information on plant openings and closings which might be affected by weather conditions and other factors.

The committee felt that these local news and information programs must take priority over programs broadcast by regional stations and clear channel stations which frequently are removed great distances from small communities which have only daytime stations.

These regional stations and clear channel stations cannot possibly fill the need of providing many small communities and rural areas which are within their reach with information on local conditions and local activities.

Now, since presunrise operations by daytime stations are likely to cause some interference to the radio signals of other stations, the committee decided to limit the extent of this interference as much as possible.

Under the provisions of the legislation only those daytime stations which are located in areas not served by fulltime stations would be authorized to begin operations at least at 6 a. m. local standard time. In addition, those daytime stations which are located in areas not served by fulltime stations and which have operated for at least 60 days during the year preceding enactment of this legislation during presunrise hours after 4 a. m. may continue such early presunrise operations.

The legislation provides that if the Commission determines after hearing that presunrise operations result in harmful interference to a substantial portion of the primary service area of an unlimited time station, then the Commission is required to modify or terminate such operation in the public interest. Daytime stations which do not meet the terms and conditions of this legislation permitting sunrise operations, may make written application to the Commission to authorize such operations. However, such stations would have the burden of proving to the Commission and the Commission must find that such operations will not cause any harmful interference in a substantial portion of the primary service area of any other station.

Now, why did the committee feel that it is necessary for the Congress to legislate on this highly technical subject? I want to tell the Members of the House that the committee had great hesitation to recommend legislation in this area and is doing so only because there seems to be no other way of assuring an adequate early morning radio service in many small communities and rural areas.

The committee report discusses in detail the proceedings which the FCC has conducted and the decisions which the Commission has reached, all of which have been unfavorable to early morning operations.

The committee has no quarrel with the Commission insofar as operation by daytime stations after sunset are concerned. The interference resulting from postsunset operation are likely to exceed greatly the interference which may be caused by presunrise operations. Furthermore, the committee record indicates that the public need for postsunset operations by daytime stations is not anywhere near as great as is the need for presunrise operations by daytime stations.

The Commission has struggled with this problem for many years and the committee has conducted hearings on this legislation during the 86th Congress and again during the 87th Congress. The committee has come to the conclusion, on the basis of the extensive hearings conducted by it, that legislation is required if radio service in the public interest is to be provided during presunrise hours in those communities which do not have full-time radio stations. The communities which do not have full-time stations are primarily the smaller ones and the reason for that is to be found in the fact that frequencies for the operation of full-time stations have all been assigned to larger communities and the smaller communities have had to content themselves with frequencies which permit daytime operations only.

Legislation recommended by the committee is not legislation which seeks to favor small daytime stations at the expense of regional and clear-channel stations. The committee is interested not in the competitive economics of different classes of radio stations. The committee is interested in providing local radio

services for citizens in communities which at present lack local wintertime presunrise radio services.

Admittedly, the daytime stations have asked for more. They wanted to operate not only presunrise but also postsunrise. The committee felt that the public interest is not at all the same with regard to postsunrise operations. Therefore, the legislation of the committee is limited in scope. However, it is legislation which, in the opinion of the committee—and the committee is unanimous on this, is badly needed if radio services are to be provided in the public interest in those situations where such services are unavailable at present.

Now, I could go on at great length relaying other aspects of this legislation. I could talk to you about FM services which might be used to supplement or replace local AM services. I could talk to you about the possibility of reassigning full-time stations from larger communities which have many such stations to smaller communities which have daytime stations only. The report deals with these details and I urge the Members who seek additional information to read the report.

I want to repeat, our committee has taken great pains in conducting hearings on this legislation. The Commission has testified several times on this legislation, and while individual Commissioners have indicated that they are sympathetic with the objectives which the committee is seeking to accomplish by this legislation, the Commission thus far has not seen fit to take any constructive steps in bringing out these objectives. Therefore, I am urging the House to adopt this legislation and it is my hope that the Commission will implement this legislation in such a manner that the public will get the benefits which the committee is seeking to bring to the public.

As pointed out in the committee report, two perfecting and clarifying committee amendments will be moved when the House will vote on this bill.

Mr. GAVIN. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman.

Mr. GAVIN. Mr. Speaker, I want to compliment the gentleman first on a very fine explanation, and I associate myself with his remarks. I have a number of small stations in my district that have been asking for this legislation for a considerable time. I want the gentleman to know I wholeheartedly support this bill.

Mr. HARRIS. I thank my colleague and appreciate his support very much.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Mississippi, a sponsor of one of the bills, who testified before the committee on the bill.

Mr. ABERNETHY. I also wish to associate myself with the gentleman from Arkansas and congratulate him and his committee for the relief which this legislation gives. As the gentleman says, it does provide the early morning hours

almost exactly as they sought, but you are not able to give them the late afternoon time that they desired.

Mr. HARRIS. We are giving about 40 percent of the stations relief per se. It will give the others some relief by application to the Commission.

Mr. ABERNETHY. I would like to say that I have about 15 or 18 stations in my district interested in this legislation, and on their behalf I wish to express appreciation to the gentleman.

Mr. AVERY. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield.

Mr. AVERY. I appreciate the gentleman's yielding to me. This problem has been before the Committee on Interstate and Foreign Commerce for some 6 years. This probably is not the best solution to the problem but it is probably the best one that could be reached.

Mr. HARRIS. It is not all that we could ask for, but it does meet a great part of the problem. We have got to decide it on that base. The people are entitled to some decision.

Mr. AVERY. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield.

Mr. AVERY. The gentleman's explanation is abundantly clear except in one respect, and that is those stations that have not been on the air in the last 6 months after 4 o'clock. The report says they may apply for permission from the Commission to come on the air if there is not another broadcasting facility in the primary service area which is going to. Is there any definition of what a primary area is?

Mr. HARRIS. Yes; there is a generally accepted definition for both primary and secondary service. Primary service is service provided by ground waves. Secondary service is that provided by skywaves.

Mr. DULSKI. Mr. Speaker will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from New York who represents the district where the trouble came from, the city of Buffalo. A station in that city filed a petition which brought this matter on. The decision by the court of appeals called for an answer from Congress; there was need for Congress to take some action.

Mr. DULSKI. The reason I am asking the gentleman to yield is this: You have a daytime station and a full-time station. The case is covered on page 5 of the report.

Mr. HARRIS. Yes, when you read the report you get some idea of the problem.

Mr. DULSKI. Is there any relief provided for WGR when WBen is operating on the same wavelength?

Mr. HARRIS. If the situation results in harmful interference the Commission is directed to decide in the public interest whether the daytime may continue to operate.

Mr. PILLION. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield.

Mr. PILLION. The decision in the WBen case constitutes a further justification for Congress stepping into the sit-

uation for the purpose of modifying existing law under which they will be taken off the air. Is it not true that under this bill where there is a conflict between a daytime station and an all-time station that automatically that wavelength will be transferred to the daytime station for that section?

Mr. HARRIS. There will be some overlapping of service in certain areas, but we feel that priority should be given to community services. It will not affect the primary service of any other station unless the Commission determines that that is in the public interest.

Mr. PILLION. There are other considerations that enter into it. It seems to me the action contemplated under this legislation is completely contrary to our common law and to the law of property rights.

Mr. HARRIS. I do not agree with the gentleman at all. That is not the purpose of this legislation.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield.

Mr. WHITTEN. I commend the gentleman for definitely solving a problem that has been bothering us for a long time. I am sure it will bring a measure of relief in my area.

Mr. HARRIS. I know the gentleman's interest and thank him for his kind words.

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield.

(Mr. STRATTON asked and was given permission to revise and extend his remarks.)

Mr. STRATTON. Mr. Speaker, I want to commend the gentleman from Arkansas for his leadership in bringing this bill to the floor for prompt action. I support the bill and urge its prompt passage by the House.

As the gentleman from Arkansas has already indicated, this bill will fill an urgent need for many of the rural areas of our country. H.R. 4749 will provide greatly needed relief for a number of radio stations which serve those areas of upstate New York which I have the honor to represent.

In Norwich, N.Y., for example, Station WCHN has long provided valuable traffic, weather, and school-closing information to people of a very large area, and has provided this in time to be helpful, well before the winter sunrise hour. Without the passage of H.R. 4749, this very valuable service being performed by Station WCHN to the people of its area would have to be terminated, and the results of such termination could only bring harm and extreme inconvenience to the city of Norwich and its surrounding areas.

I am glad that this bill is before us today, and I urge its overwhelming and rapid adoption.

Mr. BREEDING. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield.

Mr. BREEDING. Mr. Speaker, I rise to support H.R. 4749, which is designed to offer protection to class III radio stations. This legislation is similar to a

bill I introduced on April 16, 1962, to accomplish the same purpose.

It seems to me, Mr. Speaker, that the protection this legislation offers is needed by 2,300 small, predominately rural, stations which are now endangered by a proposed rulemaking before the Federal Communications Commission.

There is no question in my mind that docket No. 14419, now before the FCC, could easily limit the sign-on time of these stations to as late as 8 a.m. Such action would have a most adverse effect, not only upon the stations involved, but, more importantly, the rural audiences which these stations serve. This legislation would prevent the FCC from taking the proposed adverse action.

I cannot impress upon you too strongly the importance of the early morning radio service in my area to farmers, schools, and highway users. These stations bring them much needed information as to the weather. The farm marketing news is also a valuable part of the service of these stations.

I believe this matter of operating hours of these so-called sun-up to sun-down stations should be settled once and for all, and I believe the proper place to settle it is in the Congress. As long as the final decision rests with the Federal Communications Commission, the operators of larger stations will continue to press for limiting the hours of the small, rural stations.

We need the service in rural areas such as I represent. The stations are doing a fine job in passing along needed information to the public. Let us pass this legislation and insure the situation will not be disrupted in the future.

(Mr. BREEDING asked and was given permission to revise and extend his remarks.)

Mr. EVINS. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Tennessee.

Mr. EVINS. Is the gentleman opposed to giving licenses for additional daytime stations throughout the country?

Mr. HARRIS. Not where there is a frequency available; no.

Mr. EVINS. There is a great backlog of cases in the Federal Communications Commission, a large number of applications pending, and they are far behind. The gentleman would not oppose additional applications pending where there is a public need and necessity and where there is an urgency for them?

Mr. HARRIS. I would not oppose any applications, and I doubt that the Commission would, where there is a frequency available and the service is needed. It has been the policy over the years to grant such stations a license. What I have been objecting to is that the Commission, in trying to divide up the cake, has given so many stations a license to operate where they conflict with other frequencies within the area. There is such a fine distinction there it is hard to avoid overlapping of the services; therefore, interference causes great concern.

Mr. EVINS. The gentleman does not favor granting additional lines. His

policy would be no more additional stations or no more small business, but, rather, larger and bigger operations. That would be the logical conclusion of his position; would it not?

Mr. HARRIS. I do not get the gentleman's implication at all. I have not indicated such in any statement I have made.

(Mr. HOEVEN (at the request of Mr. Gross) was given permission to extend his remarks at this point in the Record.)

Mr. HOEVEN. Mr. Speaker, during the past winter months I have received many communications from constituents in northwest Iowa expressing the inconvenience which has been caused to them by the fact that their local radio stations may not commence daytime operations until sunrise time. As you can readily understand, sunrise during the winter months in northwest Iowa occurs rather late in the morning.

This past winter particularly, my area had unusually inclement weather with heavy snows and subfreezing temperatures. On a number of occasions, it was necessary to close schools and cancel civic functions during the early morning hours, and it was not possible to give these announcements until after the radio stations commenced broadcasting at sunrise time. In many cases this was after the hour on which farm children had departed for school. The lack of early morning weather forecasts has also been a hardship to my constituents in rural areas who are out of the range of full-time broadcast stations.

I am pleased that the Committee on Interstate and Foreign Commerce has favorably recommended H.R. 4749 and feel that it should be given full support. If H.R. 4749 is enacted into law and the local radio stations are permitted to commence broadcasting at 6 a.m., a great part of the above-mentioned hardship can be alleviated.

(Mr. BERRY asked and was given permission to extend his remarks at this point in the Record.)

Mr. BERRY. Mr. Speaker, as one of the sponsors of legislation to permit presunrise operations of daytime radio stations, I urge the passage of H.R. 4749 which will make available to many people urgently needed radio service, particularly in the winter.

In the farm and ranch country, the local radio station is a vital element in the community, bringing valuable information on weather conditions on which the stockmen depend, school closings, and other emergency announcements.

For example, the president of one of our large colleges wrote recently on the importance of this legislation. As one who travels frequently, local weather conditions are essential in his planning, and it is impossible to delay trips and prearrangements which would be necessary if stations could not go on the air until sunrise.

The Moberly (S. Dak.) Tribune commented editorially:

There are no radio stations in the Dakotas, Minnesota, Montana, or Wyoming on 1300 kilocycles. It would be a tremendous dis-

service to the people of the central Dakotas to deprive them of early morning local radio reception to prevent minute interference (either real or imagined) to a station several hundred miles away.

From personal knowledge, I can assure my colleagues that these local radio stations perform a tremendous community service in furnishing local news, weather and driving conditions, school and civic group announcements, and I strongly urge my colleagues to support this legislation so that the Federal Communications Commission could permit these stations to begin operations at least at 6 a.m. local standard time.

Mr. SPRINGER. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I know that many are wondering here why we have daytime stations separated from full-time stations. It seems there were not enough frequencies. When we got down to the end of the frequencies, there were not enough full-time frequencies to go around to everybody who wanted one for their own community. So the Commission came on this idea of a daytime station which could operate during just the time that the sun was over the horizon and those frequencies did not interfere with a full-time station which was operating at the same time.

What is the reason for the daytime stations and what brought them on? Primarily, those were in small communities. If you think over your congressional districts, you will find most of the daytime stations are in small communities.

They do three things in the way of service to a community in the early morning and late afternoon. First, they give the news, and I am talking now about the local news, the local community news, not Chicago, New York, or San Francisco, but news as to what happened in Moberly, Mo., or Champaign, Ill.

Second, they gave the weather; and third, they provided for emergencies.

These things are important in any community of any size, especially in rural areas where you are inclined to have bad weather and where there is a need for these three things. This was one of the real reasons why we needed some service in the early hours in these small communities, so the people would have these services.

In this bill we have provided for giving that service after 6 o'clock in the morning, before sunrise; and in those stations that now broadcast before sunrise but after 4 a.m. I am talking about presunrise, but after 4 o'clock in the morning.

There were other provisions. That is, where you have both unlimited time stations, and also you have daytime stations. The burden is on the full-time station to show there is interference. If they can show a prima facie case, and if they have established a prima facie case, they are entitled to a hearing. The burden is then on the unlimited station to show that there is interference. When you go to the presunrise after 4 o'clock stations, the burden is on the daytime

station to show there is no interference with the unlimited station.

Now, I think these are the four important things that I wanted to bring to the attention of the House, and I believe these are logical. We had hearing after hearing on this extending back at least 8 years that I have been on the committee, and I believe the sequence in which we have set this up, 6 o'clock and 4 o'clock, and the burden of proof fits realism as we have it today in this whole question of radio broadcasting.

Mr. PILLION. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield.

Mr. PILLION. I sympathize with what the committee is attempting to do and agree with the ultimate objective. However, I am in whole disagreement in the procedure in which it is being done. For example, if an all-time station loses part of its wavelength or part of its right to broadcast between 6 a.m. and sunrise, the burden of proof is upon that all-time station to show substantial damage. Now, is that not injury for a party aggrieved or a victim whose property rights are being taken away and transferred to another that he cannot even have a hearing until such time as he proves substantial damage?

Mr. SPRINGER. May I say he does not have a property right. The Federal Government gives him that license. It is a public interest, and if we believe the public interest is benefited by doing it in another way, we do that.

Mr. PILLION. In other laws the word "substantial" has been interpreted as meaning 51 percent. Now, does that mean that the all-time station must show that it has a 51 percent or substantial damage to its station before it is entitled to a hearing at all? That is a strange law.

Mr. SPRINGER. May I say this, if the "unlimited station" makes a prima facie case, then he is entitled to a hearing.

Mr. PILLION. Of substantial interference?

Mr. SPRINGER. I do not want to get into an argument with the gentleman as to what "substantial" is. That is a legal question. But, we believed that this was the criterion that ought to be set up.

Mr. ANDERSEN of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Minnesota.

Mr. ANDERSEN of Minnesota. I have numerous small stations in southwestern Minnesota who have been handicapped by the fact that they cannot open up in the wintertime early enough in the morning to give warning about schools being closed or road conditions and such. Now, does this bill help them?

