

The cover features a light yellow background with several thin black concentric circles centered on the left side. A thick black horizontal bar spans the width of the cover, containing the title text in a bold, yellow, sans-serif font. The text is centered within the bar and partially overlaps the concentric circles.

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The JOURNAL OF BROADCASTING welcomes the submission of articles and reviews from all sources. Attention is called to the suggestions for the preparation of manuscripts appearing on the last two pages of the Winter 1959-1960 issue, Volume IV, Number 1.

Manuscripts, books for review, and editorial and business correspondence should be addressed to the Editor, JOURNAL OF BROADCASTING, University of Southern California, University Park, Los Angeles 7, California.

DECEPTION

DECEPTION is an ugly word. When the Pandora's box labeled "quiz show scandals, payola, and canned audience reaction" was opened a few months ago, all broadcasting became associated with deceptive practices in the mind of the public.

Those broadcasters who attempted to excuse various practices on the grounds of "tradition" or with the premise that "broadcasting is all entertainment, anyway" were largely ineffectual. Although the general public retained its high opinion of radio's accuracy for many years after World War II (particularly with respect to news programming), the current situation drained this reservoir of prestige and good will.

The public has apparently refused to believe that broadcasting is *solely* "make-believe" entertainment. This may be an unconscious recognition of the superior force and value of broadcasting when it concentrates upon the *real* and the *now*. The public trusted the industry to label that which was real and that which was not, and reacted violently when their trust was betrayed. This phenomenon occurred at all layers of sophistication, even down to those who were shocked at the disclosure that professional wrestling matches were rigged. Sulzer and Johnson's article in this issue of the JOURNAL illustrates some of the limits of public tolerance and acceptance of "deception".

"How much" to label has always been a problem. Changing conditions and pressures have also changed the pertinent rules and standards. As an example, we are presenting in these pages a 1928 Federal Radio Commission pronouncement on the identification of recordings (and player piano selections!), contrasted with today's regulations on the same subject. We also note the recent hasty adoption (and equally hasty withdrawal) of identifying statements with respect to "canned" laughter and applause by one network, and that previously accepted production practices for commercial mes-

sages have recently been called into doubt by the Federal Trade Commission.

Many practices are only questioned during a political campaign. This being an election year, it is hard to say now which techniques will be attacked most strongly before the year is out. We can only be sure that some political broadcasting practices *will* be attacked. The late Senator Neuberger once formally suggested that an announcement be required whenever prompting equipment was used. Next we might have required announcements for tape editing, ghost writing, or even the amount and kind of wigs and makeup!

There are some that claim that a false picture of the political process is presented due to need for "showmanship" on the part of both broadcasters and politicians, and that this is another way in which the public is "misled." It is true that conventions, campaigns and candidates are often shaped by the availability of network time and audiences and the particular production requirements of television. Will men act according to their principles or merely try to "look good" when subject to the knowledge that millions of their fellow citizens are watching almost all their actions? Millions of people have observed more of the trivia and trappings of conventions and campaigns than ever before in history—yet, did they really see political life as it is, or only what the stage managers wanted them to see?

Broadcasting's need to present exciting and entertaining programs has caused it to change in part from "reporter" to "participant" in politics. The question whether the advantages of this change in role outweigh the disadvantages will take a long time to answer. So that some idea of the earlier, solely spectator, role of political broadcasting might be gained, we are including an article by Archer on the 1924 campaign. The best way to observe the current, participating, role of broadcasting in the political process is to turn on a television or radio receiver any time after the first of July.

ATTITUDES TOWARD DECEPTION IN TELEVISION

By Elmer G. Sulzer and George C. Johnson

In 1938 Hadley Cantril was able to study the effect of Orson Welles' "Invasion from Mars" program in the period immediately following the broadcast. This broadcast was perhaps the greatest hoax—or deception—of its time.

Although not nearly so dramatic in its impact, it cannot be denied that the disclosure of the rigging of quiz shows had its effect upon the American public.

Professor Sulzer, Chairman of the Department of Radio and

Television of Indiana University, and Professor Johnson, Director of Radio and Television Education, were able to start an attitude survey almost immediately after the publicizing of the quiz show "fix." With the data presented in this article, the reader can see for himself the differential impressions various "deceptive" practices leave with such diversified groups as broadcasting majors, university students in general, university faculty and staff, and townspeople.

THE hold of broadcasting on the American people has rarely been so clearly demonstrated as during the past year. Revelations of deception in broadcast programs have seemed to arouse many emotions—shocked disbelief, disillusionment, indignation, and sad resignation to the unsuspected facts of faithlessness and dishonesty. This backhanded compliment to broadcasting is understandable. For all practical purposes every family in the United States owns at least one radio set; more than four-fifths of them own television sets. The many hours that the average family spends each week with these media tend to develop a feeling of "togetherness" with the broadcasting performers. When one of these performers deceives his listeners, they express themselves as being deeply hurt. The fault creates consternation in the family circle. Whom can they trust?

In actual fact, however, the average listener is probably less disturbed by such deceptions than certain official bodies and agencies—congressional investigating committees and grand juries, whose actions and pronouncements have found their way into newspaper headlines regularly week after week and month after month. The end of investigations into the iniquities of broadcasters is not yet insight. They will in all probability continue as long as newspapers are willing to give

them prominent headlines. In congressional hearings, investigators and witnesses alike keep using pejorative phrases like "moral deception" and "morally wrong" to describe the waywardness of certain broadcasting producers and performers.

It is to right these "moral deceptions" that a tightening of governmental controls has been advocated. New laws and amendments to existing laws have been proposed. Regulatory bodies like the Federal Communications Commission and the Federal Trade Commission, it is said, must be strengthened. But what is deception? What does the word *moral* mean in the context of broadcast programs? Is there any consensus as to what constitutes a serious wrong in this area?

In an effort to find some answers to these questions a simple questionnaire listing twenty types of broadcasting deceptions was circulated to the teaching and executive staff members of Indiana University. The respondents were requested to check those deceptions which they considered morally wrong according to their own standards. It may be an indication of general interest in the question that a surprising number of questionnaires were returned. As a check of the opinions and concepts held by University staff members, additional completed questionnaires were obtained from other groups.

Questionnaires were received from :

| | |
|-------|--|
| 518 | University Staff Members |
| 91 | Bloomington Townspeople (Rotary Club and adult church group) |
| 109 | University Students (non-broadcasting majors) |
| 42 | University Broadcasting Majors |
| <hr/> | |
| 760 | |

These are select groups. They cannot be taken to represent the total population of listeners to radio and television. Within the narrow samplings of this survey it was felt, however, that it would reveal some trends or patterns of judgment worthy of consideration. Here one may anticipate one result of the survey — a greater *lack* of homogeneity in judgment than might have been expected.

Attention should be called to what may be another weakness in this study. It was intended to obtain from the respondents their own notions of what constitutes moral wrong. Approximately one-tenth of the University respondents seem not to have indicated their own personal judgments, but rather their notions of how people in general might react to the statements of the questionnaire. The results of the survey should be evaluated with this limitation in mind.

To avoid any appearance of a rank-order pattern in some of the items of the questionnaire the questions were presented in a randomized order, and some rather obvious and inoffensive "deceptions" were included. An attempt was made to include at least one statement illustrative of each type of the deceptions that have seemed important during the current controversy.

In the following analysis of the replies from the respondents, the percentage figures given refer to the proportion of each of the four groups that regarded each respective deception as morally wrong. In all cases, percentages are rounded off to the nearest whole number and tenths of one percent are disregarded. Many of these items received a great deal of comment from the respondents.