Mr. SPRINGER. That is one of the problems that was raised in the committee which fell under the heading of emergency. The gentleman just mentioned another emergency, and we attempted to clear that up.

Mr. KEARNS. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Pennsylvania.

Mr. KEARNS. I want to compliment the committee on both sides for its wisdom and judgment in bringing in this bill. I think it will help a whole lot.

Mr. JONES of Missouri. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Missouri.

Mr. JONES of Missouri. I want to thank the gentleman and the committee for bringing out this bill, and while it is a so-called half loaf, it will be of great benefit to the small stations. But, I also want to make this announcement, that those who are interested in trying to help these small stations had better stay on the floor for the next bill, because you are about to take away everything given by this bill by the next one that is going to be offered. I am in agreement with this bill, but I will have to be against your next bill.

Mr. HARSHA. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Ohio.

Mr. HARSHA. I would like to associate myself with the remarks of the gentleman from Missouri, because I feel as he does about the next bill. However, I do want to compliment the committee for bringing this bill out, and I hope sometime in the future it may be able to correct the situation in other respects.

Mr. DULSKI. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from New York.

Mr. DULSKI. This matter of dealing with radio frequencies, that is a power that is already given to the Commission.

Mr. SPRINGER. Now, I say we dealt with this over a period of years. We felt that this was of enough serious importance in light of all the testimony presented before the committee to take the action which we have today. Our hearings were very complete on this matter, and I believe that the committee has acted correctly.

Mr. GRAY. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Illinois.

Mr. GRAY. Mr. Speaker, I rise in support of H. R. 4749, the so-called presunrise operations bill for radio stations. This legislation will be of tremendous help to radio stations in southern Illinois and although it does not go far enough it is a good beginning. Thousands of southern Illinois residents are deprived of needed public service during early morning hours because stations are not permitted to come on the air before sunrise. As you know, Mr. Chairman, during some of the winter months this is rather late in the morning, therefore, newscasts, weather reports, information on schoolbuses, and other valuable information cannot be obtained because of the radio stations being off the air during predawn hours. I believe this practice has done a gross injustice to both the radio stations and the general public.

Mr. Speaker, I was one of the first Members of the House to introduce legislation to provide 6 a. m. to 6 p. m. operation of daytime stations and I am cer-

tainly happy that we are now recognizing the great need of giving at least some assistance to this vital industry. I want to take this opportunity to congratulate the distinguished chairman of the committee, the gentleman from Arkansas [Mr. HARRIS] and the other colleagues of the committee for bringing out this important legislation.

I also want to congratulate my colleague, the gentleman from Illinois, Congressman GEORGE SHIPLEY, whose bill was brought up for consideration. I am indeed hopeful the Senate will take expeditious action on this bill and that it will become law during this session of Congress.

(Mr. GRAY asked and was given permission to revise and extend his remarks.)

Mr. WEAVER. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Nebraska.

Mr. WEAVER. Mr. Speaker, I would like to commend most highly the Committee on Interstate and Foreign Commerce and its most capable Subcommittee on Communications for a fine piece of work on this bill. I would also like to commend most highly the able and distinguished chairman of that subcommittee, the gentleman and my good friend from Missouri [Mr. MOULDER].

This legislation is necessary and important to the rural residents of America. It will provide them with a strong guarantee that they will get good local radio service during the early morning hours when such service is vitally needed.

This bill also protects existing full-time radio stations in communities where they are performing the needed services from encroachment on their rightful time by small, new radio stations. If a full-time station is performing an adequate service in a community, this bill would preclude the Commission from authorizing a so-called daytime only station from extending its hours of service to a time prior to 6 a. m. local standard time.

Mr. Speaker, I first became interested in the problems of the daytime radio stations some years ago. This interest was heightened greatly this year when the Federal Communications Commission threatened to destroy these stations' ability to serve prior to actual sunrise. The proposed rules change would have limited almost every one of these stations to a strictly sunrise to sunset operation. It would have limited their service capacity to local communities and would have financially destroyed many of these stations.

Early this year—in January—I wrote to the Chairman of the Communications Commission and outlined the problem to him and pointed out how serious this matter was for many, many communities in Nebraska and other Midwestern and Western States. The reply I got was so unresponsive that I determined then to work out legislation to cure the matter.

I did so, and much of the principle of my bill is now contained in the legislation before us. The purpose of this bill and the one I introduced is essentially the same.

This legislation has a twofold purpose. The first is to prescribe the hours in which a daytime broadcast station can operate. The second is to protect those stations from the harassment of the Commission and the threats of harassment from distant city fulltime broadcasting stations.

Under terms of this bill, which were also contained in my measure, daytime stations would be permitted to operate prior to sunrise, but not before 4 a. m., if they had operated during such a period during 60 days of the calendar year immediately preceding final enactment of this legislation.

If any fulltime station operates in the same community or urban area, this section of the bill would not apply because, obviously, the fulltime station would be providing the same services that the daytimer could supply.

Also, if a daytime station is interfering with the signal of any fulltime radio broadcast station, then the fulltime station may file a complaint with the Commission. In the past the Commission merely took a look at the complaint, checked it out and then ordered the daytimer to cease presunrise operations. Under the new procedure, the fulltime stations would have to take the matter to a hearing before the Commission and prove that the daytimer was, in fact, interfering with a substantial portion of the station's signal in its primary market or listening area.

This would end the harassment of small daytime only operators whose signal may in a haphazard manner interfere sporadically with the signal from some other station.

I believe that this bill contains adequate safeguards for both the big and the little fellows.

Most important, however, this bill will guarantee to the rural and smalltown audiences of America the continued good local radio service to which they are accustomed and which they so badly need. Without this bill, I am afraid that the Commission could again, in an arbitrary manner, endanger these stations and threaten them with destruction.

I urge overwhelming approval of this measure.

Mr. DOMINICK. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Colorado.

Mr. DOMINICK. Mr. Speaker, I thank the gentleman, and I want to congratulate the committee for this bill which I think is a real step forward. But I do have a question:

It is my understanding that if there is a standard broadcasting station operating full time now, and at the same time there has been a daytime station which prior to the time has been broadcasting weather information, school information, road conditions, and so on, that they would no longer be permitted to broadcast that because of this other station being located in the area?

Mr. SPRINGER. If I understand the gentleman correctly, if in the same community or general area there is a

full-time station, the daytime station does not change its hours.

Mr. DOMINICK. If the gentleman will yield further, it cannot broadcast, then, from 6 o'clock on?

Mr. SPRINGER. No; because you have an unlimited station in the community rendering the service which is needed.

Mr. DOMINICK. Suppose the station does not give the service? Suppose it is not giving this type of information?

Mr. HARRIS. Mr. Speaker, will the gentleman from Illinois yield to me in order to respond to that question?

Mr. SPRINGER. I yield to the gentleman from Arkansas.

Mr. HARRIS. The answer to the question—if there is a 250-watt station in the community that does not serve the area adequately, and there is a daytime station that does cover the area more adequately, the daytime station then could go on the air and continue to serve the area.

Mr. SPRINGER. The word used is "adequate."

Mr. KUNKEL. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Pennsylvania.

Mr. KUNKEL. Mr. Speaker, I want to say to the gentleman that I wrote all of the radio stations located in my district, some of which were large ones, and a few of them were smaller ones, and none of them took the trouble to answer my letter. So they cannot be very seriously affected, is my conclusion.

But later one of the men at one of the radio stations stepped into my office down here, and I asked him about it. He told me it did not make any difference to them one way or the other because these small stations took about all of the market which they had.

Mr. SPRINGER. Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina [Mr. HEMPHILL].

(Mr. HEMPHILL asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. HEMPHILL. Mr. Speaker, I want to congratulate my distinguished and beloved chairman, and the members of my committee on this legislation. I think it is overdue. However, I offered in the committee an amendment. I am not going to offer it today because under the circumstances of the rules it is not possible. This amendment would provide that on an afternoon when the world series was on, or another sporting event of that nature or importance was on with comparable popularity in the United States, that we would not cut the sports event off in the middle of the broadcast.

Mr. Speaker, the reason I offer that amendment is that many people in my part of the country have to listen to the world series on the radio because their work requires them to be away from the television sets. So their reception of the sports events during that part of the year comes through their radio reception.

We feel it is a shame and a disgrace to say to a station that is carrying the World Series, and to the listeners, the

American public, that they are going to have to cut off right in the middle of the World Series. I do not think it is right. The purpose of my offering the amendment in the committee, which was voted down, at the end of an executive session—I cannot go into the details of it—was to try to give the American public this continuing service.

The purpose of my speaking here today is to let the Federal Communication Commission know that I have the hope that under some rule or regulation of the Commission, if it is possible, when such a sporting event is being presented to the American people they will be allowed to listen until the end of the game.

It is very simple, and it may be a little bit sentimental, but I think it is right. I like to listen to the World Series. This happened to me personally just last year. I called up the station and asked, "What is wrong?" And the station said, "We have to cut off because of the rules; we are obeying the rules." But there were hundreds of people, and I imagine thousands of people over the Nation who probably had the same experience.

Perhaps this is not a very serious matter, but it is of such a nature that we in the Congress should show our appreciation of the situation; that we recognize that we are the greatest people on the face of the earth partially because of baseball and other sports; that our people appreciate sports and our people love baseball and it is the national pastime.

I do hope that the Commission will see fit to do something about it. If it does not, I intend to sponsor legislation next year to accomplish that purpose.

Mr. TAYLOR. Mr. Speaker, I represent the 10 most western counties in North Carolina, and they are located in or near the Smoky Mountains. High mountains prevent the reception in the six western North Carolina counties of radio stations in Asheville, Atlanta, and Knoxville during early morning and daylight hours. Often I have tried in vain to get the 6 p.m. news or 11 p.m. news on a car radio while visiting in these counties.

People in these six counties depend almost entirely on four local daytime broadcasting stations. They depend on these stations in the early morning for emergency weather reports and reports on road conditions. In this mountain section of the sunny South, there is considerable amount of ice and snow in the winter and roads can quickly become hazardous and dangerous.

Parents, teachers, and schoolbus drivers depend on the local stations for announcements concerning the closing of schools when driving is too hazardous. These announcements must be made prior to local sunrise since during winter months local schoolbuses start their pickups before sunrise. Without the early radio announcements, many rural schoolchildren would be stranded along lonely roads on cold winter mornings waiting for schoolbuses that are not going to come.

I submit that it is essential and in the public interest that these stations be allowed to continue presunrise broadcasts, and I have written two letters to the

Federal Communications Commission conveying this information and these ideas.

I have not heard one word of complaint from any larger station in North Carolina or in surrounding States that these daylight stations are in any way causing interference by presunrise broadcasts.

Mr. MACK. Mr. Speaker, I want to join with my distinguished chairman, the gentleman from Arkansas, the honorable OREN HARRIS, in full support of this proposal. Many of us who represent smaller towns and rural communities are vitally interested in expanding hours of operation of the so-called daytime broadcasters radio station. These stations are all small AM stations operating in communities generally less than 25,000 in population. Normally these stations operate in areas not served by full-time stations and devote their programming to the interests of those citizens residing in areas within a 25-mile radius of the station.

Under this bill the small daytime broadcasting stations would be permitted to come on the air at 6 a.m. during the winter months to serve the citizens of these areas. In some regions of our country the sun rises as late as 8 a.m. and for that reason it has been important for the small broadcasting stations to give vital information during the early morning hours. This legislation would make available to many persons radio programs furnishing local news, local weather, driving conditions, and reports on local school, civic, and charitable inactivities. This is especially important during the winter months, where in my area they have on many occasions hazardous driving conditions and heavy snowdrifts, which make it necessary to close schools until the roads are clear. These stations would also be able to provide during the winter months local agricultural information and other information necessary for the conduct of business.

Mr. Speaker, I am strongly in support of this bill, because it will favorably affect my citizens living in central Illinois.

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that all Members have permission to extend their remarks in the RECORD at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The SPEAKER pro tempore. The question is, will the House suspend the rules and pass the bill H.R. 4749, as amended?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The title was amended so as to read: "A bill to amend the Communications Act of 1934 with respect to the hours during which certain broadcasting stations may operate with their daytime facilities."

A motion to reconsider was laid on the table.

CLASS I-A CLEAR CHANNEL STATIONS

Mr. HARRIS. Mr. Speaker, I move to suspend the rules and pass the resolution (H. Res. 714) expressing the sense of the House of Representatives with respect to the authorization by the Federal Communications Commission of class I-A clear channel operations.

The Clerk read as follows:

Resolved, That it is the sense of the House of Representatives that the Federal Communications Commission—

(1) may, notwithstanding Senate Resolution 294, seventy-fifth Congress, third session, adopted June 7, 1938, authorize the use of power in excess of fifty kilowatts on any of the twenty-five class I-A clear channel frequencies in the standard broadcast band (five hundred and forty to sixteen hundred kilocycles) which are specified in the rules of the Commission, if, after consideration of all pertinent factors, including the objective of providing improved nighttime radio service to substantial areas and populations presently receiving inadequate nighttime radio service, the Commission finds that operation on such frequencies with power in excess of fifty kilowatts will serve the public interest, convenience, or necessity; and

(2) should not authorize, for a period of one year from the date of adoption of this resolution, the construction for nighttime operation, or the nighttime operation, of any station on any of the twenty-five class I-A clear channel frequencies in the standard broadcast band (five hundred and forty to sixteen hundred kilocycles) which are specified in the rules of the Commission, unless such station was or could have been authorized consistent with the rules of the Commission then in effect, to operate on such a frequency on July 1, 1961.

The SPEAKER. Is a second demanded?

Mr. BENNETT of Michigan. Mr. Speaker, I demand a second.

Mr. JONES of Missouri. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JONES of Missouri. Is the gentleman from Michigan opposed to the bill?

Mr. BENNETT of Michigan. Mr. Speaker, I am for the bill.

Mr. JONES of Missouri. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. JONES of Missouri. I am, Mr. Speaker.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. HARRIS. Mr. Speaker, I yield myself 5 minutes.

(Mr. HARRIS asked and was given permission to revise and extend his remarks.)

Mr. HARRIS. Mr. Speaker, let me briefly explain the background of House Resolution 714.

In 1945 the FCC instituted a rule-making proceeding to reexamine clear-channel radio allocations because there were large areas within the United States without any radio service.

The hearing ordered by the Commission in 1945—Docket No. 6741—established that over 25 million Americans living in almost 60 percent of the land

area of the continental United States do not today receive a single nighttime primary radio service or a single adequate nighttime skywave service.

In September of 1961 the Commission adopted a report and order in the rule-making proceeding which had been started in 1945, looking toward duplicating about half of the remaining 25 clear-channel frequencies, of which there were originally 40, established in 1928. The Commission's decision would duplicate about half of the clear-channel frequencies by permitting one additional fulltime station to operate on each of the frequencies affected. The Commission reached no decision on the question of whether clear-channel stations should be authorized to operate with power in excess of 50 kilowatts in order to improve nighttime service where needed. In its report and order, the Commission stated that in considering the question of authorizing higher power on clear channels, it was required to give due consideration to a Senate resolution adopted in 1938, expressing opposition to higher power.

There have, of course, been many changes in the field of broadcasting since 1938 and, in fact, some of the Commissioners, including the chairman, in appearing before our committee expressed a desire to receive an expression from the House of Representatives concerning its present attitude on the question of higher power.

Our committee is convinced, after hearing witnesses from the Commission, farm groups and representatives of clear-channel stations, that the Commission should be given complete discretion to use all possible tools, including the use of higher power, to improve the inadequate nighttime radio service now afforded to over 25 million Americans. House Resolution 714 gives the Commission that opportunity and makes clear that, as stated by section 303(c) of the Communications Act, the Commission is free to determine the operating power of broadcast stations.

Since the Commission's 1961 decision, which has not become final because of pending petitions for reconsideration, would result in improved service to only a small fraction of the 25 million underserved Americans. Following this decision four bills were introduced in the House to prohibit the duplication or breakdown of any of the clear-channel frequencies beyond that authorized as of July 1, 1961 (H.R. 8210, 8211, 8228, and 8274). Two of the bills provided in addition that clear-channel stations should be authorized to operate with power in excess of 50 kilowatts where the station concerned could show that the power requested would improve significantly its nighttime skywave service to underserved rural areas.

In the hearings held before our subcommittee, there was unanimous agreement on the part of engineering experts that the authorization of higher power would improve significantly the nighttime radio service to underserved areas. The committee also received testimony from General Bestic, on behalf of the

Department of Defense, who stated that "we favor increase power and clear-channel operation to aid in survivable communications."

Accordingly, House Resolution 714 expresses the sense of the House of Representatives that the Commission should authorize the use of power in excess of 50 kilowatts "if, after consideration of all pertinent factors, the Commission finds that operation with power in excess of 50 kilowatts will serve the public interest, convenience or necessity."

In order to give a reasonable amount of time for the Commission to reconsider its 1961 decision in the light of House Resolution 714, the resolution also expresses the sense of the House of Representatives that the Commission should not authorize any duplication on clear-channel frequencies beyond that authorized as of July 1, 1961, for a period of a year from the adoption of this resolution.

I urge that the House adopt the resolution in order to give the Commission unfettered discretion in solving the problem of providing adequate nighttime service to the entire United States, an objective required by section 1 of the Communications Act which directs the Commission to regulate "interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, to all the people of the United States a rapid, efficient, nationwide and worldwide wire and radio communications service."

The problem of providing an adequate nighttime radio service to all Americans has remained unsolved for much too long a period of time. The adoption of the House resolution will aid materially in achieving this goal.

Mr. JONES of Missouri. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I cannot yield to my colleague now. The gentleman can use his own time.

Mr. JONES of Missouri. I do not want you to make an incorrect statement.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman.

Mr. HALLECK. Mr. Speaker, the gentleman will recall I served for a very considerable time on the Committee on Interstate and Foreign Commerce and while I am not presently on that committee, I have had a continuing interest in its work.

Mr. HARRIS. Yes, and we appreciate it very much.

Mr. HALLECK. Through the years I have listened to the pros and cons in respect to the clear-channel stations. There is not any question in my mind that the operation of the clear-channel stations very clearly is in the best interests of many, many people in the country. I have asked the gentleman to yield at this point to say, I trust this resolution will be adopted when it is voted on this afternoon.

Mr. HARRIS. I thank the gentleman.

Mr. BENNETT of Michigan. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman.

Mr. BENNETT of Michigan. I would like to commend our chairman for making a very excellent explanation and statement on this bill. The legislation was reported unanimously by our committee and as far as I know, it is not controversial. If enacted, we think it will do considerable good for millions of people whose only nighttime radio service is from the clear channel stations.

Mr. HARRIS. An increase in power can only be permitted with respect to certain stations so far as interference is concerned. But any increased power primarily affects only nighttime operations and, therefore, the secondary services. It is not intended here to interfere with daytime operation at all.

Mr. ASHLEY. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman.

Mr. ASHLEY. I am interested in the comments of the chairman of the committee with respect to this resolution. In the hearings was it indicated how many stations might avail themselves of this authority, this discretionary authority that would be vested in the Commission so that they would be able to broadcast at the higher power?

Mr. HARRIS. This would be left to the discretion of the Commission after they had made their study and reevaluation and engineering studies as to what, if any, interference there might be to any side frequency stations.

Mr. ASHLEY. In the report, it was stated:

The proponents of the resolution [speaking of the Senate resolution] were apprehensive that permitting a few stations to operate with power in excess of 50 kilowatts would result in undesirable concentration of control of the media of communication and would give stations authorized to broadcast with power in excess of 50 kilowatts such an economic advantage as to deal a serious blow to other stations.

I want to say to the gentleman, I am from Toledo, Ohio, as the gentleman knows, and I have received a number of calls with respect to this same fear, and I will say to the chairman of the committee that they still express the same fear.

Mr. HARRIS. In those days we did not have 100 daytime stations on the air. We had only a few stations compared with what we have today. Now we have 3,400 or 3,600 stations.

Mr. ASHLEY. They are expressing the fear that if the Commission allows stations to broadcast at power above the 50 kilowatts, it is going to impair their economic situation at the present time.

Mr. HARRIS. The major radio economic support comes from local communities where the stations are and that is the reason it is broken down into these local community operations.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman.

Mr. DINGELL. In answer to the question asked by the gentleman from Ohio, there is experience already on this point.

One of the so-called clear-channel stations about 30 years ago had an opportunity to go back to the higher power for a very brief time. They found, as a matter of fact, that the revenue of the station increased only very slightly. As a matter of fact, it was not able to compete to the hurt or detriment of the small daytime type of stations in the umbrella of this increased power area. As a matter of fact, the same experience continues today, in that small daytime stations operating within the umbrella of the high power, clear-channel stations today outcompete by many times more, on the order of about 10 to 1, in terms of advertising dollars for the existing power coverage of that clear-channel station.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman.

Mr. BOLAND. Mr. Speaker, I wonder if the gentleman can tell us where this leaves the Federal Communications Commission, this resolution indicates the sense of the House of Representatives with respect to this problem. How about the resolution of the other body back in 1938 indicating the sense of the Senate? Where does it leave the Federal Communications Commission?

Mr. HARRIS. We feel that it would put the FCC in a position that when application is made the Commission should consider all the facts and make engineering studies and all other studies involved and then come to a conclusion as to what should be done in the public interest.

Mr. BOLAND. I know the gentleman is interested in protecting the small- and medium-sized radio stations. I have heard from some of the small stations in my area who fear that the enactment of this resolution where implemented by action of the FCC would prove disastrous to class 4 radio stations.

Mr. HARRIS. I frankly doubt that the Federal Communications Commission would approve any increase in power that would interfere with other stations.

I would like to make this additional statement: There are very few of these class 1-A clear-channel stations that, in the opinion of the committee, will apply for increased power. There are very few, some 8 or 10, who would increase their power without serious interference with other areas.

Mr. BOLAND. I appreciate the gentleman's remarks.

(Mr. BENNETT of Michigan asked and was given permission to extend his remarks at this point in the Record).

Mr. BENNETT of Michigan. Mr. Speaker, I favor House Resolution 714 and hope it will be adopted.

The Congress must be concerned that a huge block of Americans have been deprived for a long period of adequate nighttime radio service. This situation which is undisputed is contrary to the spirit and requirements spelled out in the Communications Act of 1934. This act directs that all Americans where possible shall be provided with good radio service. We have largely attained this goal in the daytime hours, but we are

far short of it from sunset to sunrise. This situation is particularly unfortunate in that it is clearly apparent that it can be largely and readily corrected without apparent harm or injury to anyone. House Resolution 714 is designed to make remedial measures quickly possible and the public interest will be served by its adoption.

Over 25 million people living in nearly 60 percent of the country currently receive entirely inadequate nighttime radio service. Other millions receive only one adequate nighttime radio service, not to mention the great number of people who use car radios in the Nation's remote rural areas.

If you tried, by the way, to listen to a car radio during a long open country trip at night, or if you happen to live in a remote area, you are well acquainted with the serious of the problem.

Experience has proven that the solution to the problem does not lie in the addition of more radio stations broadcasting at night. During the past 15 years the number of full-time stations on the air has more than doubled. Yet, the number of people receiving inadequate AM radio service during the hours of darkness has gradually inched upward.

Ample evidence is now available and was brought to the committee by technically competent witnesses, including Federal Communications Commission engineers, that improved nighttime radio service to most of these millions of Americans is now not only technically possible but economically feasible through the use of adequate power on a sufficient number of I-A clear-channel stations properly located geographically. Actually, the United States is one of the few countries of the world that remains anchored to a 50-kilowatt power ceiling. Over 1,000 stations around the globe are using power far in excess of 50 kilowatts.

The House resolution which our committee has reported accomplishes some, but not all, of the things which I sought to accomplish with my bill. The House resolution counteracts the Senate resolution of 1938 which has been referred to by the Commission in its proposed clear-channel decision and in its testimony before the committee as one of the reasons why the Commission at this time is unwilling to authorize broadcasting with power in excess of 50 kilowatts.

The Commission has requested congressional guidance on the question of higher power and I wholeheartedly support the House resolution which makes clear that the Commission shall not be shackled by the 1938 Senate resolution in determining whether the authorization of higher power is in the public interest.

That Senate resolution was based not so much on technical as on economic and social grounds. It is abundantly clear that the economics of broadcasting have changed materially since 1938, and the reasons which may have been valid in 1938 are certainly no longer valid in 1962. The resolution declares a 1-year moratorium with regard to the proposed duplication of over one-half of the existing clear-channel frequencies. The purpose of this moratorium is to give all

class I-A clear-channel stations an opportunity to reconsider its report and order in the light of this House resolution. In asking the Members of the House to vote for this resolution, I would like also to express the hope that the Commission will make use of this opportunity of reconsidering its proposed clear-channel decision. It is my opinion that the proposed duplication of existing clear channels is not in the public interest.

There are four or five times as many AM radio stations on the air today as compared to 25 years ago. Television is now available in nearly 90 percent of U.S. homes. Frequency modulation has come into the picture on an expanding basis. And the networks have declined until they are only a minor factor in today's broadcasting picture. It, therefore, seems clear that there are no compelling reasons as to why the Commission should not move forward as rapidly as possible in the public interest to bring radio service to rural America on a par, insofar as possible and practical, with the enjoyed by urban people through the authorization for the use of sufficient power on an adequate number of I-A clear-channel stations.

Involved also is the question of what is an adequate number of clear-channel stations to best serve the national interest, both today and in the future. This is a question which the Commission will want to carefully appraise in the light of the provisions and intentions expressed in this legislation and the legislative history being made in connection with it.

In order to provide a sufficient amount of time for such an appraisal the committee included in House Resolution 714 a 1-year status freeze on the 25 existing I-A clear channels. During this period also clear-channel stations will also have the opportunity to express their interest in applying for the use of higher power.

The committee decided against a permanent I-A status freeze on the present, 25 I-A clear channels because it believes that the Commission should make the decision of how many clear channels are needed based not only on present national and military needs but also on foreseeable future needs in these two areas.

Yet, there was a preponderance of technically competent testimony questioning the wisdom of the Commission's September 1961 proposal which would destroy by duplication 13 of the 25 clear channels. This decision, if implemented, would bring needed nighttime improved radio service to only a fraction, possibly 2 or 3 percent of those Americans seriously in need of such improved service. It would permanently foreclose, furthermore, the use of increased power on the 13 channels proposed for duplication as the only means of bringing improved nighttime service to many rural people.

In short, it would appear that substantially more than 13 clear channels are needed if the Commission is to reach the desired goal of bringing the best possible radio service to all Americans,

plus, of course, meeting present and future defense needs.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Missouri [Mr. JONES].

Mr. JONES of Missouri. Mr. Speaker, I hesitate, and I regret that I have to take the floor today in opposition to House Resolution 714. I had requested the chairman of the committee to carry this bill over to give us an opportunity to get some information; and there is even a possibility that some of these apprehensions might be resolved. But there seems to be some reason why this resolution has to go through today. If you will note, this resolution was only introduced on June 27, about 4 days ago.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. JONES of Missouri. No, I am not going to yield to anyone. I am going to make my statement first. Read the resolution. It says it was introduced on June 27 and referred to the House Calendar on June 29.

Mr. DINGELL. As a matter of fact—

Mr. JONES of Missouri. Mr. Speaker, I do not yield. I demand the regular order.

The SPEAKER pro tempore. The gentleman from Missouri will proceed.

Mr. JONES of Missouri. I am reciting facts here that are substantiated, and I am going to tell you why this bill is here.

This bill that you passed a minute ago was a palliative to get you ready to swallow something you do not like. That bill gave the small station, the small operator, something on the one hand which now they are going to take away from him on the other through this bill. I do not want to see it go through. I know many of you have small stations in your district. Let me tell you what this Resolution 714 will do. I think it can best be expressed in the words of the Senate resolution which was adopted back in 1958. I will read the resolution to you:

Resolved, That it is the sense of the Senate of the United States of America that the operation of radio-broadcast stations in the standard broadcast band (550 to 1600 kilocycles) with power in excess of 50 kilowatts is definitely against the public interest, in that such operation would tend to concentrate political, social, and economic power and influence in the hands of a very small group, and is against the public interest for the further reason that the operation of broadcast stations with power in excess of 50 kilowatts has been demonstrated to have adverse and injurious economic effects on other stations operating with less power, in depriving such stations of revenue and in limiting the ability of such stations to adequately or efficiently serve the social, religious, educational, civic and other like organizations and institutions in the communities in which such stations are located and which must and do depend on such stations for the carrying on of community welfare work generally; and be it further

Resolved, That it is therefore the sense of the Senate of the United States of America that the Federal Communications Commission should not adopt or promulgate rules to permit or otherwise allow any station operating on a frequency in the standard broadcast band (550 to 1600 kilocycles) to operate on a regular or other basis with

power in excess of 50 kilowatts (CONGRESSIONAL RECORD, vol. 83, p. 8944).

Not only does it do that, but do you know what they intend to do under this resolution? They intend to increase the power in excess of 50 kilowatts. They do not tell you how far, but they propose to increase it to 750,000 watts.

That is what they are proposing to do in this legislation.

I want to tell you something. They tell you about what the technical things show. The chairman said it would not interfere with the daytime clear channel stations. I say it will not only interfere with them, if they are on the same channel, but it is going to interfere with every other channel which is a neighboring channel.

In other words, I am interested in a station that operates on 830 kilocycles. A station with a power of 750,000 watts on 820 or 840, which is the adjoining channel, is going to destroy a part of the power of that station. As the gentleman from Massachusetts very correctly stated, some of the small stations in Massachusetts are going to be greatly damaged by this, and other class stations are going to be damaged.

I think all of you have had the experience of listening to one station. You will be on the beam for that station and you will get it very clearly until you drive for 15 or 20 miles. Then you run into interference with two or three stations. That is not necessarily the station on the same channel. It can be a station on the adjoining channel that spills over. When these stations will spill over with 50,000 watts, think what it will do when you put 750,000 watts in that station. It will spill over. It will damage those stations, it will interfere with the operation of the station on a technical basis. It is going to destroy clear reception in addition and do the things that the Senate resolution has said it would do.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. JONES of Missouri. I yield to the gentleman from Iowa.

Mr. GROSS. Is it not true that only one clear channel station up to this time was ever allocated more than 50,000 watts, and that was on an experimental basis?

Mr. JONES of Missouri. As far as I know, that is correct.

Mr. GROSS. Can the chairman tell me. Is it not true that up to this time only one clear channel station in this country was ever allocated more than 50,000 watts, and that was on an experimental basis?

Mr. DINGELL. It was on an experimental basis, and during that time no adverse impact was found on any small broadcaster or on the revenues of any small broadcasting station.

Mr. GROSS. I happen to know something about that operation. I know they were clamoring, after they were taken off the 50,000 watts, to get back on.

Mr. JONES of Missouri. Yes.

Mr. GROSS. It was economically a very fine thing; but, as the gentleman from Missouri says, when you pile

750,000 watts into a series of stations, you are going to cause a lot of difficulty for a lot of small stations in this country.

Mr. DINGELL. Since that time there has been a great change in the broadcasting structure of this country. We have television. Instead of two or three hundred small stations, we today have 1,900 AM stations and we have approximately another 1,900 FM stations.

Mr. GROSS. Now, just a minute. The gentleman has yielded me a little time, and I would like to use it. Do not mix this up with TV. We are dealing with AM radio broadcasting. Let us not mix TV up with this because TV has no place in this picture today.

As the gentleman from Missouri says, if they want to go to 750,000 watts, they are going to do damage to a lot of small stations in this country. The gentleman says this does not apply to daytime broadcasting, but let me point out there have been a lot of licenses issued, a lot of licenses have been issued since 1938, and licenses to operate nighttime, too.

The gentleman from Arkansas will agree with that, there have been a lot of licenses issued to nighttime stations since 1938, when the Senate said this was the wrong thing to do?

Mr. HARRIS. There have been innumerable stations licensed since 1938, but there have not been any clear-channel stations that have been licensed since 1938.

Mr. GROSS. What we are talking about is the effect that this super-duper power exercised by a few stations will have on the nighttime operation of the smaller radio stations.

Mr. HARRIS. I can say to the gentleman that there are 12 clear-channel stations that can put on increased power, an unlimited amount, and would not have one single bit of effect on any station existing in the United States.

Mr. JONES of Missouri. I will challenge that statement.

Mr. HARRIS. The gentleman may challenge it.

Mr. JONES of Missouri. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. HARSHA].

Mr. HARSHA. Mr. Speaker, I rise in opposition to this resolution H.R. 714. Broken down in simple language all it does is give the large broadcast stations a tighter hold on the broadcast field. It allows them to expand their operations into the areas now served by the smaller stations, who at the present time are having extreme difficulty in competing against the larger operations. This will make the job even more difficult and drive many of them out of business. Surely at a time when our economy is lagging, when we are having more business failures than at any other time in our history, and unemployment is high we should not by action of this Congress do anything that will increase these failures, and increase unemployment. Adoption of this resolution will give the large broadcasters the tools to do that.