Statement I — The winners in some television quiz programs were "set up" in advance by those in charge of such programs.

| | | | |
|------------------------|-----|-----------------------|-----|
| University Staff | 88% | University Students.. | 67% |
| Townspeople | 81% | Radio-TV Majors..... | 76% |

This, of course, refers to the "rigging" of television quiz programs, the situation that set off the investigations into radio and television programming.

To the University staff, the rigging of quiz programs constituted a serious moral wrong. As for the University students, more than one-fourth saw no moral wrong in this practice.

Statement II — The ark used in the television version of "Green Pastures" was not the one used by Noah.

| | | | |
|------------------------|----|--------------------------|----|
| University Staff | 0% | University Students..... | 1% |
| Townspeople | 4% | Radio-TV Majors | 0% |

This statement, the most naive of those presented, was inserted primarily as a "shocker" to stimulate thoughtful discrimination with the statements to follow by the respective respondents. It is a "shocker" to learn that this was actually considered a moral wrong in the minds of some respondents.

Numerically, two University staff members, four townspeople, and one University student checked this point. Broadcasting majors saw no wrong.

Statement III — The outcome of many televised wrestling matches is determined in advance.

| | | | |
|------------------------|-----|-----------------------|-----|
| University Staff | 63% | University Students.. | 40% |
| Townspeople | 58% | Radio-TV Majors | 48% |

A number of comments from University staff members incline to the view that no deception is involved because this statement is generally understood as a fact. However, a general perusal of the letters to the editor in a typical television "fan magazine" will show the great concern of many readers for such things as unfair refereeing, scheduling of vicious bruisers, adulation of the clean-cut wrestler, and the like. Such letters may be taken as indications of a sizable audience believing in the honesty of the matches.

Statement IV — There are no bullets in the revolver shells that are fired on the "westerns."

| | | | |
|------------------------|----|-------------------------|----|
| University Staff | 1% | University Students.... | 1% |
| Townspeople | 7% | Radio-TV Majors | 0% |

This is another naive statement that brought forth a flood of facetious comments.

Statement V — Much of the laughter and applause heard on filmed television programs is “canned.”

| | | | |
|------------------------|-----|-----------------------|-----|
| University Staff | 33% | University Students.. | 13% |
| Townspople | 29% | Radio-TV Majors | 12% |

Even before the days of the quiz show scandals, complaints were mounting regarding this deception. More recently, one national network attempted to meet this situation by adding at the close of such shows words to the effect that audience reaction had been mechanically (or electronically) augmented.

Statement VI — Some of the clever lines said by members of the “What’s My Line” panel have been prepared in advance by the program’s script writer.

| | | | |
|------------------------|-----|-----------------------|-----|
| University Staff | 25% | University Students.. | 12% |
| Townspople | 19% | Radio-TV Majors | 10% |

This was presented as an example of a common practice where a performer gets the credit for wit and quick-thinking that is undeserved.

Statement VII — The tiny figure of a dancer superimposed on the top of a grand piano in certain variety programs is a processed shot and not the picture of a midget.

| | | | |
|------------------------|----|-------------------------|----|
| University Staff | 2% | University Students.... | 0% |
| Townspople | 8% | Radio-TV Majors | 0% |

This item was included to provide an example of a “deception” created by mechanical or electronic ingenuity.

It elicited little comment. University staff people indicated that such a “deception” was “theatrical license.” The fact that 8% of the townspeople thought this to be a moral deception suggests the possibility that the question was not understood by all of them. On the other hand, the figure given may accurately express their feelings.

Statement VIII — Some of the best “Ad libbers” on the Indiana University television programs are reading notes or prepared script from a “goof sheet.”

| | | | |
|------------------------|-----|-----------------------|----|
| University Staff | 17% | University Students.. | 9% |
| Townspople | 11% | Radio-TV Majors | 5% |

This refers to the universal custom of providing television speakers with prompting devices out of sight of the audience, to help insure smooth presentations, such aids running from simple outlines to fully scripted programs.

It is significant that the group best informed about television production techniques, television majors, are least inclined to consider this a form of deception. It is doubtful if anyone actually involved in television production for a reasonable length of time would countenance a program without such aids.

Statement IX — Stand-ins are used in filmed TV westerns when the star is called upon to fall off a rapidly moving horse.

| | | | |
|------------------------|----|-------------------------|----|
| University Staff | 3% | University Students.... | 3% |
| Townspople | 9% | Radio-TV Majors | 2% |

The custom of using stand-ins is as old as the motion picture westerns themselves. However, stand-ins have a wider application today in both movies and television. Distant “processed shots” often show a stand-in dressed like the star of the show going through a difficult dance routine that the star cannot master or an actor mouthing a song while a singer out of camera range actually does the vocalization.

Statement X — Many guest artists appear on programs only if their latest record album or their latest movie is plugged.

| | | | |
|------------------------|-----|-----------------------|-----|
| University Staff | 28% | University Students.. | 18% |
| Townspople | 11% | Radio-TV Majors | 19% |

This could be considered a type of “payola”, equally annoying to audience and networks. Until recently, however, it

was rapidly becoming more common since it was a device that would materially cut program production expense, and would sometimes prove more lucrative to the performer than a higher talent fee. Furthermore, many performers have been tied to movie and other contracts to the degree that permission for television appearances would be granted them only on the condition that such plugs be presented.

It seems apparent that such gratuitous plugs are more annoying to those with some degree of broadcasting sophistication than to those with less knowledge of broadcasting practices.

Statement XI — The elaborate presents given to the "honored" persons on the "This is Your Life" programs were secured without charge from the manufacturer in return for the publicity.

| | | | |
|------------------------|-----|-----------------------|----|
| University Staff | 13% | University Students.. | 2% |
| Townspople | 11% | Radio-TV Majors | 5% |

This statement is akin to Item X, substituting goods for performers, and product mentions for record or movie plugs. Hence, it could be considered another aspect of "payola." It is a common practice on certain kinds of television programs.

Statement XII — The interviews on "Person to Person" are rehearsed ahead, and only acceptable questions are asked.

| | | | |
|------------------------|-----|-----------------------|-----|
| University Staff | 11% | University Students.. | 15% |
| Townspople | 16% | Radio-TV Majors | 7% |

This has been a common practice in many programs of this type. The advance rehearsal has been justified on the grounds that otherwise it would be a faltering production, unacceptable to many listeners. It is also stated that many desirable persons to be interviewed will refuse to appear unless they can pass on the question to be asked ahead of the program.

As a result of the publicity given to "deceptive practices" the "Person to Person" program now closes each program

with a statement that the presentation has been planned in advance.

Statement XIII — Carter's Little Liver Pills increase the flow of liver bile.

| | | | |
|------------------------|-----|-----------------------|-----|
| University Staff | 47% | University Students.. | 23% |
| Townspople | 23% | Radio-TV Majors | 40% |

This statement was included as an example of deceptive advertising. The deception has, after many years of court action, been established as a fact. Starting with the Federal Trade Commission's initial request for a stipulation which was refused by the manufacturer, the case dragged through successive courts for an number of years. Finally, the highest court essentially accepted the original findings of the F.T.C. which, in its investigations determined that the pills did not increase the flow of liver bile, and which, in its original request for a stipulation, asked for the deletion of the words "little liver." Hence, the advertising which the F.T.C. found to be false was carried for several years by the nation's TV stations (and other media) until the final decision.

The fact that most of the upper level Radio-TV majors had had one or more courses dealing with the facts of Carter's and similar cases, may account for their deviation from other University students on this statement. Other respondents may not have been aware of the misleading nature of the statement.

Statement XIV — Some radio station disk jockeys are paid sums of money to include certain favored records among the "top forty."

| | | | |
|------------------------|-----|-----------------------|-----|
| University Staff | 88% | University Students.. | 70% |
| Townspople | 76% | Radio-TV Majors | 79% |

This statement represents one of the most widely publicized deceptions charged against broadcasters. It is perhaps second only to quiz show "rigging" in its newspaper headlines.

Although few broadcasting employees in the nation have been involved to date in this deception, the outcries against "payola" have been mighty and widespread. Certain replies from respondents give a clue that it is not the moral wrong but boredom with the "top forty" that has induced a checking of this statement.

Whatever the reason may be, all four groups indicated a strong feeling of moral wrong in the practice, but the comments received are very mild on this point.

Statement XV — Many of Dave Garroway's early morning telecasts are taped in advance (news excepted).

| | | | |
|------------------------|----|-------------------------|----|
| University Staff | 2% | University Students.... | 2% |
| Townspeople | 7% | Radio-TV Majors | 0% |

The video tape recorder has led to the advance recording of many television presentations, ranging from partial inserts to complete programs. It is felt by many persons that a mere announcement to the effect that a portion (or all) of the preceding program was on tape, is misleading when the audience has no way of knowing *when* each program portion was recorded. At the present time this program, like many others, announces the fact of pre-recording at the close of each presentation.

This type of "deception," obviously, has caused little concern to the respondents, and the comments received reflect this feeling.

Statement XVI — The penetrating interviews by Groucho Marx on "You Bet Your Life" are carefully worked out in advance with the participants.

| | | | |
|------------------------|-----|-----------------------|-----|
| University Staff | 16% | University Students.. | 10% |
| Townspeople | 17% | Radio-TV Majors | 21% |

This statement is somewhat akin to XII with the added consideration that the answers are supplied, as well as the questions approved and the whole thing rehearsed. It may

be that some respondents consider these interviews as entertainment or "shows" and hence requiring rehearsal.

Statement XVII — While the exterior shots in "The Lineup," a whodunit, are shot in San Francisco (where the action is supposed to take place) nearly all of the interiors are shot in Hollywood.

| | | | |
|------------------------|----|-------------------------|----|
| University Staff | 1% | University Students.... | 1% |
| Townpeople | 4% | Radio-TV Majors | 0% |

Certainly this deception is not considered by many as a moral wrong. The consensus of the comments was to the effect that this deception is merely the exercise of theatrical license.

Statement XVIII — Some of the weather shows are done by persons who are not trained specialists in that field.

| | | | |
|------------------------|-----|-----------------------|----|
| University Staff | 6% | University Students.. | 8% |
| Townpeople | 13% | Radio-TV Majors | 2% |

This statement was included for the purpose of eliciting information as to whether it is considered a moral wrong for a broadcaster to give information in a field in which he is not a specialist.

Statement XIX — The antique woodburning locomotives used in "Union Pacific" are actually more or less modern coal burners with the cabbage stack added.

| | | | |
|------------------------|----|-------------------------|----|
| University Staff | 1% | University Students.... | 0% |
| Townpeople | 3% | Radio-TV Majors | 0% |

This is somewhat similar to II with the exception that antique woodburning locomotives (as opposed to Noah's Ark) do exist.

Statement XX — Most of the televised speeches delivered by our last two presidents were written by ghost writers.

| | | | |
|------------------------|-----|-----------------------|-----|
| University Staff | 15% | University Students.. | 25% |
| Townspeople | 16% | Radio-TV Majors | 29% |

This statement involves the broadcasting of talks and speeches composed by other people than the speakers. In most of the twenty deceptions listed, the two students groups have rather consistently been more conservative in labeling an act a moral wrong than the University staff and the townspeople. But on Statement XX the situation is markedly reversed, and a larger proportion of students see a moral wrong in ghost writing, at least for our Presidents, than do the other two groups.

This raises an interesting point. Does the same degree of moral wrong attend other persons who broadcast without acknowledgement that speeches were written by persons other than the speakers? If it does (and there is nothing in this study to indicate that it does or does not) then not more than one-fourth of our respondents would see a moral wrong in anyone delivering a speech that he purported to prepare, but did not prepare.

Subject to the limitations described above, the following conclusions may be drawn from this survey:

1. Generally speaking, members of the University staff were somewhat more exacting in their attitudes towards various broadcasting deceptions than townspeople. University students, excluding broadcasting majors, were less exacting than either the University staff or the townspeople. Broadcasting majors were somewhat more exacting than other University students, but much less exacting than the University staff and townspeople.
2. However, responses to Statement XX (regarding the use of ghost writers for a President's television speeches) reveal that the percentage of students who considered the practices morally wrong was significantly larger than the percentage of University staff and townspeople who consider it wrong.

3. The two deceptions most generally recognized by all groups as moral wrongs were (a) the rigging of quiz programs, and (b) the acceptance of payola by radio station disk jockeys. These practices were condemned by exactly the same percentages—83%— of the combined groups. These two deceptions have had far more newspaper publicity than the others. This fact may have directed the attention of many people to these situations. Such publicity resulted in better informing the public on these two deceptions than on some of the others.
4. Slightly more than one-half of the combined group of respondents regarded the fixing of television wrestling matches as a moral wrong. However, approximately 50% more University staff members than University students had this attitude.
5. Percentage-wise, less than one-half of the respondents felt that deceptive medical advertising was morally wrong. Only one statement covering this point was included in the questionnaire. Perhaps other statements illustrating varying degrees of deceptive advertising should have been included. But based on the responses as received, twice as many respondents condemned quiz show rigging and disk jockey "payola" as condemned deceptive medical advertising. Respondents may have misinterpreted the statement, which unlike other statements, did not identify specifically the point of fact at issue. Results obtained on this point, therefore, are probably not valid.
6. Approximately one-fourth of the total body of respondents labeled as a moral wrong (1) the use of "canned" laughter and applause, (2) the scripting of clever ad libs by persons other than those delivering them, and (3) the "plugging" of records or movies by broadcasting performers. By groups, the students were far less concerned with these deceptions than the other respondents.
7. Less than one-fifth of the respondents indicated as moral wrongs (1) the use of "goof sheets" by performers,

- (2) the practice of manufacturers supplying without charge valuable prizes in return for publicity, (3) the rehearsing and question-limitation practices in programs billed as spontaneous interviews, (4) supplying the answers, in addition to the practices just mentioned, on spontaneous interviews, and (5) the use of ghost writers to prepare the Presidents' speeches.
8. Very few respondents found a moral wrong in (1) the use of nonexperts in the broadcasting of weather shows, and (2) the use of "stand-ins."
 9. Little or no concern was felt by the respondents about the use of video taped segments of programs without clarifying announcements, or in the use of deceptions which clearly come under the heading of dramatic license.

In summary, only the rigging of quiz shows and the acceptance of "payola" by disk jockeys were considered moral wrongs by more than three-fourths of the respondents. Slightly more than one-half considered the "fixing" of TV wrestling matches a moral wrong. Attention must be called to the fact that all respondents were requested to check only statements that they considered morally wrong in their own judgment and by their own standards of morality. There is much evidence from the returned questionnaires that many statements not checked as morally wrong were considered by the respondents as "poor judgment," "poor taste," "misleading," "degrading," and "generally bad." Such comments, especially since they were not called for, may present a truer picture of a respondent's feelings and attitudes than his checking or failing to check an item. Accordingly, the absence of percentage figures does not necessarily indicate either approval or disapproval of the practices in question.