These small stations must have revenue to operate. This resolution will permit the big broadcaster to come in and offer the advertiser broader coverage and take the business away from the lit-

tle fellow. Adoption of this bill would tend to concentrate political, social, and economic power and influence in the hands of a few. It is against the public interest for the reason that it would have an injurious economic effect on other stations operating with less power, limiting the ability of such stations to adequately and efficiently serve the social, religious, educational, civic and other like organizations within the communities in which such stations are located and which must depend upon such stations for carrying on community welfare work.

Furthermore it would deprive many small towns such as I have in my district from ever having stations of their own. The larger stations will preempt the field. For these reasons Mr. Speaker, I am opposed to this resolution and hope the House will defeat it.

Mr. JONES of Missouri. Mr. Speaker, I want to call attention also that the FCC, through its Chairman, is opposed to this basic legislation here for these reasons, and I will quote from the hearings. He is speaking of the four bills that were introduced and which this resolution proposes to supplant:

(1) They would foreclose completely one approach to use of the I-A channels for improvement of radio service—duplication—even though, in general or on some of these channels, this may be the most appropriate use thereof, as the Commission has concluded it to be for 13 of the 25.

(2) Insofar as they contemplate higher power for the I-A stations, these bills reflect a judgment in favor of this concept which the Commission has been unable to reach after years of intensive study of the possible advantages and disadvantages of authorization of power of the magnitude of 500 or 750 kilowatts.

(3) To the extent that higher power is not in the public interest, either generally or on a particular frequency—and on some of them, for various technical reasons, little service gain could be achieved in this way—the bills would require maintenance of the present inadequate status quo, by foreclosing use of duplication to improve service on frequencies not appropriate for higher power.

In other words, the Commission is now studying how they can improve the service, and they say that this would foreclose improving the service and do damage to existing stations, both large and small.

Now, if they were to take a vote among all of the radio stations in the United States as to whether they wanted to see this passed, do you know who you would find voting for it? You would find every one of the large chains voting for it. You would find these people on these clear channels voting for it and the rest of the people voting against it; making the larger chains bigger and bigger and the smaller ones, whom you are trying to serve, smaller, who are trying to stay in business and perform a service for their country.

Mr. MARTIN of Nebraska. Mr. Speaker, if the gentleman will yield, I wish to associate myself with the remarks of the gentleman from Missouri, and I agree with him completely. I am sure that the need existed in 1938 for the Senate to pass this resolution which

is included in the committee report and in the hearings which you just read, and if it was needed in 1938, do you not agree that it is needed today in 1962?

Mr. JONES of Missouri. It is needed all the more today than it was then.

Mr. MARTIN of Nebraska. And if this resolution that we have before us now is adopted this afternoon, is it not correct that it will direct the FCC to reverse its policy which they have been following?

Mr. JONES of Missouri. There is no question about that.

I want to also call attention to the fact that if you defeat this resolution here, the committee can still have four bills to work on and go to the Committee on Rules and bring out a rule so that we can have an opportunity to amend it. Defeat this resolution and let the committee take their bill to the Committee on Rules and come back here and let us work on this thing in an orderly manner. In other words, there is no great rush about this, anyway. You are not going to damage anybody by defeating this resolution this afternoon.

You might hurt the vanity of some particular Member, but I think the interest of the people is far more important than that.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. JONES of Missouri. I yield to the gentleman from Michigan, briefly.

Mr. DINGELL. Has the gentleman read rule 308 of the House of the Representatives?

Mr. JONES of Missouri. I think I have read about as many rules as the gentleman from Michigan has read.

Mr. HARRIS. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, 3 minutes is not very long to dispel the bad impression that has been created by a mishmash of fact, fiction, and distortion that has just been spread by my good friend and colleague, the gentleman from Missouri, Mr. JONES.

Mr. Speaker, the simple fact of the matter is that I have never been in the well of the House of Representatives to speak for a giveaway or a bad piece legislation. Unless this legislation is passed, 26 million people in the United States will be denied an adequate measure of radio coverage. As a matter of fact, those 26 million people will be denied any radio coverage, because they live in the white areas. This is the reason for this piece of legislation being before the Congress today—simply to authorize the clear channels to go to a high enough power to offer an adequate measure of service in order to cover those white areas, and to give persons who have no radio service today in this year of 1962 a choice of as many as three or four or five or six or seven or eight stations which cannot be furnished by the so-called "little fellows" who, as a matter of fact, have neither the economic means, the desire, nor the wish to furnish this kind of service.

Mr. Speaker, let us take a look at this measure. We are told that the Senate resolution of 1938 is basis for voting this

measure down. This measure has been pending in the Committee on Interstate and Foreign Commerce for better than a year, and not one witness, including the distinguished gentleman from Missouri [Mr. JONES] who is sitting here in the well today, appeared to testify against this measure; no member of the radio fraternity, either daytime or regional or otherwise, appeared in opposition to this measure.

Mr. Speaker, I have had some conversations with the Chairman of the FCC, I will tell the gentleman from Missouri, and it just so happens that the Chairman of the FCC has no objection to this bill. He says that this is the province of the Congress of the United States to legislate and he, furthermore, told me that if the Congress chooses to legislate on this matter, then it is proper for the Congress to do so, and he will accept the will of the Congress. This is what the FCC Chairman said.

Mr. Speaker, I will tell the gentleman from Missouri [Mr. JONES] further that other members of the FCC happen to favor this measure. Now, let us look at it in this way:

In 1938 we had vast networks which dominated the whole of the radio industry, and that was the reason for the resolution. Today the networks are practically a liability in the radio field.

Mr. POFF. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I will yield to the gentleman from Virginia.

Mr. POFF. I read from your committee report the following words:

The Chairman of the FCC and several Commissioners testified in opposition to the legislation.

Mr. DINGELL. I have not very much time, I will say to the gentleman, but I am telling the gentleman what the Chairman of the FCC told me. Now, the gentleman can take whatever he wants from the committee report. I am just telling the gentleman what the Chairman of the FCC told me.

Furthermore, I will say this: This was the same thing told me by the Chairman of the FCC when I questioned him during the hearings.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. HARRIS. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. DINGELL. I thank the gentleman.

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I would be delighted to yield to the gentleman from Arkansas.

Mr. HARRIS. In answer to the question of the gentleman from Virginia, the FCC Chairman did testify that they were opposed to any program that would virtually interfere with their efforts to duplicate the 12 existing channels to whom they conceded there should be a breakdown. They think they should be broken down. You see, there are 25 total. One has already been duplicated—Albuquerque, and a station in New York, I believe it is—and then there are 12 others that they propose to duplicate, and leave 12 other clear channels with-

out duplication. But there is no indication that they want next week or next year to break them down. Maybe they should be broken down. I do not know. But I want to say to the Members of the House that they either should be broken down in toto and the resources used, or they should be permitted to get the power which would permit them to serve the people of the United States. We can say here that under certain conditions and with certain stations as the Commission finds in the public interest, they should give increased power to those particular stations to serve these vast areas that are now not receiving secondary broadcasting.

Mr. DINGELL. Mr. Speaker, let me tell you who supports this measure. The National Grange supports and endorses this measure. The Farmers Union endorses and supports this measure. The Farm Bureau endorses and supports this measure. Almost every single regional and local farm organization supports this. Why? Clear-channel radio stations give excellent service. They give marketing news. They give farm and commodity prices.

The SPEAKER pro tempore. The time of the gentleman from Michigan [Mr. DINGELL] has expired.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, the fact that over 25 million Americans living in nearly 60 percent of the Nation's land area receive grossly inadequate nighttime AM radio signals 40 years after the birth of broadcasting is unfortunate and harmful to the national interest. Less harmful but serious is the fact that additional millions receive only one fully adequate and reliable nighttime radio signal. This is a situation that has been left uncorrected far too long. My support of House Resolution 714 stems from the fact that it is designed to make quickly possible material progress toward the solution of this regrettable condition.

This lack of adequate nighttime radio service to millions is particularly damaging to the national interest for the reason that rural and other people living in remote regions who are the victims of this deficiency rely upon radio in their daily lives and business more than most others, and is alarmingly dangerous for defense reasons.

The Communications Act of 1934 directs the Federal Communications Commission to "make available, so far as possible, to all people of the United States a rapid, efficient, nationwide and worldwide wire and radio communications service." The Commission has largely attained this requirement during daylight hours. Attainment of this requirement during the nighttime period is now technically possible and altogether practical without harm to anyone under the American system of broadcasting. Further delays toward achieving this end should not be experienced and House Resolution 714 is directed toward the attainment of this objective.

Remote rural areas and the people therein deserve, to the maximum extent practical all pertinent factors considered,

to be the beneficiary of four or more nighttime radio signals comparable to the maximum extent possible to the signals received by their urban neighbors.

All qualified engineers, including those at the FCC, agree that the use of power substantially in excess of 50 kilowatts on a sufficient number of class I-A clear channel stations is the only practical known way to adequately serve the national interest in the attainment of this objective. It is regrettable that under our system of broadcasting it is technically impossible for the 1,900 full-time AM radio stations to provide any appreciable nighttime AM listening to the 25 million underserved Americans. It is significant also that even though the number of full-time radio stations has increased from 900 to 1,900 in the past 15 years, that the number of people who are dependent upon skywave service of clear-channel stations for their only nighttime radio service has not changed significantly. In fact, it has increased slightly and will continue to increase until action to solve the problem is implemented.

The esteemed chairman of the House Interstate and Foreign Commerce Committee, in explaining House Resolution 714, described clearly the technical reasons for our heavy national reliance upon radio clear channels and the nighttime skywave service that stations thereon alone can bring to vast remote regions. He carefully explained the historical background against which the committee found it desirable to formulate this legislation and to recommend unanimously its adoption by the House of Representatives.

House Resolution 714 wisely provides, in addition to authorizing the use of higher than 50 kilowatts power on I-A clear channels, where such use would serve the public interest, for a 1-year freeze from the date of enactment of the July 1, 1961, status of the 25 I-A clear channels. This will provide the Commission with an opportunity to make an accurate appraisal of the number of I-A clear channels that are needed to meet the total present and future national needs in light of the provisions and intent of this resolution.

There was a preponderance of evidence presented to the committee that the 12 I-A clear channels that the Commission proposed to preserve as such for the time being in its September 1961 decision are an entirely inadequate number to meet present and potential national needs even though the stations operating thereon are authorized to use power in excess of the present ceiling. It should be noted that 4 of these 12 channels are already partially or totally duplicated, leaving a potential of only 8 true clear channels in case the Commission's proposal were to be implemented. One Commissioner testified that these 12 I-A clear channels with higher power utilized thereon would provide a type E skywave service to virtually all underserved Americans. It is unanimously admitted, however, that a type E service, while better than no service at all is entirely and grossly inadequate. Our goal

should be, to the maximum extent attainable, a type D service which can be afforded to a substantial portion of the underserved millions provided a sufficient number of I-A clear channels are authorized to use adequate power within practical limits.

The distinguished chairman of the Committee on Interstate and Foreign Commerce, Mr. HARRIS, also mentioned that the Department of Defense testified at the February 1962 clear-channel hearings in favor of increased power and clear-channel operation to aid in survivable communications. Who knows what the future holds in defense communications needs and requirements? The nighttime distance coverage capabilities of clear channel stations operating with sufficient power are unique and irreplaceable which accounts in part for their defense usefulness. In short, it is imperative that the Commission exercise extreme caution in dissipating by duplication any of these 25 irreplaceable national and natural clear-channel assets at least until it has been clearly determined that the benefits of such possible duplication would clearly and unquestionably, in terms of new groundwave service to a substantial number of underserved people, exceed the losses in service, present and potential, civilian and military caused to the I-A clear-channel skywave service by such duplication.

The Commission's clear-channel decision made in September 1961 was especially alarming and unjustified in that it proposed to duplicate and forever destroy 13 of the 25 precious and irreplaceable I-A clear channels in order to achieve a new groundwave nighttime service to less than 3 percent of the millions of Americans depending solely upon clear channel skywave service for their only AM nighttime radio listening.

Noteworthy to the consideration of House Resolution 714 also is the conclusive evidence that under today's conditions the arguments of a quarter of a century ago against the use of power in excess of 50 kilowatts are no longer valid. Today there are over 3,500 (AM) radio stations on the air. At that time there were less than 1,000. Television has come to almost 90 percent of U.S. homes. Other vehicles of mass media have multiplied materially. Radio networks, as a dynamic part of the national radio scene, have been largely displaced by local programming. The FCC itself in its September 1961 report and order in the clear channel proceeding said in this regard "our close scrutiny of the portions of the record going to the issue of higher power fails to persuade us that, whatever the merits of the pending proposals for higher power, the objections listed against it have been sufficiently met." House Resolution 714 is designed to remove any deterrence which may have inhibited the Commission from previously authorizing the use of higher power on I-A clear channels and further to stimulate action by the FCC in accordance with its provisions.

It is expected then that the Commission act without undue delay to authorize the use of higher than 50 kilowatt

power on I-A clear channels where such authorization will meet the conditions and purposes provided in this resolution.

It is assumed that power of sufficient strength to bring the best possible nighttime radio service, all pertinent factors considered, to the 25 million Americans who are currently without adequate nighttime radio service, plus serving amply the civil and military defense uses of these channels will be authorized. It is assumed furthermore that these essential signals will be protected adequately from side-channel and co-channel interference.

Passage of this legislation holds the potential of enabling millions of rural and small town residents to listen to nighttime radio signals more nearly equal to those of their city neighbors for the first time in history. It will enable clear-channel stations to finally achieve the full purpose for which they were set up in 1928. It complies with a request from several members of the Federal Communications Commission, including the Chairman, for a congressional expression of policy on the matter of the authorization for the use of higher power. When coupled with the outstanding programming service offered by the broadcasters on regional and local radio channels, this legislation will bring to the national scene a much improved national radio system—a system which is now the envy of the world.

(Mr. LOSER (at the request of Mr. DINGELL) was given permission to extend his remarks at this point in the Record.)

Mr. LOSER. Mr. Speaker, House Resolution 714 is a wise and farsighted resolution. A congressional expression of policy with regard to radio clear channels has been needed for a long time. It is the Congress in the ultimate that must bear the responsibility for serving and protecting the public interest, convenience, and necessity in the uses to be made of radio channels. The Federal Communications Commission is an instrument of the Congress.

This legislation expresses the sense of the House of Representatives as it relates to the possible use of power in excess of 50 kilowatts on U.S. I-A clear channels and envisions a careful appraisal of the number of I-A clear channels needed to best serve the national interest both now and in the future.

It is designed to remove barriers to the use of sufficient power on an ample number of radio clear channels so as to enable stations operating on these channels to perform better one of the primary functions for which clear channels were initially set up. This function is to provide nighttime radio service for wide areas—service that under the American system of broadcasting is not now available nor will it be available in the foreseeable future from other classes of AM radio stations to huge segments of the Nation.

Yet, the millions of residents of these areas deserve, need and should quickly receive, insofar as it is technically and economically feasible, service in terms of signal strength equal to that of our metropolitan areas.

Millions of farm families and other rural and small town residents will be the recipients of the vastly improved rural radio service which this legislation envisions. In short, the beneficiaries will be the substantial citizens—the solid people—the small businessman and farmers of rural areas. These are the people that form a sizable portion of the Nation's backbone. Let it be clearly understood that the Federal Communications Commission is obligated by the Communications Act of 1934 as reinforced by this sense of the House of Representatives expression to bring these people the best nighttime AM radio signals, all factors considered, that it is possible to attain.

That a congressional policy was needed to achieve this and other ends concerning the use of radio clear channels is reinforced by the fact that the Commission's September 13, 1961, decision concerning the proposed use of these channels was entirely unsatisfactory. It proposed to duplicate 13 of the 25 clear channels in a compromise decision which all witnesses before the House Interstate and Foreign Commerce Committee hearings, except those from the Commission, denounced as a wholly unsatisfactory answer to the problem of bringing improved radio service to the millions of Americans that now suffer from inadequate radio nighttime service. It was clearly demonstrated at these hearings that far more than 12 radio clear channels are needed to best serve the public interest today and in the future. It was noted at the hearings that only one member of the present Federal Communications Commission was a Commissioner at the time the clear channel rulemaking proceedings were initiated in 1945. It was further noted that no new indepth studies, hearings, surveys, or scientific investigations have been made with respect to the problem since the mid-1940's. It is my hope that the legislation will break this long-standing period of stagnated inadequacy in terms of using clear channels amply for the purposes for which they were originally set aside.