Two conclusions may confidently be drawn. First, there was no unanimity among the respondents as to what is or is not morally wrong. Second, how a respondent reacted to a statement may have been conditioned by his interpretation of the statement and by his having or not having certain knowledges relevant to the practice in question.

CONVENTIONS, CAMPAIGNS AND KILOCYCLES IN 1924:

The First Political Broadcasts

By Gleason L. Archer

Every student of broadcasting has heard of the 1922 KDKA election night broadcast. This is rightly regarded as the first major political use of radio. However, it was not until the following presidential election year—1924—that radio became an important part of the political picture. In 1924 radio was largely a spectator or commentator, unlike the participant of today. In 1924 radio was still new, but by the end of the election period it

had won itself a permanent place in the arsenal of political weapons.

Every student of broadcasting has also heard of Dr. Gleason L. Archer's monumental historical volumes, History of Radio to 1926 and Big Business and Radio. Dr. Archer, now living in Pembroke, Massachusetts, has given the JOURNAL permission to reprint the following account from his History of Radio of the earliest uses of political radio.

SINCE 1924 was a year of the national election, radio naturally reflected the nation-wide interest in all phases of the expected contest. Preparations were going forward for the opening of the Republican Convention in Cleveland, scheduled for June 10, 1924. A prepared statement now in the files of the National Broadcasting Company discloses the fact that the Telephone Company had connected its two operating stations, WEAJ and WCAP, by special wires with twelve widely scattered cities, thus making available to radio stations in those cities the entire proceedings of the Cleveland Convention as well as the details of the Democratic Convention to open two weeks later.

"This will be the first occasion," the statement reads, "that a program will be supplied continuously to twelve cities, enabling stations at these points to broadcast such features of the Convention as they desire to make available to their respective radio audiences . . . Microphones are being installed on the speakers' platform (Cleveland) with wires terminating in a control room on the rear of the platform . . . An announcer will be in constant attendance with concise and vivid descriptions of the events taking place in the Convention Hall and explanations of the significance of what is going on. The an-

nouncer will introduce the various speakers so that the entire matter will be an interesting broadcasting program."

It was generally understood that WEAF's ace announcer, Graham McNamee, would cover both conventions, a prospect that brought satisfaction to hundreds of thousands of radio listeners who now found delight in McNamee's colorful performances at the microphone.

Station WJZ, however much it might have desired to imitate its great rival, was not in a position to form a real network of stations, since that was the exclusive province of the Long Lines Department of the A. T. & T. Company. Major J. Andrew White, WJZ's star announcer of robust events, was nevertheless able to represent two stations at the conventions, WJZ and WGY. This was a mere bagatelle, however, to the impressive list that were to broadcast the words of his young rival, Graham McNamee. Nineteen stations had signed up for the series. It was perhaps fortunate for McNamee that he was to have the experience of reporting the Republican Convention before attempting the tremendously stormy and protracted Democratic Convention in Madison Square Garden.

The Republican hosts gathered at Cleveland on June 10, 1924, for a three-day session. The Coolidge band-wagon had rolled across the nation with such effect that there was no real contest for the Presidency. Everybody expected that Calvin Coolidge would be the choice of the Convention. Never before, however, had the American people been privileged virtually to look in upon all the phases of a National Convention. Such was now their opportunity. With Graham McNamee and Major J. Andrew White on the sidelines to report in vivid and picturesque language the scene before them, announcing the speakers and permitting the audience to hear the impassioned oratory of the convention, it was a thrilling experience. Millions of radio listeners sat before their loud-speakers or listened with earphones—thrilled or enraged, depending upon their political faith, by what they heard.

The LaFollette delegation, small but militant, fought to inject certain liberal planks into the party platform. Failing in this, the way was of course clear for the LaFollette bolt

and the attempt to set up a third party. Thus the radio audience had the abundant human interest developments to keep them tuned-in until the nomination speeches were over and Calvin Coolidge had won, by the almost unanimous vote of the delegates, his expected nomination as standard bearer of the Republican Party. Three strenuous days of broadcasting brought the first great political convention to the radio audience.

The Democratic Convention with 1446 delegates assembled in Madison Square Garden, New York City, on June 24th for the most protracted session in the history of conventions. That it was to be a battle royal was anticipated by every delegate, yet when the nominating speeches were reached partisanship for candidates had developed such bitterness that even the delegates were appalled at the prospect. On the first ballot McAdoo received 431½ votes; Al Smith 241; Underwood 42½, with numerous other favorite sons trailing along, each with a small sector of votes. It is noteworthy that John W. Davis polled but 31 votes in the initial balloting. Ballot after ballot was taken. Day after day passed. One of the most spectacular features of the Convention was the clarion voice of the spokesman for Oscar Underwood's home State — "Alabama, twenty-four votes for Underwood." The repetition of this slogan in the ears of the radio audience day after day focused the attention of the nation, as no other one feature of the Convention could do, upon the significance of the contest being waged in Madison Square Garden.

Here for the first time was observed a new trend in political oratory. Democratic spellbinders could not fail to note that thunderous oratory, effective when directed at the assembly in the Convention Hall, might prove very disagreeable to millions of radio listeners. A burst of impassioned eloquence might blast the microphone and be rendered almost unintelligible to the vast invisible audience. A new technique was needed. *The Saturday Evening Post* of August 23, 1924, summed up the situation admirably in an editorial entitled "The Spellbinder and the Radio." It read in part as follows:

The Democratic Convention was held in New York, but all America attended it. . . . It (radio) gives events of

national importance a national audience. Incidentally, also it uncovered another benefit radio seems destined to bestow upon us, the debunking of present-day oratory and the setting up of higher standards in public speaking . . . Orators up to the present time have been getting by on purely adventitious aids. A good personality, a musical voice, a power of dramatic gesture have served to cover up baldness of thought and limping phraseology. . . . The radio is even more merciless than the printed report as a conveyer of oratory . . . It is uncompromising and literal transmission. The listeners follow the speech with one sense only. There is nothing to distract their attention. They do not share in the excitement and movement of the meeting, nor does the personality of the speaker register with them. It is what he says and the words he uses in saying it that count with them . . . Somehow the spread-eagle sort of thinking and all the familiar phrases and resources of the spellbinder sound very flat and stale over the air. Radio constitutes the severest test for the speakers of the rough-and-ready, catch-as-catch-can school, and reputations are going to shrink badly now that the whole nation is listening in. Silver-tongued orators whose fame has been won before sympathetic audiences are going to scale down to their real stature when the verdict comes from radio audiences.

Fifteen days of oratory, of cheer-marathons, of marching and counter-marching of delegates for this and that candidate, marked the sweltering contest that ended in the selection of a compromise candidate. William G. McAdoo reached his high point on the 69th ballot when he polled 530 votes. But he could not win, nor could Al Smith nor Oscar Underwood. John W. Davis was chosen on the 103d ballot.

Two national heroes had emerged from the grueling contest — U.S. Senator Thomas J. Walsh, the presiding officer of the convention, and Graham McNamee, the radio announcer whose picturesque descriptions of convention scenes and events went out over nineteen great radio broadcasting stations. Major J. Andrew White of WJZ also deserves honorable mention, but his radio audience was insignificant in comparison to the millions of radio listeners who were tuned to the McNamee broadcasts.

In the archives of the National Broadcasting Company is

a typewritten statement by Graham McNamee that portrays in vivid manner his impressions at the close of the convention. The following is an extract:

I wasn't overweight when I started announcing the convention and I lost eight valuable pounds in that little glass enclosed booth . . . There was plenty of excitement and some of the things that happened will never be forgotten. One of them was that Smith demonstration featuring a four foot siren only three feet away which pumped several horsepower of noise into my ear . . . 'Twenty-four votes for Oscar Underwood,' is still ringing in my ears. After hearing it more than a hundred times during those eventful fifteen days, I suppose I will be singing that in my sleep forever after. Another picture that remains indelibly stamped in my memory is that vast audience with attention focused on the thousands of delegates; their changing moods as they were roused to enthusiasm during the great demonstrations and their utter boredom as they took ballot after ballot without material change, and finally the relief that was shared no doubt by the radio audience when they finally did agree upon John W. Davis.

A cause of friction developed in the summer of 1924 between the owners of WJZ and WEAJ over the use of special wires to form a broadcasting network. WEAJ was building up an impressive following by network connections with other stations, yet when WJZ sought to find an outlet for its own excellent programs in the same manner the American Telephone and Telegraph Company refused to grant the privilege or to supply the long lines essential to such a project. It is a known fact, however, that despite this prohibition WJZ actually effected a program union with WGY at the time of the National Conventions of 1924. Knowing that Dr. Alfred N. Goldsmith was one of the chief technicians of WJZ at the time, the author made inquiry of him as to how the feat was accomplished.

Dr. Goldsmith laughingly admitted that under his direction WJZ had stolen a march on its rival. Now that the truth may safely be told the facts are as follows: WJZ applied to the Western Union for a special line to Schenectady, N.Y., by

which WGY and WJZ were hooked up for the convention broadcasts. This scheme worked so well that it was decided to do the like with Station WRC in Washington. Instead of approaching Western Union for a line to Washington, which would have given away the network project, WJZ applied to the Postal Telegraph Company for a line from Washington to a suburb of Philadelphia (Conshohocken) where a repeater station was established. From this point was a line to WJZ. Neither Postal Telegraph nor Western Union were at first aware that they were participating in a bold defiance of the powerful American Telephone Company's ban on network broadcasting by a competitor. Thus WJZ contrived to have WRC and WGY on a special network.

The national election campaign of 1924 might have been more bitterly contested had not Calvin Coolidge been so clearly in the fore-front of the race that rival candidates could not hope to win unless some unforeseen catastrophe should wreck the Republican bandwagon. Radio was already recognized as a potent political medium. It was now being freely used, although station managers were beginning to wail that somebody should pay the expenses of campaign broadcast. The American Telephone & Telegraph Company was now in the process of creating a permanent network of stations. The wire installation between WEAF and WCAP was already permanent. WJAR, Providence, WGR, Buffalo, WCAE, Pittsburgh, and WGN, Chicago, were shortly to be connected by permanent wires with WEAF. A nation-wide service of the same nature was in contemplation. Since WEAF was already selling broadcast time and was now equipped for network sales on its temporary wire connections it was not troubled by the financial problem. It is probable, moreover, that the campaign was proving a stimulus to radio revenue. The A. T. & T. Company had expended large sums in developing facilities for network broadcasting. There seemed no logical reason why political parties, having campaign funds for other legitimate expenses, should not pay for radio time. Campaign managers were not slow to recognize this fact and to act accordingly. The very fact that time on the air was to be paid for out the campaign chest had a salutary

effect upon radio oratory. The political ranter, the mere word artist, had no place on the radio-speaking program. Men of brains, capable of presenting arguments clearly and effectively, were now at premium in campaign broadcasts. Thus the quality of campaign speeches that reached the voters by radio was of high order.

Those who have listened to the late President Coolidge in a radio address can readily understand why, entirely aside from his position as standard bearer of the party, he should have been given first place in the microphone battalions of the GOP in the summer of 1924. His speeches were few but they were impressive. There were no "fireside chats" nor direct appeals to the radio audience. Some great public meeting at which the President of the United States might appropriately appear as guest speaker was the necessary background for a Coolidge broadcast. No such meeting could have been more timely than that which occurred in Washington on October 23, 1924, when the United States Chamber of Commerce was in convention. President Coolidge was the guest speaker on this occasion. A radio network of amazing proportions carried the Coolidge speech to the nation. The A. T. & T. Company linked up twenty-two stations, coast to coast, on this historic occasion.

Because this was a landmark in radio history the stations participating in the broadcast of the Coolidge speech at the U.S. Chamber of Commerce in Washington on October 23, 1924 deserve to be recorded in this connection. They were as follows:

| | | | |
|------|-------------|------|---------------|
| WEAF | New York | WCAP | Washington |
| WJAR | Providence | WMAF | So. Dartmouth |
| WEEI | Boston | WGR | Buffalo |
| WCAE | Pittsburgh | WDBH | Worcester |
| WGY | Schenectady | WSAI | Cincinnati |
| WGN | Chicago | WOC | Davenport |
| KSD | St. Louis | WDAF | Kansas City |
| WOAW | Omaha | KLZ | Denver |

| | | | |
|-----|---------------|------|----------------|
| KLX | Oakland | KFOA | Seattle |
| KFI | Los Angeles | KHJ | Los Angeles |
| KPO | San Francisco | KGW | Portland, Ore. |

The Coolidge radio voice had by this time won reluctant admiration even from such dyed-in-the-wool Democrats as Charles Michelson of the *New York World*, who wrote the following at about this time:

Mr. Coolidge is no orator. There is a wire edge to his voice, due in some degree to the regular nasal twang of the the thirty-third degree Yankee and in part to his meticulous enunciation of each syllable; but according to the professors of the new art, he has a perfect radio voice. The twang and shrillness disappear somewhere along the aerial, and he sounds through the ether with exact clearness as well as softness. Mr. Davis, on the contrary, has a voice which to the direct auditor has the bell-like quality of resonance that doubles the quality of his delightful rhetoric. Via radio, however, this muffles and fogs to some extent. The radio was perfected just in time for Mr. Coolidge . . . Before an audience Davis glows, while the President always looks unhappy whether he is or not. Under these circumstances, the radio must be Mr. Coolidge's salvation. He doesn't look as if he had the physique to stand the strain of an old-fashioned campaign — half a dozen speeches a day and traveling every night for months — in the first place, and in the second his hard, statistical, analytical method of expression is scarcely calculated to counterbalance the unimpressiveness of his appearance. So the advent of radio must be listed as one more item in the total of Coolidge luck or destiny or whatever it is that seems to make things come right for him politically.

On election night the final radio chapter of the 1924 campaign was written. Reports coming in from all parts of the nation were broadcast immediately to radio audiences everywhere — a contrast indeed to the situation four years previously, when one lone broadcasting station had flashed the news to a very limited group of listeners. Station WEAJ was now in position with its network of stations to entertain a far-flung radio audience. The inimitable Will Rogers was at the microphone with jokes and quips and homely philosophy to fill in between election returns. All in all, it was a "radio elec-

tion." The Coolidge luck persisted. Davis of the Democratic hosts and LaFollette of the Progressive party were overwhelmed at the polls. Coolidge and Dawes were elected.

The inaugural of President Calvin Coolidge on March 4, 1925, was the occasion for the greatest radio triumph thus far recorded. Twenty-one stations from Boston to San Francisco operated under the banner of an A. T. & T. network. WJZ now had its three-station network in operation. WRC and WGY were joined with WJZ in the broadcast. It was estimated that fifteen million people listened directly to the voice of Calvin Coolidge on this occasion — a fact that staggered the imagination of thoughtful observers. Our far-flung democracy had at last found a means by which its duly elected Chief Executive could discuss great problems of the nation directly with all the people. It is true that this was a mere one-way discussion, since the voters must still register their opinions through their Congressmen and Senators, but the very fact that by the magic of radio the President himself could come into their homes and tell them of national problems could not fail to revivify personal interest of the common people in the affairs of government.