Well over 50 percent of the Nation depends solely upon them for its only nighttime AM radio service—service which currently lacks sufficient signal strength to be fully dependable and listenable at times in many areas.

This legislation is wise and timely, furthermore, because it will enable the FCC to cooperate with civil and military defense leaders from the positive clear-channel policy base envisioned by House Resolution 714. This will enable long-range sound defense communications plans to be made and programs to be established in an atmosphere of permanency concerning the wisest and most useful purposes to which I-A clear channels may be put in serving the defense needs of the country.

Finally, on February 8, 1962, under extension of remarks as carried in the CONGRESSIONAL RECORD, I spelled out the necessity for preserving radio clear channels for military as well as other reasons. I referred to the February 2, 1962,

testimony of the Department of Defense which clearly indicated from a technical standpoint the desire of the Department for the maintenance of radio clear channels utilizing higher power as an aid in survivable communications. I would like this statement to be considered as a part of my contribution to the legislative history of this resolution.

It is clearly apparent that no clear channel should be duplicated until it is found, after careful study and analysis, that the defense interests of the country over and above the other national welfare interests would not be harmed or jeopardized by such action. The stakes are too big for unstudied or hasty decisions. After all, clear channels when they are once duplicated and destroyed can never be unduplicated.

Mr. JONES of Missouri. Mr. Speaker, I want to make some comments on some of the statements that have been made. Intentions and results, as you know, are very often quite different. I am not challenging the intentions of this committee, but I am challenging some of the information that they have and the reliance that they have put upon the technical information and other theoretical information, because it does not work out that way.

The gentleman talked about the great white area that is not being served. If they did what the Commission has been studying and is prepared to do and which this would permit them to do, under paragraph 2 of the bill—and incidentally, I told the chairman that if he would take this back and just use section 2, I think we could support it. There is no reason why your clear channels should not be split. If you had one channel reserved all over the United States, we could have one of them in New York, we could one in San Diego, or one in Los Angeles, we could have one in Portland, Oreg., or one in Miami, Fla. They would not be in conflict. There would be someplace in the United States where they would be. But those people would have the opportunity to listen to other clear channels and we do not need to have more power, but I think they could very properly use the additional channels.

They talk about who is supporting this bill. I do not think they can show me anybody who is supporting this bill but these national organizations. Some of them did support some of the four bills that were introduced. But this resolution came out on June 27, 5 or 6 days ago. That is all the time we have had under this. If you vote this down we can come back and adopt some legislation that is reasonable which will not do destruction to some of these smaller stations. I repeat, the only stations that want to see this are the large networks and the few clear-channel stations that you have. Of course, as I said before, they want the rich to get richer and the big to get bigger.

Mr. Speaker, I yield back the balance of my time.

Mr. HARRIS. Mr. Speaker, I have one other thing to say. I appreciate the gentleman's interest. I know that the gentleman, like a lot of others, is inter-

ested in certain radio operations. I know the gentleman is interested in daytime station operations. I do not want this House to get the impression from the statements made by the gentleman a moment ago that the resolutions we presented to you today, to try to do something for the daytime stations, was merely a sop. That is no compliment to my committee. We have a committee of 33 members who, in my judgment, are as dedicated as the gentleman from Missouri or other Members of this House of Representatives.

The gentleman from Missouri [Mr. MOULDER] and his subcommittee held hearings on this bill and gave an opportunity to all who wanted to be heard. The hearings were held February 1, 2, and 13. There were four bills pending: H.R. 8210, H.R. 8211, H.R. 8228, and H.R. 8274 on this subject matter.

The committee did precisely what almost every other committee of this House has been doing over the years. In the consideration of the legislation before it the committee agreed on an amendment to strike out all after the enacting clause and directed me, as the chairman, to introduce the resolution in order that the committee could meet the next morning and report it out. So I do not believe that the gentleman from Missouri means what he says when he tries to reflect on the members of the Committee on Interstate and Foreign Commerce by intimating they are trying to shove something through this House. God forbid that I would ever ask you to do that. If the gentleman feels that way, I want him to vote against the resolution.

Mr. JONES of Missouri. I do not think the gentleman now is trying to talk about the merits of the resolution, he is talking about the committee. I have every respect for the committee and the individual members thereof, but that does not mean I have to swallow every piece of legislation you bring out when I think it is not in the best interests, because I think you have gotten some information which you have acted on which is not correct. The gentleman regrets my getting up and opposing the resolution.

Mr. HARRIS. No, not at all. I refer the gentleman to the hearings.

Mr. JONES of Missouri. That is what I am taking most of this information from.

Mr. HARRIS. The gentleman has not read the hearings.

Mr. JONES of Missouri. You do not have much time to read the hearings when a resolution is reported out on June 29th and taken up on July 2d.

Mr. HARRIS. I decline to yield further, Mr. Speaker.

I feel Mr. Speaker in the interest of the listening public of the United States the committee reported this resolution unanimously, after listening to the testimony of the witnesses, and directed me to bring it to the House. I thought that there was no serious opposition to it. That is the reason it was brought up this way. I ask the House to support this resolution.

Mr. ROSTENKOWSKI. Mr. Speaker, House Resolution 714, now being consid-

ered is legislation designed for the general welfare of our Nation. It is designed to preserve existing radio clear-channel stations, and provide them with additional power to extend coverage to rural areas now void of the pleasures of radio at night.

Last evening over 25 million rural and smalltown Americans, living in almost 60 percent of the land area of our country, received what the Federal Communications Commission characterizes as inadequate radio service—in terms of signal strength.

This is hard to believe in view of the fact that almost 2,000 standard broadcast—AM—radio stations were operating last night. This truth is explained by the fact that when several stations operate at night on the same frequency or channel, they cause interference to each other in the areas located between the locations of the stations concerned, thus shrinking their coverage. Because this mutual interference is more severe during nighttime hours than during the day, the only nighttime radio service received by over 25 million Americans living in sparsely settled areas is the skywave or secondary service rendered by clear-channel stations. The more fortunate urban dwellers are able to receive ground-wave or primary service, usually from a substantial number of different stations of one or more classes—I-A, I-B, II, III, and IV. Groundwave represents a constant and more reliable signal. Skywave represents a variable and hence less reliable signal.

Twenty-four of the one hundred and seven standard broadcast frequencies—which are spaced 10 kilocycles apart from 540 to 1600 kilocycles—are referred to as class I-A clear channels. They have only one station operating on each of the frequencies at night. Because of this, the class I-A clear-channel stations' skywave signals—which are reflected back to earth to a much greater degree during nighttime hours than during daytime hours—provide a source of service rather than a source of interference. It is this skywave or secondary service on which over 25 million Americans must rely for their only nighttime radio service. Additional millions must rely on this nighttime skywave service for their only choice of radio programs.

It has been acknowledged for years that the clear-channel skywave service on which Americans living or traveling in nearly 60 percent of the Nation's land area depend for their only nighttime radio service, and on which additional millions of people depend for their only choice of nighttime programs is inadequate, in terms of signal strength, and must be improved in order to comply with the mandate of section I of the Communications Act of 1934—which has been in effect since 1927—that a radio service be provided to the entire country. It is further acknowledged that higher power on clear channels is the only possible way to improve this service.

In 1928 Congress authorized 40 clear-channel stations of the 107 standard broadcast frequencies. However the Federal Communications Commission could issue radio licenses to a station in

an area where it felt that the public was not receiving service. These licenses could operate on a channel designated as a clear-channel station. As a result the figure 40 has been reduced to 25 at the present time. Now the FCC wishes to duplicate 13 of these 25 clear-channel stations, in addition to already providing 2 stations emergency authorization to operate until 10 p.m. on presently established clear channels, which leaves a total of only 10 clear-channel stations.

If most of the people who live in remote rural areas are to receive any acceptable nighttime radio service, clear channels, with added power where needed, must be preserved.

It is not fair or right to deprive any U.S. citizen of adequate nighttime radio service in time of peace.

In the case of a national atomic emergency, furthermore, clear channels represent the only nighttime way the people in remote areas might be able to receive advice on what to do. Radio is the only mass media which can reach these people. Radio, too, may be the only means of reaching city dwellers, as their battery operated home and car radios may be their only source of receiving communications in the event of disaster which would render inoperative our powerline facilities. In view of this vital need, the skywave service to the 25 million Americans must be improved through the use of higher power which will also bring improved groundwave service to urban dwellers.

With respect to military needs, the Department of Defense, through General Bestic, has testified to its need, for technical reasons, for clear channels and higher power. One of the systems under active experimentation is the use of radio signals for a backup teletype communications system for military needs. Since this system, to be operative, depends upon groundwave signals of very low field intensity order, it is important that nothing be done to interfere with these signals. Duplication of any of the remaining clear channels would threaten the reliability of this system and therefore should not be tolerated. Even more important, higher power must be authorized in order to make this vital use of radio signals as reliable as possible. Further, no one can say what the future will bring as to possible military uses of radio signals and for this reason, clear channels must be kept interference free. It must be remembered also that once a clear channel is duplicated by the addition of one or more fulltime stations, it is next to impossible to remove such stations from the channel. There is no justification for breaking down any of the remaining 25 of the original 40 class I-A clear channels.

For these reasons, it seems clear to me that Congress must issue a specific policy directive to the Federal Communications Commission which will cause it to take prompt action to improve service to the over 25 million Americans living in under-served areas—which constitute almost 60 percent of the land area of this country. Since the Commission itself agrees with the proponents of the pres-

ent legislation that this needed improvement of radio service can be brought about only through the use of higher power on the existing clear channels, it is apparent that we should favorably pass House Resolution 714.

Mr. FINNEGAN. Mr. Speaker, it has been brought to my attention that House Resolution 714, now before the House, is legislation that would preserve existing radio—AM—clear-channel stations and would authorize the use of higher power for these stations.

Mr. Speaker, upon studying the existing situation with reference to the needs of our country, it is my belief that the Congress should go on record in favor of this resolution.

It has been pointed out that clear-channel skywave service is the only nighttime radio service to 25 million Americans and the present skywave service has inadequate power to serve the tremendous land areas that has its only nighttime reception through clear-channel stations. This is in direct contradiction of section I of the Communications Act of 1934 which stated that radio service is to be provided to the entire country.

The Federal Communications Commission is seeking to duplicate 13 of the present 25 clear-channel stations which would impair the existing system as insufficient as it is. Instead of restraining the few clear-channel stations we have, we should be strengthening them.

Mr. Speaker, let us make full use of our too few remaining clear-channel stations by directing the Federal Communications Commission that the 25 clear-channel stations now in existence should remain so and improvements should be brought about by the authorization of higher power on these existing clear channels.

The SPEAKER. The question is on the motion offered by the gentleman from Arkansas to suspend the rules and agree to the resolution.

The question was taken; and on a division (demanded by Mr. JONES of Missouri) there were—ayes 86, noes 38.

Mr. JONES of Missouri. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 198, nays 87, answered "present" 1, not voting, 150, as follows:

[Roll No. 148]

YEAS—198

Abbitt	Bennett, Mich.	Casey
Adair	Blatnik	Cederberg
Addabbo	Bonner	Chelf
Albert	Brademas	Chenoweth
Andersen,	Breeding	Church
Minn.	Brooks, Tex.	Clancy
Andrews	Broomfield	Clark
Arends	Brown	Cohelan
Aspmall	Broyhill	Collier
Bailey	Burke, Ky.	Cooley
Barrett	Burleson	Curtin
Bates	Byrne, Pa.	Daddario
Becker	Byrnes, Wis.	Dague
Belcher	Cahill	Danels
Bell	Carey	Dent

Denton	Kligore	Qule
Derounlan	King, Calif.	Rhodes, Pa.
Devine	Kirwan	Roberts, Ala.
Dingell	Kluczynski	Roberts, Tex.
Dominick	Kowalski	Rodino
Dooley	Kunkel	Rogers, Colo.
Dowdy	Lane	Rogers, Fla.
Downing	Langen	Rogers, Tex.
Doyle	Libonati	Rooney
Dwyer	Lindsay	Roosevelt
Edmondson	Lipscomb	Rosenthal
Elliott	McDonough	Rostenkowski
Everett	McDowell	Rutherford
Evins	McFall	Ryan, N. Y.
Fallon	McIntire	Santangelo
Fascell	McMillan	Schenck
Fenton	Mack	Scherer
Finnegan	Magnuson	Schneebell
Flynt	Mahon	Schwelker
Ford	Mailliard	Schwengel
Forrester	Marshall	Seiden
Fulton	Mathias	Shelley
Gallagher	Matthews	Sheppard
Garmatz	Meador	Sikes
Gary	Michel	Smith, Va.
Garvin	Milliken	Springer
Gialmo	Mills	Stagger
Gonzalez	Monagan	Steed
Goodling	Moore	Stephens
Grant	Morgan	Sullivan
Gray	Morris	Taylor
Green, Oreg.	Morrison	Thompson, N.J.
Green, Pa.	Moss	Thompson, Tex.
Hagan, Ga.	Moulder	Thompson, Wis.
Hagen, Calif.	Murphy	Thornberry
Halpern	Murray	Toll
Hansen	Nelsen	Tollefson
Hardy	O'Brien, Ill.	Trimble
Harris	O'Hara, Ill.	Ullman
Healey	O'Hara, Mich.	Ullman
Hebert	Olsen	Vanik
Hemphill	Osmer	Van Zandt
Herlong	Ostertag	Vinson
Hollifield	Passman	Wallhauser
Holland	Patman	Walter
Huddleston	Perkins	Whalley
Jarman	Pfost	Williams
Johnson, Wis.	Pike	Wright
Jones, Ala.	Pirnie	Young
Judd	Price	Younger
Karsten	Pucinski	Zablocki
Karth	Purcell	

NAYS—87

Abernethy	Gross	Reifel
Alexander	Gubser	Rhodes, Ariz.
Anderson, Ill.	Haley	Robison
Ashley	Hall	Roubin
Avery	Harrison, Wyo.	Rousselot
Baldwin	Harsha	Saylor
Battin	Harvey, Ind.	Schadeberg
Beckworth	Hechler	Shibley
Beermann	Hiestand	Short
Bennett, Fla.	Hoffman, Ill.	Shriver
Berry	Hull	Siler
Boland	Joelson	Smith, Calif.
Bolton	Johansen	Stafford
Bow	Jones, Mo.	Stratton
Bray	King, N. Y.	Stubblefield
Brewster	Laird	Teague, Calif.
Bromwell	Lankford	Teague, Tex.
Bruce	Martin, Nebr.	Thomas
Burke, Mass.	Moorehead,	Tuck
Ohio	Ohio	Tupper
Cannou	Morse	Udall, Morris K.
Conte	Mosher	Utt
Cunningham	Natcher	Weaver
Dole	Norblad	Westland
Dorn	Nygaard	Wharton
Dulski	O'Konski	Whitten
Durno	Pelly	Wildnall
Findley	Pillion	Winstead
Frelinghuysen	Poff	
Garland	Ray	
Goodell		

ANSWERED "PRESENT"—1

Kearns

NOT VOTING—150

Alford	Buckley	Delaney
Alger	Celler	Derwinski
Anfusio	Chamberlain	Diggs
Ashbrook	Chilperfield	Donohue
Ashmore	Coad	Ellsworth
Auchincloss	Colmer	Farbstein
Ayres	Cook	Felghan
Baker	Corbett	Fino
Baring	Corman	Fisher
Barry	Cramer	Flood
Bass, N.H.	Curtis, Mass.	Fogarty
Bass, Tenn.	Curtis, Mo.	Fountain
Betts	Davis,	Frazier
Blitch	James C.	Friedel
Boggs	Davis, John W.	Gathings
Bolling	Davis, Tenn.	Gilbert
Boykin	Dawson	Glenn

Granahan	Lesinski	Reuss
Griffin	Loser	Riehlman
Griffiths	McCulloch	Riley
Halleck	McSween	Rivers, Alaska
Harding	McVey	Rivers, S.C.
Harrison, Va.	Macdonald	Roudebush
Harvey, Mich.	MacGregor	Ryan, Mich.
Hays	Madden	St. George
Henderson	Martin, Mass.	St. Germain
Hoeven	Mason	Saund
Hoffman, Mich.	May	Scott
Horan	Morrow	Scranton
Hosmer	Miller, Clem	Seely-Brown
Ichord, Mo.	Miller,	Sibal
Inouye	George P.	Sisk
Jennings	Miller, N.Y.	Slack
Jensen	Minshall	Smith, Iowa
Johnson, Calif.	Moeller	Smith, Miss.
Johnson, Md.	Montoya	Spence
Jonas	Moorhead, Pa.	Taber
Kastenmeier	Multer	Thompson, Ia.
Kee	Nedzi	Van Pelt
Keith	Nix	Waggonner
Kelly	Norrrel	Watts
Keogh	O'Brien, N.Y.	Wels
Kilburn	O'Neill	Whitener
King, Utah	Peterson	Wickersham
Kitchin	Philbin	Willis
Knox	Pilcher	Wilson, Calif.
Kornegay	Poage	Wilson, Ind.
Kyl	Powell	Yates
Landrum	Rains	Zelenko
Latta	Randall	
Lennon	Reece	

So, two-thirds having voted in favor thereof, the rules were suspended and the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Halleck and Mr. Derwinski for, with Mr. Kearns against.

Until further notice:

Mr. Rains with Mr. Martin of Massachusetts.

Mr. Rivers of Alaska with Mr. Miller of New York.

Mr. Harding with Mr. Alger.

Mr. Thompson of Louisiana with Mr. Minshall.

Mr. Watts with Mr. Curtis of Massachusetts.

Mr. Sisk with Mr. Horan.

Mr. Slack with Mr. Scranton.

Mr. Alford with Mr. Cramer.

Mr. McSween with Mr. Kilburn.

Mr. King of Utah with Mr. Betts.

Mr. Ichord of Missouri with Mr. Ayres.

Mr. John W. Davis with Mr. Corbett.

Mr. Feighan with Mr. Hoeven.

Mr. Fogarty with Mr. Seely-Brown.

Mr. St. Germain with Mr. Harvey of Michigan.

Mrs. Granahan with Mr. Morrow.

Mr. Nix with Mr. MacGregor.

Mr. O'Neill with Mr. Kyl.

Mr. Moorhead of Pennsylvania with Mr. Barry.

Mr. Inouye with Mr. Taber.

Mr. George P. Miller, with Mr. Ellsworth.

Mr. Reuss with Mr. Ashbrook.

Mr. Henderson with Mr. McCulloch.

Mr. Kornegay with Mr. Riehlman.

Mr. Kitchin with Mrs. St. George.

Mr. Scott with Mr. Flno.

Mr. Fountain with Mrs. May.

Mr. Whitener with Mr. Sibal.

Mr. Loser with Mrs. Weis.

Mr. Frazier with Mr. Curtis of Missouri.

Mr. Harrison of Virginia with Mr. Hoffman of Michigan.

Mr. Peterson with Mr. Bass of New Hampshire.

Mr. Moeller with Mr. Knox.

Mr. Lesinski with Mr. McVey.

Mr. Hays with Mr. Keith.

Mr. Davis of Tennessee with Mr. Chamberlain.

Mr. Ashmore with Mr. Auchincloss.

Mr. Lennon with Mr. Glenn.

Mr. Corman with Mr. Latta.

Mr. Donohue with Mr. Jensen.

Mr. Philbin with Mr. Baker.

Mr. Friedel with Mr. Wilson of California.
 Mr. Macdonald with Mrs. Reece.
 Mr. Montoya with Mr. Hosmer.
 Mr. Madden with Mr. Griffin.
 Mr. Jennings with Mr. Wilson of Indiana.
 Mr. Ichord of Missouri with Mr. Roudebush.
 Mr. Willis with Mr. Van Pelt.
 Mr. Yates with Mr. Chipfield.
 Mr. Baring with Mr. Jonas.
 Mr. Boggs with Mr. Mason.

Mr. BURKE of Massachusetts changed his vote from "yea" to "nay."

Mr. ULLMAN changed his vote from "nay" to "yea."

Mr. KEARNS. Mr. Speaker, I have a live pair with the gentleman from Indiana [Mr. HALLECK] and the gentleman from Illinois [Mr. DERWINSKI]. If they were present, they would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks in the RECORD on the resolution, House Resolution 714, just passed.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

PROGRAM FOR THE BALANCE OF THE DAY

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, I ask for this time in order to inquire of the majority leader if he can advise us concerning the program for the balance of the day.

Mr. ALBERT. Mr. Speaker, except for unanimous-consent requests, I understand there is one bill which the chairman will ask unanimous consent to take from the Speaker's desk to agree to an amendment.

That will finish the legislative program, but we are asking Members to stand by until we find out for certain whether there will be any further action needed on the sugar bill conference report. If that report is agreed to in the other body, as is expected, there will be no further legislative business this week.

Mr. ARENDS. This would be a matter of a recess after the special orders have been completed, if we do not hear prior to that?

Mr. ALBERT. It may be necessary to ask the House to go into a recess, but it may be that the other body will have taken action before that time.

Mr. ARENDS. If the other body does not take favorable action, would that possibly call for a session tomorrow?

Mr. ALBERT. It could possibly bring about a session tomorrow. But it is my opinion we will not have a session tomorrow

and will not need to have a session tomorrow.

I would ask Members to stand by this evening.

CONVEYANCE OF CERTAIN PROPERTY TO CAROLINA POWER & LIGHT CO.

Mr. BONNER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 3840) to provide for the conveyance of certain real property of the United States to the Carolina Power & Light Co., with a Senate amendment thereto, and concur in the Senate amendment.

Mr. Speaker, this has been cleared with the minority.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 3, after line 14, insert:

"Sec. 3. The conveyance issued under this Act shall be subject to the right of the public to have free and unrestricted access to, and use of, the land and the lake thereon for boating, fishing, swimming and other recreation to the extent such access and use are consistent with the basic purpose of the lake as a source of uncontaminated water for industrial purposes."

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

THREE HUNDRED AND SEVENTY-FIFTH ANNIVERSARY OF THE LANDING OF THE LOST COLONY AND THE BIRTH OF VIRGINIA DARE

The SPEAKER. Pursuant to the provisions of House Concurrent Resolution 438, 87th Congress, the Chair appoints as Members of the joint committee to represent the Congress at ceremonies celebrating the 375th anniversary of the landing of the lost colony and the birth of Virginia Dare, the following Members on the part of the House: Mr. BONNER, Mr. SMITH of Virginia, Mr. KIRWAN, Mr. ASPINALL, Mr. JENSEN, and Mr. MAILLIARD.

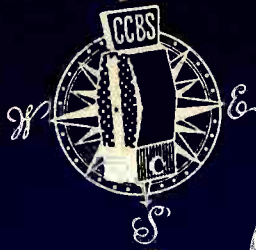
PAN AMERICAN AIRWAYS HUNDRED THOUSANDTH FLIGHT ACROSS THE ATLANTIC OCEAN

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute.)

Mr. WILLIAMS. Mr. Speaker, today is significant in the history of commercial aviation. Tonight, at 8 o'clock, a Boeing 707 jet aircraft will leave the Pan American terminal at Idlewild Airport for a worldwide flight which will ultimately terminate in San Francisco.

It will be the 100,000th time that a Pan American plane will have flown across the Atlantic Ocean.

The history of commercial flying across the Atlantic dates almost as far back as Col. Charles A. Lindberg's epoch-making solo flight in 1927, the year Pan



CLEAR CHANNEL BROADCASTING SERVICE

Your Attention Please!

Bulletin #21

June 27, 1962

CONFIDENTIAL

TO: CCBS GENERAL MANAGERS AND CHIEF ENGINEERS:

Re: House Commerce Committee Action
On Clear Channel Legislation.

The full House Interstate and Foreign Commerce Committee today approved unanimously the attached language relating to radio clear channels and the possible authorization for the use of power higher than 50 kw.

Now we face the task of creating a climate for House approval of the language. We will critically need your all-out support successfully to clear this hurdle.

Details and suggestions will follow just as soon as we are able to discuss strategy, etc., with Congressional leaders.

Roy Battles

Enc.

87th Congress
2d Session

Mr. Harris

H. RES.

Expressing the sense of the House of Representatives with respect to the authorization by the Federal Communications Commission of class I-A clear channel operations.

Resolved, That it is the sense of the House of Representatives that the Federal Communications Commission--

(1) may, notwithstanding Senate Resolution 294, Seventy-fifth Congress, third session, adopted June 7, 1938, authorize the use of power in excess of fifty kilowatts on any of the twenty-five class I-A clear channel frequencies in the standard broadcast band (five hundred and forty to sixteen hundred kilocycles) which are specified in the rules of the Commission, if, after consideration of all pertinent factors, including the objective of providing improved nighttime radio service to substantial areas and populations presently receiving inadequate nighttime radio service, the Commission finds that operation

on such frequencies with power in excess of fifty kilowatts will serve the public interest, convenience, or necessity; and

(2) should not authorize, for a period of one year from the date of adoption of this resolution, the construction for nighttime operation, or the nighttime operation, of any station on any of the twenty-five class I-A clear channel frequencies in the standard broadcast band (five hundred and forty to sixteen hundred kilocycles) which are specified in the rules of the Commission, unless such station was or could have been authorized consistent with the rules of the Commission then in effect, to operate on such a frequency on July 1, 1961.

(CLEAR CHANNELS)

(WASHINGTON)---THE DEFENSE DEPARTMENT AND THE NATIONAL GRANGE AGREED WITH THE SO-CALLED "CLEAR CHANNEL" RADIO STATIONS TODAY IN THEIR FIGHT WITH THE FEDERAL COMMUNICATIONS COMMISSION (FCC).

A PENTAGON OFFICIAL TOLD THE HOUSE COMMUNICATIONS SUBCOMMITTEE, HEADED BY REPRESENTATIVE MORGAN MOULDER THAT THE CLEAR CHANNEL SYSTEM IS AN IMPORTANT DEFENSE AID IN THE EVENT OF ENEMY ATTACK.

AT PRESENT, ONLY ONE RADIO STATION IS PERMITTED TO OPERATE ON EACH CLEAR CHANNEL FREQUENCY DURING THE NIGHT. THE FCC WANTS TO OPEN UP THE FREQUENCIES FOR USE BY OTHER RADIO STATIONS.

LEGISLATION IS PENDING IN CONGRESS TO REVERSE THE FCC DECISION. SOME OF THE BILLS ALSO PROVIDE INCREASED POWER FOR THE 24 STATIONS NOW USING THE CLEAR CHANNEL SYSTEM.

MAJOR GENERAL JOHN BESTIC---AIR FORCE DIRECTOR OF TELECOMMUNICATIONS---SAID THE DEFENSE DEPARTMENT IS IN FAVOR OF BOTH INCREASED POWER AND CLEAR CHANNELS.

HE SAID AIR FORCE STUDIES HAVE PROVED THAT AN ENEMY USING NUCLEAR WEAPONS COULD CAUSE WIDE DAMAGE TO MILITARY CIRCUITS.

HE SAID: "NUCLEAR BURSTS CAN KNOCK OUT HIGH FREQUENCY COMMUNICATIONS FOR SEVERAL HOURS. CONSIDERING THIS, WE MUST EXPLOIT EVERY MEANS OF COMMUNICATING WHICH MAY SURVIVE."

HERSHEL NEWSOM---MASTER OF THE NATIONAL GRANGE---ALSO SUPPORTED RETENTION OF THE PRESENT 24-FREQUENCY CLEAR CHANNEL SYSTEM.

HE SAID ANY BREAKDOWN OF CLEAR CHANNELS WOULD DEPRIVE MANY FARM AND SMALL TOWN AMERICANS OF ADEQUATE RADIO SERVICE.

NEWSOM SAID---"THE MORE THICKLY POPULATED AREAS OF THIS COUNTRY ARE WELL SERVED BOTH DAY AND NIGHT WITH MANY STRONG AND SATISFACTORY RADIO SIGNALS. THIS ISN'T TRUE, PARTICULARLY AT NIGHT, IN MANY OF THE NATION'S THINLY POPULATED RURAL AREAS."

HE SAID MANY RURAL AREAS, UNABLE TO SUPPORT LOCAL RADIO AND TV STATIONS OF THEIR OWN, WOULD BE CUT OFF IF CLEAR CHANNEL STATIONS WERE REDUCED IN POWER TO PERMIT OTHER STATIONS TO USE THE SAME FREQUENCIES.

GLEN WILKINSON, A LAWYER REPRESENTING THE RADIO SERVICE CORPORATION OF UTAH, WHICH OPERATES THE CLEAR CHANNEL STATION KSL IN SALT LAKE CITY, ALSO SAID THE "UNDERSERVED RURAL AREAS OF THE UNITED STATES WILL SUFFER" IF THE FCC DECISION IS ALLOWED TO STAND.

HE SAID FCC RECORDS SHOW THAT MORE THAN 25-MILLION PEOPLE ARE ENTIRELY DEPENDENT ON THE CLEAR CHANNEL STATIONS FOR RADIO SERVICE.



CLEAR CHANNEL BROADCASTING SERVICE

Your Attention Please!

Bulletin #20

June 19, 1962

C O N F I D E N T I A L

TO: CCBS GENERAL MANAGERS AND CHIEF ENGINEERS:

- Re: 1. CCBS Membership additions and changes
2. Status Clear Channel-Higher Power Legislation
3. Comments - "Daytimer" Bill H.R. 4749
4. Another BRECOM test - September 1962

CCBS has this to report:

1. Membership addition and change.

- (a) KSL is now a member of CCBS. Welcome to President Arch Madsen, General Manager Joe Kjar and Vince Clayton, Chief Engineer, along with their co-workers. CCBS is honored and proud to have this great property affiliated with the organization. KSL became a part of CCBS on June 1, 1962.
- (b) WHAM has a new owner. The FCC recently approved the sale of the property to "Rust Broadcasting Co.," whose President is William Rust, Jr. Welcome Bill to the Clear Channel family.

2. The Clear Channel-higher power legislation (H.R. 8210) has not come before the full House Commerce Committee. Chairman Harris has told the sponsors of the bill that it will be the first item to be considered at the next Executive Session of the Committee. The Committee has public hearings slated for both this week and next, so unless a time can be found for an Executive Session during this period, which is difficult, but not impossible, it may be early July before we get action. Our friends on the Hill however suggest that we not put motivating pressure on Mr. Harris at this time.

3. The Daytimer bill (H.R. 4749) sent to you with Bulletin #19 was described editorially in the June 18, 1962 issue of BROADCASTING. A copy of the editorial is enclosed.

CCBS is in an extremely delicate position with respect to any activity in the House relating to this legislation, even though some of its members have daytime stations on their frequency who, by virtue of the fact that they are apparently the only station in "the community", would be eligible to go on the air pre-sunrise.

Also, you will note that the legislation does not provide for protection to be afforded the pre-sunrise secondary signal of Clear Channel stations subjected to possible pre-sunrise "daytime" interference.

CCBS lawyers have prepared amendments to correct this problem. They will be offered at an appropriate time.

The "Daytimer" bill, before it becomes law, must clear these hurdles:

- (a) Approval by the House Rules Committee. (I am told that several members of the Committee plan to question the legislation).
- (b) Passage by the House.
- (c) Approval by the Senate Commerce Committee. (It has held no hearings on the proposal).
- (d) Passage by the Senate.
- (e) Approval by the President.

Needless to say our current lobbying activities are tailored to the delicacy of the problem. We will report them to you in person at the first opportunity.

4. CCBS Engineering Committee Chairman, John H. DeWitt, Jr., reports that the next BRECOM test will be in September. We hope to iron out some of the wrinkles that showed up in the recent test experience.

ROY BATTLES

Encl.

EDITORIALS

"FIDDLING AND TINKERING

"While the NAB and the FCC fiddle with the radio "overpopulation" problem, Congress is tinkering with legislation that would cause far greater economic and technical imbalance for radio than that which has been wrought by indiscriminate licensing of stations.

"Nobody seemed to be looking when the House Commerce Committee gave its unanimous approval to the Moulder Bill (HR-4749) to authorize about 40% of the 1700 daytimers to operate before sunrise and also to open the way for all of the others to get similar treatment. The dominant stations, mainly on regional channels which have been the backbone of radio, would be forced to defend themselves against these incursions because the legislation would place the burden of proof, meaning the costly engineering surveys and the litigation, upon them and not the interlopers.

"This is allocation by legislation or, stated another way, an effort to provide a political solution to a purely engineering problem. The NAB, which through its president, LeRoy Collins, seized upon the glamorous overpopulation issue as a cause celebre, has taken no position on the daytimers' extended hours legislation, presumably because it involves a purported conflict of interest among classes of its membership.

"There is but one plausible answer to the birth control problem, and that is in the adherence to sound engineering principles. The problem is not new; it has been with radio since the population explosion began in the wake of World War II. Violations of sound allocations engineering generated the economic problems with which the FCC, if it adheres to the law, is powerless to cope. But the FCC can alleviate conditions by correcting its allocations standards.