"I believe that the quickest way to kill broadcasting would be to use it for direct advertising. The reader of the newspaper has an option whether he will read an ad or not, but if a speech by the President is to be used as the meat in a sandwich of two patent medicine advertisements there will be no radio left. To what extent it may be employed for what we now call indirect advertising I do not know, and only experience with the reactions of the listeners can tell. The listeners will finally decide in any event. Nor do I believe there is any practical method of payment from the listeners."

—*Herbert Hoover, Secretary of Commerce, at the Third National Radio Conference, October 6-10, 1924.*

FOR THE RECORD:

A Brief Historical Note on the Mechanical Reproduction Announcement Requirement

THE recent demand by the FCC that Section 317 of the Communications Act of 1934 be enforced to the letter brings to mind the evolution of another rule relating to a matter of "full disclosure." Thirty years ago a major problem was properly identifying program materials so that the public might distinguish between live and recorded music, and thus not be deceived as to the origin of their listening fare. The issue at stake was not only the difference in value due to the poor technical quality of the recordings of that day, but also the right of the public to be protected from any "broadcast which tends to deceive" them.

Accordingly, the Federal Radio Commission issued *General Order Number 52* on November 26, 1928. It read:

All broadcasting stations shall announce clearly and distinctly the character of all mechanical reproductions broadcast by them, the announcement to precede each such program item. In such announcements each phonograph record used, whatever its character, shall be described as a "phonograph record"; each piano player selection used shall be described as played by "mechanical piano player"; every other mechanical reproduction shall be similarly described by the term generally used and understood by the public as meaning such mechanical reproduction:

Provided, however, That where a recording or electrical transcription is made exclusively for broadcasting purposes and is neither offered nor intended to be offered for sale to the public, the words "phonograph record" may be replaced by any phrase which accurately describes such transcription and which is of such a nature as not to deceive or tend to deceive the public as to the character of the reproduction broadcast. Every station taking advantage of this proviso shall keep a record of the phrases actually used by such station and shall communicate such phrases to the commission on request by the commission.

The importance placed on this order by the FRC is attested to by the fact that the Commission felt it necessary to devote considerable time and space in order to explain its action. In the *Third Annual Report* of the Federal Radio Commission, covering the period from October 1, 1928 to November 1, 1929, the following explanation of *General Order Number 52* was published in a prominent position:

The commission has repeatedly stated that the paramount interest in radio broadcasting is that of the listening public. There can be no conclusion more definitely established from an examination of the radio act of 1927 than the one that any broadcast which tends to deceive the listening public in any respect is contrary to the public interest, convenience, and necessity.

Throughout its examination of the type of broadcasting being conducted the commission has realized that there is no field in which deception can more readily take place than in the nature of announcements preceding the rendition of selections from a recorded medium. The extreme diversity of the announcements which have been from time to time prepared for use in this connection, and the inevitable tendency of the announcer to state the character of the number in the light most favorable to the station, has made it absolutely necessary that the commission indicate a precise form of announcement for phonograph records, player piano selections, and other mechanical and electrical reproductions of the type that can be obtained by the public for reproduction upon their own instruments. For this purpose General Order No. 52 prescribes that these performances shall be indicated as "phonograph records," "mechanical piano player," etc. The commission has required that every number be so specifically designated as it is well known that a radio audience is transient and that individual listeners enter into a program at different points in its sequence.

The essence of this paragraph of General Order Number 52 is the prevention of deception and experience of the commission in connection with these matters has compelled the commission to indicate the exact language by means of which that deception must be avoided. This paragraph of the general order has not been intended as a disapproval of phonograph records and similar productions. The question of the use of these instrumentalities is one for the station to determine, and each sta-

tion's record in connection therewith is judged by the commission upon a basis of a number of factors, such as the time and extent of the use of records, the purposes for which they are used, the availability of local talent, etc. The commission has expressed itself as not believing that the excessive use of these instrumentalities is in the public interest.

[Although broadcast program transcriptions are exempt] This does not mean, however, that the commission is any the less intent upon avoiding deception in this connection. Such programs are not original programs; they obviously do not represent the then existing rendition of present artists. They are generally received by mail, and they represent the intervening instrumentality of a mechanical or electrical recording.

The second paragraph of General Order No. 52 does not give the station using such productions the discretion of selecting any type of announcement it wishes. Stations are specifically required by that paragraph to use only such announcements as do not "deceive, or tend to deceive the public as to the character of the reproduction broadcast."

The station is further required to keep a record of the phrases actually used and is required to communicate such phrases to the commission upon request. Thus the obligation is placed upon the station, as it is placed in so many other features of regulation, to maintain the highest standards of accuracy, fairness, and honesty. The broadcasting of programs of this character with announcements that would in any way tend to deceive the public would, of course, be a feature of the station operation which would justify the commission in refusing to renew the license of the station at the termination of any of its license periods.

The commission does not feel called upon to provide stations with an exact form of announcement to use for programs of this character. It realizes that great ingenuity is being exercised in the preparation of these programs; it realizes that use of such programs under proper circumstances may well be in the public interest. It squarely places upon each station the burden of so announcing such programs that no one can possibly be deceived or led to think that they represent an actual rendition by present artists.

Thirty years later, the need for the Commission's vigorous stand had dissipated. High-quality tape recordings offer no technical reason for the identification of recordings. The FCC now requires "mechanical reproduction" announcements only in a limited number of situations. Today, Section 3.118 of the FCC Rules and Regulations merely refers to "mechanical reproduction" announcements as follows:

(a) No mechanically reproduced program consisting of a speech, news event, news commentator, forum, panel discussion, or special event in which the element of time is of special significance, or any other program in which the element of time is of special significance and presentation of which would create, either intentionally or otherwise, the impression or belief on the part of the listening audience that the event or program being broadcast is in fact occurring simultaneously with the broadcast, shall be broadcast without an appropriate announcement being made either at the beginning or end of such reproduction or at the beginning or end of the program in which such reproduction is used that it is a mechanical reproduction of a mechanically reproduced program: *Provided, however,* That each such program of one minute or less need not be announced as such.

(b) The exact form of identifying announcement is not prescribed, but the language shall be clear and in terms commonly used and understood. Any other program mechanically reproduced or series of mechanical reproductions, including a mechanical reproduction used for background music, sound effects, station identification, program identification (theme music of short duration) or identification of sponsorship of the program proper, need not be announced as provided in paragraph (a) of this section, but the licensee shall not attempt affirmatively to create the impression that any program being broadcast by mechanical reproduction consist of live talent.

(c) The requirements of paragraph (a) of this section are waived with respect to network programs, transcribed and rebroadcast at a later hour because of the time zone differentials . . .

Although it is hard to gain a clear perspective in the heat of battle, who is to say that the stringent sponsor identification provisions of Section 317 will not follow the example of the mechanical reproduction announcement requirement?

THE USE OF BROADCAST MEDIA IN CONGRESSIONAL, LEGISLATIVE AND QUASI-JUDICIAL PROCEEDINGS

By Eugene G. Partain

The pages of the JOURNAL OF BROADCASTING have often carried material relating to the American Bar Association's Canon 35, which prevents broadcasters from carrying the tools of their trade into the courtroom. Although the conflict between lawyer and broadcaster has flared up once again following the recent statements by Mr. Justice Douglas, the question of judges ordering their courtrooms is not nearly of such serious import to the broadcaster as the question of gaining admittance to legislative sessions and hearings.

Many of television's most impressive hours have been spent covering the hearings of various U.S. Senate committees. However, the broadcast media have no such access to hearings in the House of Representatives—even when these hearings may be of

vital concern to the nation and the industry. On the local level, the situation is no less spotty, with the current fight to gain access to the Chicago City Council garnering the headlines.

A broadcaster trying to gain admittance for his microphones and cameras into a legislative session is often handicapped by not knowing the pertinent precedents from other parts of the country. The following survey of this subject is designed to assist the broadcaster or other interested parties in interpreting the various laws, regulations and precedents. Mr. Partain is a graduate of Duke University and the Duke University Law School and received his master's degree in Radio-Television from Northwestern University in 1959.

"One of the more important sources of the retardation or regression of civilization is man's tendency to use new inventions indiscriminately or too hurriedly without reflecting on long-range consequences."

—Mr. Justice Black in *RCA v. U.S.*, 341 U.S. 412, 425 (1951).

Background

AS far back as 1215, the angry barons of Runymede extracted from King John, in the Magna Charta, the promise that the King's courts would be open to all persons.¹ English history had witnessed movements against the secrecy of Parliamentary proceedings, reflecting the struggle for constitutional freedom which began during the reign of William and

Mary.² Yet, the right to publish the debates of Parliament was not secured (over the intense opposition of George III) until around 1771.³ In time, the spirit of this same revolution infected the American colonies, as evidenced by the assertions of Patrick Henry⁴ and James Madison⁵ that the unobstructed flow of public and national affairs should be elevated to the status of a legal right. Ever since then, there has been an endless struggle over the right of the public to be informed and the "arrogative" right of public officials to enshroud governmental affairs in secrecy. Recognizing that secrecy and suppression of matters vitally affecting the public interest breed irresponsibility and tyranny, Federal and State Constitutions have incorporated guarantees of freedom of speech and press, and these guarantees in turn have sired rights to access and publication of the activities of public hearings and investigations. But despite the clarity and recognition of these theories, recent years have witnessed repeated governmental efforts to deny access to legislative hearings and investigations. In his New Freedom lectures some 40 years ago, Woodrow Wilson spoke out harshly against secret legislative hearings, and Congress, in enacting the La Follette-Monroney Congressional Reorganization Act, committed itself to a principle of open committee proceedings; but history reveals how flagrantly the principle has been flouted, if "open" is assumed to include more than a normal public attendance. It has been reported that, in the national Congress, more than one third of all committee proceedings are conducted secretly, and that the proceedings of administrative agencies also are usually conducted behind closed doors.⁶ The same observation holds true at the state level. As Harold Cross, chief executive of the Associated Press, has documented in the ASNE (American Society of Newspaper Editors) project, only two states (Idaho and New Mexico) require open legislative sessions at all times. In 32 states the sessions must be open with certain exceptions (which have riddled the privilege to shreds in some instances), and in 14 states no statutory access is provided at all (although it may actually be allowed because of custom and public opinion). Even more important is his observation that these provisions do not apply to the sessions of a state's

various legislative committees.⁷ Since Congress and the state legislatures are free to determine which, if any, of their sessions and committee hearings will be made public or scheduled, the presumptive right of the media to coverage and the citizen's right to know are at best dependent upon the whim of public lawmakers.

Although the power to conduct investigations is not expressly conferred upon either the House of Representatives or the Senate by the Constitution, it has early been implied by judicial interpretation. In 1792, three years after the adoption of the Constitution, the House established a special committee to investigate the failure of the St. Clair expedition against the Indians of the Northwest;⁸ and in 1818 the Senate authorized its first investigation. But in 1827 a significant development occurred when the House set a precedent by empowering its committees to compel the appearance and testimony of witnesses,⁹ thereby raising constitutional problems which have not expired to this day.¹⁰ Since the first such investigation in 1792, it has been reported that as many as 600 congressional investigations have been conducted,¹¹ and they continue to receive national attention to an increasing degree, such as Senator McClellan's current investigations of labor rackets and organized crime.¹² But insofar as their televised exposure is concerned, alarm first began to be expressed back in 1948 with the appearance of the House Un-American Activities Committee.

The Nature of the Problem and Arguments

The uncovering of police-protected rackets, narcotics traffic, syndicated crime, juvenile delinquency, and executive mismanagement and inefficiency have contributed greatly to the argument for television in legislative hearings and committee investigations, particularly those of Congress. The Senate Crime Investigations were not the first dramatic inquiry to be televised. As far back as 1948 the House Un-American Activities Committee hearings involving Whittaker Chambers were watched on television. The crime hearings, however, seem to have precipitated great public recognition of the almost

boundless possibilities which might be derived from televised communication of the proceedings. Yet, in spite of the immense stamp of approval which television has received from the public, there has been some dissension when it comes to extending its coverage of Congress, courtrooms and governmental realms hitherto impenetrable.

How far is the televising of such events as the Kefauver Crime Investigating Committee, the Army-McCarthy hearings, the McClellan committee's anti-labor rackets investigations, and many others to go? What use can publicity-minded politicians in Congress be expected to make in view of the opportunities for public glory which have evolved with the advent of TV? Do these hearings exceed the permissible limits of inquiry, and is it fair to make individuals the scapegoats of these spectacular attractions? The debate raised by these questions has been raging for several years, and assessment of the temperature of current legal opinion indicates that the end is not yet in sight.¹³ As Mr. Justice Frankfurter observed in 1949, the use of television in such hearings "raises issues that were not implied in the means of communication known or contemplated by Franklin and Jefferson and Madison."¹⁴ Since these issues have not as yet been clearly formulated or codified into a firm legal concept,¹⁵ the future is pitifully uncertain.

Although it would be an unwarranted over-simplification to assert that the problems here involved are identical to those concerning the televised coverage of judicial proceedings, many of the same considerations are relevant.¹⁶ Some of the central issues are: freedom of the press; the political misuse of TV coverage of official business to further political aspirations; distraction and transformation of the proceedings into hippodrome affairs; and the violation of constitutionally guaranteed private rights.

In 1954, issues as to the desirability and legality of televising Congressional hearings was publicly debated by forceful advocates for both sides.¹⁷ Heated arguments, both pro¹⁸ and con,¹⁹ have appeared in most of the nation's leading periodicals and professional literature. The most frequently

asserted arguments of those who favor televising such proceedings have been the public's right to know, the unobtrusiveness of television and freedom of the press (including TV and radio). The validity of these contentions has been assessed (and, in some instances, conceded) in the preceding pages. The most serious of these is the argument for equal access or freedom from discrimination. The broadcasters usually rely on the language of *Dumont v. Carroll*,²⁰ where a Federal District Court, acknowledging that television is an organ of public opinion, laid down the following conclusion of law: "Television, like newspapers and radio, is included in the press whose freedom is guaranteed by the First and Fourteenth Amendments." Since the United States Supreme Court denied *certiorari* in the case, the broadcasters interpreted this statement broadly, believing that wherever the press could go, radio and TV were bound to follow. In practice, this has hardly been the case. The latter media have been excluded from many Congressional and legislative hearings, lending some impetus to the view expressed by Judge Medina that newspapers and broadcast facilities are entirely different media and are not entitled to the same privileges.²¹ As a Harvard Law Review article has pointed out: ". . . it is far from clear that even newspaper reporters attend legislative sessions as a matter of right," and highly doubtful that many courts would subscribe to the rationale of the *Asbury Park* case.²² Clearly a legislative finding that newspaper reporters with their scratch pads might disturb the investigative machinery less than TV equipment would be legitimate.²³ The majority report of a special committee of the American Bar Association designed to study the problem expresses substantially the same sentiments:²⁴

. . . it is immaterial that newspaper reporting is allowed while broadcasting is not. The investigatory power of Congress does not exist for the benefit of the publicity media. The test is not whether the prohibition of broadcasting is fair to the broadcaster, but rather whether allowance of broadcasting is fair to the witness and the public interest . . . In summary, we are persuaded that radio, TV and newsreels and flashlight photographs . . . all tend to transform what should be a serious quest for information into a dramatic production, a public spec-

tacle. We believe that it violates the human rights, if not the legal rights, of the witness who is the unwilling butt of the proceeding. We think that it impedes, rather than advances, the Congressional purpose.