"The Moulder Bill was quietly lobbied through the House Committee. The FCC repeatedly had rejected the proposal as contrary to sound allocations because it would deprive more people of service than would be gained through increased hours for the daytimers - most of them post-war babies.

"Under the Moulder Bill, nearly 700 stations in single station markets (i.e. no other full-time service) would immediately benefit by being permitted to operate as early as 4 a.m., under certain conditions, and by 6 a.m. otherwise. Because of the lack of opposition, other than the FCC, and the persuasiveness of the daytimers' lobbying, the bill now seems to have enough momentum to carry through the House.

"If there is one area in which the FCC has unquestioned authority, it is in allocations. The original intent of Congress as expressed in the Radio Act of 1927 was to create an expert commission to control electrical interference for all classes of stations.

(more)

"It seems to us that the solution for the daytimers is to be found in fm where there are no limitations on hours. The Moulder Bill would penalize long-established stations. More than that, it would deprive hundreds of thousands of listeners of essential service they have been accustomed to receiving over the years. We wonder, moreover, why the regionals who will be mainly affected, have not offered resistance or urged their trade association to act."

- - -



CLEAR CHANNEL BROADCASTING SERVICE

Your Attention Please!

Bulletin #19

June 7, 1962

TO CCBS GENERAL MANAGERS AND CHIEF ENGINEERS:

Re: House Commerce Committee
Action June 7, 1962.

The House Interstate and Foreign Commerce Committee today approved the enclosed language relating to added hours of operation for Daytime Broadcast stations.

The Committee did not reach the Clear Channel-higher power item on its agenda for possible consideration at this week's Executive Sections which ended this Noon.

The CCBS legislation, however, is now tentatively at the top of the list for consideration at the next Executive Session of the Committee. This session will be at the call of the Chairman, and there are indications that he may call such a session next week.

The proponents of our legislation in the Congress are not particularly alarmed at the delay. Our greatest concern is that "time's-a-burning."

ROY BATTLES

Amendment to H. R. 4749

Strike out all after the enacting clause and insert in lieu thereof the following:

That part I of title III of the Communications Act of 1934 (47 U.S.C. 301-329) is amended by adding at the end thereof the following new section:

"Operation Before Sunrise With Day-time Broadcasting Facilities

"Sec. 330. (a) If such operation does not violate any treaty or agreement to which the United States is a party, any standard broadcast station may, notwithstanding any other provision of this Act, operate with its authorized daytime facilities during --

"(1) any pre-sunrise period after 6 o'clock antemeridian, local standard time; and

"(2) any pre-sunrise period after 4 o'clock antemeridian, local standard time, in the case of any such station which, on sixty days during the twelve calendar months preceding the date of enactment of this section, operated during such pre-sunrise period after 4 o'clock antemeridian, local standard time, with the daytime facilities licensed to it on the date of enactment of this section, if such operation was consistent with rules of the Commission then in effect.

"(b) The provisions of subsection (a) shall not permit a station to operate during any of the hours in which an unlimited time standard broadcast station in the same community or urbanized area, operating with its nighttime facilities, serves substantially the same area as would be served by such pre-sunrise operation.

"(c) Where any unlimited time station makes a prima facie showing that pre-sunrise operation by a station using daytime facilities under the provisions of this section, results in actual interference within a substantial portion of the primary service area it serves with its nighttime facilities, such unlimited time station shall be entitled to a hearing. The Commission shall modify or terminate the operation authorized by subsection (a) only if it is determined after hearing that such interference has been shown and that such modification or termination serves the public interest, convenience, or necessity.

"(d) Notwithstanding section 316 of this Act or any other provision of law, no right to a hearing shall arise by virtue of operation under this section, except as specified in subsection (c).

"(e) Nothing in this section shall affect the Commission's authority to authorize sharing time arrangements under which only one of the stations concerned shall have any of the rights provided for in this section."

"(f) If any standard broadcast station licensed to operate during daytime hours would not be permitted by this section to operate during the pre-sunrise period after 4 o'clock antemeridian, local standard time, the licensee or permittee of such station make written application to the Commission to authorize such operation. The Commission may authorize such operation if it determines that such operation will not cause any harmful interference with the radio communication of any other radio broadcasting

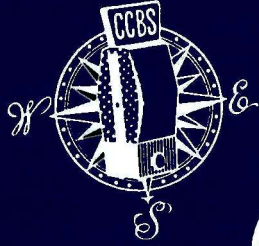
station in a substantial portion of the primary service area of such other radio broadcasting station.

"(g) As used in this section "harmful interference" means any emission, radiation, or induction which seriously degrades, obstructs or repeatedly interrupts a radio communication service."

Sec. 2. The amendment made by this Act shall take effect on the ninetieth day after the date of its enactment.

Amend the title so as to read: "A bill to amend the Communications Act of 1934 with respect to the hours during which certain broadcasting stations may operate with their daytime facilities."

CLEAR CHANNEL BROADCASTING SERVICE



Your Attention Please!

Bulletin #17

June 1, 1962

C O N F I D E N T I A L

TO CCBS GENERAL MANAGERS AND CHIEF ENGINEERS:

Re: Full House Commerce Committee
consideration of H.R. 8210 and
related bills.

Chairman Harris of the House Interstate and Foreign Commerce Committee has scheduled executive sessions of the Committee for June 5, 6, and 7, 1962. The purpose of the sessions will be to consider legislation now pending before the Committee. Fifteen bills ranging from "gambling" to "war claims" are slated for consideration.

The Clear Channel-higher power measure (H.R. 8210 and related bills) is on the list. The Daytimer bills are also on the list.

It is obvious that the Committee in three two-hour periods cannot possibly consider all of the bills on the agenda. Whether our bills will be acted upon, apparently depends upon how well satisfied Mr. Harris is with respect to recent informal discussions he has had with members of the FCC about the CCBS legislation. It is clearly apparent that Mr. Harris is desirous of knowing exactly what the Commission would do if the Congress adopted certain general language concerning the use of higher power and Clear Channels.

There is a possibility of course that action on our legislation could be simply delayed because of a shortage of time to consider it. Currently, however, we are implementing certain high level contacts with the Chairman designed to bring about consideration of the CCBS legislation in the early stages of next week's meetings of the Committee.

You will hear from this office as soon as we have news for you.

ROY BATTLES



CLEAR CHANNEL BROADCASTING SERVICE

Your Attention Please!

Bulletin # 15

May 28, 1962

TO CCBS PROGRAM DIRECTORS:

Re: Clear Channel Program Directors'
get-together.

The CCBS program directors' meeting held in Chicago May 16 and 17, 1962 was a stimulating and highly practical session.

Its theme "What Can Clear Channel Stations Do Together" resulted in the following recommendations:

1. The program director of all independently owned and operated Clear Channel stations is invited and urged henceforth to exchange scripts, special announcements and other materials that might be useful to other Clear Channel stations with the program director of those stations.

This would not only provide programming ideas but would often save a tremendous amount of time and money on the part of other stations in researching and developing the same or similar materials.

See list of these program directors, including mailing address, attached.

2. That WLW's Al Bland be asked to investigate the cost and practicality of developing 65 half-hour mystery dramas for possible use between 10 p.m. and midnight on Clear Channel stations. If this idea were to prove practical, those stations interested would be asked to share the expense of developing and producing this series of programs.

The idea behind this proposal is designed to attempt to find out whether or not such a series of mystery dramas would draw audience and commercial sponsorship. The 65 dramas would provide five dramas a week for a 13 week period.

Mr. Bland will report by letter to each of us. If the 13 week test period proves successful, it is anticipated that the series would be continued.

Mr. Marvin Astrin, WGN's Sales Manager, has agreed to investigate possible sponsorship interest in the above series of programs.

3. If there is a particularly capable person working in the area of a Clear Channel station - possibly a competing station - each CCBS program director is requested to inform all CCBS program directors of this fact describing some of his capabilities so that we can help each other recruit top talent.

This might also serve at times of helping Clear Channel stations to remove from competing stations outstanding talent eating into our respective audience.

4. WSM's Ott Devine was directed to dig still deeper into the possibility of developing "listenable" educational nighttime programs for which University credit might be offered. Other CCBS program directors were asked to do likewise and report back at the next meeting of this group.

In addition to the above, the group decided to:

1. Meet again, possibly about a year away.
2. That the same Committee that developed the agenda for this meeting be continued, namely, Al Bland, WLW; Ott Devine, WSM; and Robert Bradford, WGN.
3. The place of the spring 1963 meeting was left to the judgment of the Committee.

ROY BATTLES

cc: General Managers

LIST OF CLEAR CHANNEL
PROGRAM DIRECTORS

Mr. Pat Kelly
Program Director
Station KFI
141 North Vermont Avenue
Los Angeles 54, California

Mr. Ott Devine
Program Director
WSM, Inc.
301 - 7th Avenue North
Nashville 3, Tennessee

Mr. Gene Dailey
Program Director
Station WLW
Crosley Square
Cincinnati 2, Ohio

Mr. Robert Bradford
Program Director
WGN, Inc.
2501 West Bradley Place
Chicago 18, Illinois

Mr. Elmo Ellis
Program Director
Station WSB
1601 West Peachtree St., N.E.
Atlanta 9, Georgia

Mr. Reginald P. Merridew
Program Director
The Goodwill Stations, Inc.
Fisher Building
Detroit 2, Michigan

Mr. Herman Clark
Director of Radio
Station WBAP
Fort Worth, Texas

Mr. Pierce Allman
Program Director
Station WFAA
Young at Record Street
Dallas 2, Texas

Mr. George Walsh
Program Director
Station WHAS
6th & Broadway
Louisville 2, Kentucky

Mr. Cecil Huntzinger
Program Director
Station WHO
1100 Walnut Street
Des Moines 7, Iowa

Mr. Robert McKinsey
Program Director
Station WHAM
350 East Avenue
Rochester 4, New York

Mr. Barclay Russell
Program Director
Station WOAI
1031 Navarro Street
San Antonio 6, Texas

Mr. Rex L. Campbell
Program Director
Radio Station KSL
Salt Lake City, Utah

Mr. Vincent Alletto
Program Director
Station WWL
Roosevelt Hotel
New Orleans, Louisiana

Mr. V.A.L. Linder
Program Director
Radio Station WCCO
Minneapolis, Minnesota



CLEAR CHANNEL BROADCASTING SERVICE

Your Attention Please!

Bulletin #14

May 22, 1962

C O N F I D E N T I A L

TO CCBS GENERAL MANAGERS AND CHIEF ENGINEERS:

Re: "Daytimer" blast at Clear Channel-Higher Power Legislation.

The April 1962 issue of "The Daytimer", the official publication of the Daytime Broadcasters' Association, carried a one column blast at the Clear Channel-higher power legislation. The item follows: (Incidentally, if any CCBS member by chance receives this publication, I would appreciate receiving a copy of each issue after you have finished with it. Otherwise, I have no regular way of receiving it, even though it is important that I know what this group is "up to").

"Super-Power for Clear Channels.

"IS SUPER-POWER for the 50,000 Watt Giant Clear Channel stations really in the Public Interest? What effect will it have on the ability of your Daytimer to survive and continue to render a broadcast service on the LOCAL level?

"The FCC has proposed in docket No. 6741 that 13 of the 25 U.S. assigned Clear Channels be duplicated and that the remaining 12 be permitted to boost their power from 50,000 Watts to 750,000 Watts. This will be a 15 times power increase . . . somewhat like a 1,000 Watts station going up to 15,000 Watts. If your spot on the dial is only 10, 20 or 30 Kilocycles removed from one of these super-power stations . . . BEWARE. You may be smothered in the process. The Clear Channel Lobbyists have done an outstanding job in the Congress and the Senate to get this job done. It seems that the House Subcommittee on Communications is about to render a decision. Hearings were held in February 1962. Congressman Morgan Moulder is chairman of the Subcommittee and Congress Oren Harris Chairman of the House Interstate and Foreign Commerce Committee.

"If you feel that this legislation would adversely affect your service, you should lodge your objections with your Congressman and the above two congressmen immediately.

"Many Daytimers cannot understand why the FCC proposed in the above docket to add additional 50,000 Watts Stations, mostly in the Western part of the United States on the remaining 13 Clear Channels when there are 1,000 communities across the United States served Locally ONLY by Daytime Stations. LOCAL programming would have been enhanced tremendously if there could have been a consolidation of some of our present Clear Channels and then come up with 6 or 8 additional LOCAL Class IV channels so that most of these 1,000 communities could have a fulltime facility. This was proposed by DBA to the FCC in the above Docket. There are now almost 1,000 fulltime stations on the present Class IV Channels."

ROY BATTLES



CLEAR CHANNEL BROADCASTING SERVICE

Your Attention Please!

Bulletin #12

May 18, 1962

TO CCBS GENERAL MANAGERS AND CHIEF ENGINEERS:

Re: Committee Action on CCBS
Clear Channel-Higher Power
Legislation.

The House Committee on Interstate and Foreign Commerce postponed yesterday its proposed consideration of the Clear Channel-higher power legislation. Also it did not set another date as to when the legislation would come before the Committee meeting in Executive Session. It is possible that it will be early June before it acts on the measure.

This does not necessarily mean that the Committee feels adversely toward the legislation. In fact, Chairman Harris has indicated on numerous occasions that he intends to bring the legislation before the Committee. It does mean, however, that he is taking "his good old time" in getting to it.

ROY BATTLES



CLEAR CHANNEL BROADCASTING SERVICE

Your Attention Please!

Bulletin #11

May 11, 1962

C O N F I D E N T I A L

TO CCBS GENERAL MANAGERS & CHIEF ENGINEERS:

Re: Subcommittee Action - Clear Channel
Higher Power Legislation

Yesterday the House Commerce Subcommittee on Communications and Power adopted the following language when considering H.R. 8210 and related bills:

"1. That the Commission shall not authorize the construction or operation of any stations, other than those regularly licensed as of July 1, 1961, to operate on any of the 25 Class I-A Clear Channel frequencies for a period of one year from the date of enactment hereof;

"2. That, the Federal Communications Commission may authorize any radio broadcasting station operating on a Clear Channel in the standard broadcast band (five hundred forty to sixteen hundred kilocycles) to operate with power greater than fifty kilowatts if, after consideration of all pertinent factors, including the objective of providing improved nighttime radio service to substantial areas and populations presently receiving inadequate nighttime radio service, it finds that such operation will serve the public interest, convenience, or necessity."

The above language will probably come before the full Committee May 17, 1962. It may do anything with it - adopt it, change it, or kill it. Where does this leave us?

First, let's interpret the meaning behind the above language as accurately as we can appraise it:

Paragraph 1 is the Subcommittee's way of telling the FCC that it should re-study its September 13, 1961 Clear Channel decision; that more than 12 Clear Channels are probably needed; and that the Subcommittee does not want to get into the channel allocation field or make the decision formally as to how many Clear Channels the national interest requires. (Recommendations to the Commission may be made informally and privately. This will probably happen). Also, the full Committee report, as well as the House floor debate, assuming the legislation is not killed, may be used as a means of "informing" the Commission about the "intent of Congress."

Paragraph 2 merely indicates that the Subcommittee believes that higher power may be in the public interest. The paragraph serves to offset the 1938 Senate Resolution which opposed power in excess of 50 kw and enables the Commission to re-study its September 13, 1961 decision on the basis of the possible use of higher power on any or all of the 25 I-A channels on a case-by-case basis.

The above Subcommittee action, while leaving much to be desired, is a major victory. It brings the legislation before the full Committee in a favorable light. It begins to point the way toward a national Clear Channel policy. Yet, as indicated above, anything can happen when the legislation comes before the full Committee. While we have many friends there, Chairman Harris will play a dominant role in deciding our Committee fate.

In light of the total picture we therefore immediately face these major strategy decisions:

1. How diligently should we ask our friends on the Committee to push for language more favorable than that adopted by the Subcommittee? Should we push hard for the adoption of the "Dingell" amendment sent to you with CCBS bulleting #9 on May 9, 1962? Should we "play it by ear" when the full Committee considers the legislation weighing the chances of further gains against the possibilities of developing antagonisms that would lead to losses?

This decision must be based upon an appraisal of the one year freeze on the 25 I-A channels. Can we develop the legislative history - the Congressional pressure - in short, the support of the Commission to modify in a major way its September 13, 1961, Docket 6741, decision? Or, at the end of the year, would we be back where we started from, except for the higher power authorization?

2. What type of action should we pursue in the Congress?

Should we ask merely for a House resolution? If passed, such a resolution would not go to the Senate. It would not have the effect of law. It would have a substantial impact

on the FCC. It would serve to establish a sizeable degree of "Congressional Clear Channel intent." Such a resolution would not go to the President for his signature.

Or should we "make a run for it" asking that the language be developed in the form of a concurrent Senate and House resolution or a bill. Both, if passed by the House and Senate, would have the effect of law and would require the signature of the President.

The above decision involves an appraisal of whether or not we can "make the grade" in the Senate. What are the chances of our legislation being defeated there or dying for the lack of action? In that eventuality, assuming the legislation had passed the House, the House action would be mostly nullified and we would be back where we started.

If you have advice on the above problems, please get it to us quickly. The stakes are too high to involve ourselves in uncertain gambles.

All members of the Subcommittee were present except Congressmen Kornegay and Rogers who were out of the city "speechmaking." No member of the Subcommittee was antagonistic toward the Clears. We owe a tremendous debt of gratitude to all members of the Subcommittee and especially to Congressmen Dingell and Bennett of Michigan who fought hard for us throughout the entire Subcommittee session. Mr. Bennett, as ranking minority member of the full Committee, is an ex-officio member of the Subcommittee. Mr. Dingell, while not a member of the Subcommittee, was invited to sit in on the discussion.

Off the record, furthermore, there is considerable evidence that FCC Chairman Minow is changing his mind somewhat concerning the higher power issue and the value of Clear Channels.

Of course, from a practical immediate standpoint, provided the full Committee approves the idea of higher power, we also face the challenge of convincing a majority of the members of the House that higher power on Clear Channels would be in the public interest. Some falsely believe such action would represent granting special interest benefits to a big, rich, privileged group of broadcasters. This is frank language, but is the shortest way of saying that our educational task is just beginning. Actually, as you know, this legislation is for the "little guy" - for the 25 million people who live in the remote white areas of this nation and depend solely upon Clear channels for their only nighttime AM radio listening.

Now, and in the long run also we must convince the Congress, the Commission, and the general public that (a) not only is higher power needed, but that a substantial number of

... stations would go to it, and (b) that we do have nighttime audience. Too many people are saying "few, if any, of the Clears would go to higher power even if authorized to do so, and besides few people listen to the Clears at night anyway."

Action by the Subcommittee on the "daytimer" bills involved merely leaving the decision relative to their disposal up to the full Committee.

Be sure to see the summary of the FCC's May 10, 1962 decision to place a partial freeze on new AM applications in the May 14, 1962 issue of BROADCASTING.

ROY BATTLES



CLEAR CHANNEL BROADCASTING SERVICE

Your Attention Please!

Bulletin #7

April 24, 1962

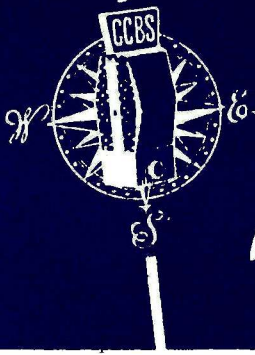
MEMORANDUM TO CCBS GENERAL MANAGERS & CHIEF ENGINEERS

Re: Error in CCBS Bulletin #6
dated April 18, 1962

On Page 4 of CCBS Bulletin #6 there are errors in the listing of the states from which Congressmen testified in favor of added hours of operation for daytime radio stations. The list should read as follows:

<u>Name</u>	<u>Association</u>
1. Senator Jack Miller	(R) Iowa
2. Senator Carl T. Curtis	(R) Neb.
3. Senator Roman Hruska	(R) Neb.
4. Cong. Ralph Beermann	(R) Neb.
5. Cong. Leon H. Gavin	(R) Pa.
6. Cong. Ken Hechler	(D) W. Va.
7. Cong. Paul C. Jones	(D) Mo.
8. Cong. David T. Martin	(R) Neb.
9. Cong. Fred Schwengel	(R) Iowa
10. Cong. George Shipley	(D) Ill.
11. Cong. Roy Taylor	(D) N.C.
12. Cong. Phil Weaver	(R) Neb.

ROY B ATTLES



CLEAR CHANNEL BROADCASTING SERVICE

Your Attention Please!

Bulletin # 8

April 24, 1962

CONFIDENTIAL

MEMORANDUM TO CCBS GENERAL MANAGERS:

Congressman John D. Dingell, on a confidential basis, has shared with CCBS a copy of a recent letter to him from FCC Chairman Newton Minow.

Your copy is enclosed.

ROY BATTLES

Encl.

C

FEDERAL COMMUNICATIONS COMMISSION
Washington 25, D. C.

O

P

30 March 1962

Y

Honorable John D. Dingell
House of Representatives
Washington 25, D. C.

Dear Congressman Dingell:

This is in response to your letters of March 20 and 26, 1962, concerning the Clear Channel matter. In your March 20 letter you indicate your concern over the possibility that the Commission may proceed with even partial implementation of its Clear Channel report and order of last September before Congress has had opportunity to develop and furnish policy guidance in this area which, as we indicated to the Committee, the Commission would welcome if Congress chooses to provide it.

In our February 13 statement to the Committee, we repeated the Commission's earlier assurance that no action implementing the decision -- that is, grant of applications for new unlimited time stations on the 13 frequencies selected for "duplication"-- would be taken until Congress should have had opportunity to consider this matter fully. This, I assure you, is still the Commission's policy, and this has also led us to withhold disposition of a number of petitions for reconsideration of last September's decision, including some opposing "duplication." Consideration and disposition of these petitions would, of course, be necessary before we could properly act on any of the applications involved, of which 11 are now on file.

You are, of course, aware of how long the Clear Channel matter has been pending and of the efforts of the present Commission to provide a degree of administrative finality which, in protracted cases of this nature, may constitute a substantial portion of the public interest involved. The majority of the Commission still feels that the outstanding decision is sound, though it obviously is not satisfactory in all respects to all parties. We are therefore reluctant to be committed to a further indefinite period of indecision and delay. With the matter in its present posture, an undesirable climate of uncertainty exists, and action must be delayed on a number of applications filed in good faith in accordance with the decision and proposing primary service to portions of the white areas with which we are all concerned.

In summary, the Commission will not take any action looking toward implementation of its Clear Channel decision until Congress shall have had reasonable opportunity to formulate whatever views on this subject

30 March 1962

it wishes to express, or to conclude that it does not desire to act on the matter. An indication that such views will be forthcoming within the fairly near future will, of course, be heeded. In our view, however, we cannot continue to withhold action for the indefinite future if it appears otherwise appropriate.

With respect to the proposed amendment of HR-8210, attached to your letter of March 26, you are, of course, aware that Commissioner Lee had urged us to adopt a decision in the Clear Channel matter that would accomplish the same result by rule, and that the majority of the Commission were not persuaded as to the merits of such a course. We have not had a sufficient period to consider the proposal in its suggested legislative form to permit the preparation of detailed comments. If enacted into law, it would, of course, clarify the position of Congress with respect to the use of power substantially higher than 50 kilowatts. The majority has the feeling, however, that if this is the principal objective of your proposal, one somewhat less concerned with details would be more in keeping with the present tenor of the Communications Act. In this regard, we think our comments on the various Clear Channel bills and my February 13 statement are equally applicable. We must, in all honesty, add that there is not now a majority of Commissioners willing to vote immediately in favor of higher power on all 25 I-A channels, or a substantial portion of them. Commissioner Lee is submitting his individual comments.

Thank you for your letters and the opportunity to express the Commission's views with respect to the matters raised therein.

BY DIRECTION OF THE COMMISSION

Newton N. Minow
Chairman



CLEAR CHANNEL BROADCASTING SERVICE

Your Attention Please!

Bulletin #6
April 18, 1962

To: CCBS General Managers and Chief Engineers.

Re: April 16 & 17, 1962, "6 to 6" Hearings (H. R. 2745 and related bills).

The House Commerce Subcommittee on Communications and Power concluded yesterday supplemental hearings on the various bills designed to authorize extended hours of operation of daytime broadcasting stations. You will recall that CCBS, through Jack DeWitt, testified in opposition to these bills in July of 1961. I submitted for the record copies of the up-dated nighttime groundwave map and the "white" area population figures.

The April 16 and 17 hearing highlights were as follows:

1. Three Senators, nine Congressmen and eight public witnesses supported the legislation. The Subcommittee was sympathetic to these witnesses who based their case mostly on the "need" for local service. The witnesses "rehashed" previous testimony and gave no supporting engineering facts.
2. Commissioners Craven and Hyde, plus staff members, appeared for the FCC. They defended the Commission's previous position in opposition to the legislation with firmness. They justified FCC opposition by citing the engineering facts involved and the opinion that the Commission, not the Congress, should decide technical matters.
3. It is apparent, however, that the Commission is somewhat sympathetic to pleas of the daytimers, probably because Congress is so interested in the problem.
4. Members of the Committee were troubled by the fact that although the daytimers claimed no interference would result, the FCC and all technical witnesses insisted ruinous interference would result.

5. Commissioner Craven, when pressed by members of the Subcommittee, said the FCC, if Congress insisted, would be willing to conduct a test by allowing "daytimers" to operate pre-sunrise hours so as to demonstrate the interference problems. He said if such a test were conducted, it should be done in December and January on one regional channel.
6. Commissioner Craven testified that the Commission has its staff at work on proposed rule making to allow some pre-sunrise operation by daytime stations on regional channels located in communities having no fulltime stations.
7. Howard T. Head, of A. D. Ring and Associates, testified for WREC of Memphis and A. Earl Cullum, Jr. of Dallas appeared for himself. Both vigorously opposed the bills. Their arguments were based on the interference which would be caused to fulltime stations.
8. No significant references were made relative to the Clear Channel - higher power pending legislation. Both Howard Head and Earl Cullum, Jr. stressed that all fulltime stations, not just clears, would be affected. However, some charges were aimed at Clear Channel stations.

In more detail, the tone of the hearing and the testimony given were as follows:

1. The Subcommittee attendance was poor but those present were sympathetic to the daytimers (no hostile questions were asked). There is no question but that the Committee would like to do something for the daytimers. On the other hand, the Subcommittee seemed to recognize the interference problems posed by opposition witnesses and again asked for a test to see if the "theoretical" interference claims are based on fact.
2. The avalanche of Congressional letters the daytimers have inspired and personally written, coupled with their other lobbying activities, has paid dividends.
3. The proponents for the legislation made these assertions:
 - (a) Added hours of operation for daytimers are essential to serve the needs and interests of the residents of local communities, particularly rural communities.

- (b) Listening habits have changed. People are more interested now in listening to local stations. Therefore, it is no longer necessary to protect the signals of the "big distant stations". Other than this, the proponents made no reference to the engineering problems inherent in their proposals.
- (c) The proponents spent much time lambasting the FCC's proposed rule which would require them to give the FCC prior notice of plans to operate pre-sunrise under Rule 3, 87.
- (d) Two charges were made against Clear Channel stations and other "big operators":
 - (1) It was stated that they are programming more and more, not for their wide area audience, but instead for their local audience.
 - (2) Fewer and fewer people are listening at night to the skywave service of Clears. Therefore, there is no need to protect these signals.

- 4. Commissioners Hyde and Craven, supported by staff members Barr & Cox, along with Howard Head of A. D. Ring and Associates for WREC of Memphis and A. Earl Cullum of Dallas, testifying for himself, gave excellent opposition arguments, based on engineering facts, against the proposal for added hours of operation for daytime stations.
- 5. It is evident that the daytimer pressure has softened the Commission to some extent. The Commission's strategy at the hearing appeared to be to attempt to forestall Congressional action. This strategy is demonstrated in the following quotes from Commissioner Craven's testimony:

"The FCC will, upon its own motion, again consider the whole question of extended hours of operation for daytime stations.

"We have directed our staff to explore all the possible sources of action which might offer hope

of permitting additional hours of operation by day-time stations consistent with the public interest.

"Special attention is being given to a possible limited easing of pre-sunrise restrictions on those daytime stations located on Class III channels in communities which have no unlimited station.

"It is anticipated that such study will result in early rule making."

6. Attendance and questions on the part of the Subcommittee was as follows:

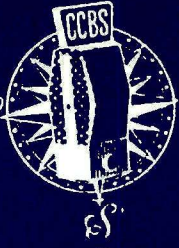
	Monday 4/16/62		Tuesday 4/17/62	
	<u>Attendance</u>	<u>Questions</u>	<u>Attendance</u>	<u>Questions</u>
Moulder	Full time	A few	One-half time	A few
Rogers	Absent	-----	One-half time	Several
Moss	One-fourth	None	One-half time	A few
Rostenkowski	Absent	-----	Absent	-----
Kornegay	One-half time	None	Three-fourth	A few
Younger	Full time	A few	Full time	A few
Sibal	Absent	-----	Absent	-----
Thomson	Absent	-----	Absent	-----
Harris (Chr. full committee) .	One-fourth	None	Absent	-----

7. The witnesses who appeared or presented statements in favor of the "6 to 6" bills were:

<u>Name</u>	<u>Association</u>
1. Senator Jack Miller	(R) Iowa
2. Senator Carl T. Curtis	(R) Neb.
3. Sen. Roman Hruska	(R) Neb.
4. Cong. Ralph Beerman	(R) Pa.
5. Cong. Leon H. Gavin	(R) W. Va.
6. Cong. Ken Hechler	(D) Mo.
7. Cong. Paul C. Jones	(D) Neb.
8. Cong. David T. Martin	(R) Iowa
9. Cong. Fred Schwengel	(R) Ill.
10. Cong. George Shipley	(D) N. C.
11. Cong. Roy Taylor	(D) Neb.
12. Cong. Phil Weaver	(R) Neb.

<u>Name</u>	<u>Association</u>
13. Richard Adams	WKOX, Framingham, Mass. (Pres., DBA)
14. Israel Cohen	WCAP, Lowell, Mass. (Member, Board of DBA)
15. Ray Livesay	WLBH, Mattoon, Ill. (Chr., Board of DBA)
16. David Potter	WNAE, Warren, Pa.
17. Robert Pricer	WCLT, Newark, Ohio (WLCT's Thomas Rogers is a member of the DBA Board)
18. William Martin	KMMJ, Grand Island, Neb.
19. Ed Mason	KXXX, Colby, Kan.
20. George Vogler	KWPC, Muscatine, Iowa

Roy Battles



CLEAR CHANNEL BROADCASTING SERVICE

Your Attention Please!

Bulletin #4

April 16, 1962

MEMORANDUM TO ALL CCBS GENERAL MANAGERS:

FROM: Roy Battles

Here is a copy of a robotyped letter with its enclosures currently being mailed to the following people:

The National President and key national staff members of the following groups:

The American Farm Bureau Federation
The National Grange
The National Farmers Union
The National Council of Farmer Cooperatives

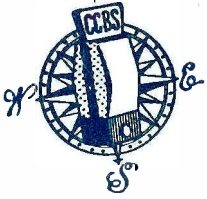
State and regional heads of the above organizations.

Key national figures of most of the agricultural commodity groups, etc.

All of those who testified by letter, telegram or in person in favor of the Clear Channel pending legislation.

Encls.

ROY BATTLES



Clear Channel Broadcasting Service

Shoreham Building
Washington 5, D. C.

April 13, 1962

Roy Battles
Director

Mr. C. P. Mast, Jr.
Millers National Federation
309 West Jackson Boulevard
Chicago 6, Illinois

Dear Cap:

Here is your copy, just off the press, of the new nighttime coverage map of all U.S. (AM) radio stations. The white area shown, involving nearly 60% of the country, depends solely upon Clear Channel skywave service for its only nighttime (AM) radio listening. There is no other way to bring AM service at night to most of the 25 million people who reside in the "white area."

The "white area" size and population (1960 Census), by states, is also enclosed along with other information about the legislative effort to preserve existing Clear Channels authorized to use power sufficient to improve grossly inadequate radio signals to vast remote regions.

Knowing of your concern over the outcome of this legislation, here is a report of its status:

The legislation, although moving too slowly, currently faces no known opposition except from the FCC.

The FCC shows signs of being willing to accept legislative language which would help it to resist the pressures which caused it to propose duplication last fall of over one-half of the remaining Clear Channels at the expense of rural radio listening, both now and potentially.

Right now we face the task of getting action from the House Commerce Committee. If it does not act soon we will have to call for help. Senate hearings will be held when the measure clears the House.

Without the strong across-the-board support of the agricultural community and others this effort would have never gotten off the ground.

Sincerely yours,

Encls.

Roy Battles



Sponsored by Independently Owned
Clear Channel Radio Stations