Whether deriving inspiration from this sermon or not, both the House and the Senate have frequently, adamantly refused to allow their proceedings to be open, via TV, for public inspection, and only occasionally have their committees done so. Since the Constitution specifically empowers each House to determine its rules of proceedings,²⁵ the authority of Congress cannot be challenged so long as no fundamental rights are ignored and there exists a reasonable relation between the mode or method of proceeding established by the rules and the result which is sought to be attained.²⁶ Therefore, Congress and its committees are seemingly free to have their proceedings televised, but need not do so.²⁷ At the same time, no case exists where coverage has been compelled by the courts²⁸ nor is there any recorded instance where Congress or state legislatures have been ordered to cease and desist from allowing such coverage.²⁹

The gravamen of the case against televising Congressional, legislative, and quasi-judicial proceedings can be compressed into the two determinants emphasized by the ABA report: the protection of witnesses and the relevance of the media to the avowed purpose of the investigation. Herein is centered the core of the controversy from which all other legal objections stem.

Turning then to the assertive right of witnesses to be free from harassment and damnifying exposure, the heavy question is whether any individual should enjoy the unilateral right to deprive millions of viewers³⁰ of an opportunity to participate visually in the affairs of government. A formidable array of legal opinion seems to answer the question affirmatively. Although maximum publicity, within the limits of decorum and fairness, is desirable in the eyes of practicality they insist that ordered liberty and the ultimate public good rest upon the protection of this freedom. The principal reason advanced in support of this view is that the citizen who is compelled to appear and testify before such tribunals occupies the *de*

facto position of a criminal defendant, but is deprived of the safeguards to which an accused is customarily entitled.

Because of this realization, the decision of the Kefauver Committee to televise its investigations was sharply attacked on the floor of the Senate³¹ and prompted adverse comment from the White House:³²

The President is most seriously concerned. The trouble with television, he said, is that a man is held before cameras and 40,000,000 people more or less hear him charged with so and so, and the public, untrained generally with evaluating the presentation of evidence, is inclined to think him guilty just because he is charged. . . . It is the very negation of judicial process, with the committee acting as prosecutor and defense and the public acting as the jury.

This is no shallow claim. Experience with the Kefauver Committee and the House Un-American Affairs Committee has demonstrated that such hearings often lead to formal criminal prosecutions and almost invariably implied guilt or infamy in the public eye.³³ For when a witness appears before a congressional committee, his good name, character and reputation are as much at stake as if he were an accused in a regular criminal trial. The fact that the calumny heaped upon him is vicarious or that his "conviction" does not take the usual form of punishment is immaterial; the injury sustained from an adverse reputation may be just as irreparable.³⁴ Thus, it would seem that such witnesses have "a right to invoke the protection of the Constitution and the laws of the United States;"³⁵ and that ". . . informality (of the proceedings) must not be permitted to endanger the protection of Constitutional rights."³⁶ But the nature of these rights in a legislative or quasi-judicial hearing has not been rigidly determined — i.e., whether they include the traditional presumption of innocence, the right to counsel, and the right to confront and cross-examine accusers. That they should include such safeguards has been urged repeatedly:³⁷

If the search for truth is the primary purpose of such an investigation, ordeal by television hardly seems to present the best way to achieve it. To broadcast such a travesty of justice by the television or radio magnifies

the conviction and intensifies the penalty and suffering which any injured person is forced to undergo. Yet a person or his name may be dragged before a congressional committee and treated as if his guilt rather than his innocence were to be taken for granted. Obviously such proceedings violate another of our most fundamental rights — the right to be presumed innocent until found guilty — for the witness or other person is being tried before the bar of public opinion.

Applying the acid judicial test which looks to the substance of the matter rather than mere form, it is undeniable that such proceedings extend beyond pure inquiry and take on aspects of an adjudication. Recognition of this fact would seem to demand some compensation for or adjustment of existing procedure. As the United States Supreme Court acknowledged in 1946:³⁸

When our Constitution and Bill of Rights were written, our ancestors had ample reason to know that *legislative trials and punishment* were too dangerous to liberty to exist in the nation of free men they envisioned (emphasis added).

Unquestionably, it was for this express purpose that the authors of the Constitutional charter inserted a specific prohibition against "bills of attainder."³⁹ Since a televised congressional hearing has the same effect as such a bill,⁴⁰ it should not be allowed to encroach on the rights and freedoms of the individual citizen. As the 5th Circuit Court of Appeals said of a witness who appeared before the Kefauver Committee: "While appellant was compelled to take the stand as an ordinary witness, his actual status was markedly similar to that of an accused in a criminal trial."⁴¹

Since it is clear that Congressional or legislative hearings or investigations, including those of their committees, do not fall within the legal classification of a "trial," the 6th Amendment is obviously inapplicable. This has double significance: the witness, a quasi-accused, is not entitled to a full-fledged trial, nor can the broadcasters assert this provision as a source of their right to access and that of the public to "attend." But it is equally obvious that the witness is entitled to something approaching a trial-type hearing, lest he be denied "due pro-

cess" altogether. Despite the lack of any specific constitutional provision, it has been admitted that:⁴²

Occasions may arise when a proceeding falls so far short of conforming to fundamental standards of procedure as to warrant constitutional condemnation in terms of a lack of due process despite the absence of a specified provision in the Bill of Rights.

Two other factors add weight to these observations—non-complete nature of televised coverage⁴³ and the lack of recourse by witnesses against the committee members or other witnesses for injury to reputation.⁴⁴ At best, the public serves as a part-time jury, and the resulting incomplete presentation undermines basic notions of fairness. It also disregards evidentiary safeguards; for it is common judicial knowledge that an appellate court would throw out any case in which it was apparent that a verdict was reached by a jury which had heard only part of the evidence. Moreover, there is little assurance that the audience will take into consideration the inadmissibility of hearsay evidence, the elimination of juror bias, or the probative weight of the evidence. Finally, another significant reason in the plethora of opposition arguments arises from the greater dissemination which TV coverage undoubtedly produces for the defamatory remarks of the investigators, since the Constitution gives them immunity from liability while performing their official functions.⁴⁵

Considerations such as these, coupled with the TV's potential for eliciting mass prejudice, have captured the apprehensions of courts on many occasions. As Mr. Justice Black said, delivering the majority opinion in *RCA v. U.S.*,⁴⁶ in 1951:

Man forgets at terrible cost that an environment in which an event is placed may powerfully determine its effect. Disclosure conveyed by the limitations and power of the camera does not convey the same things to the mind as disclosure made by the limitations and power of pen or voice. The range of presentation, the opportunities for distortion, the impact on reason, the effect on the looker-on as against the reader-hearer, vary; and the differences may be vital. Judgment may be confused instead of enlightened. Feeling may be agitated, not guided; reason deflected, not enlisted . . .

Possibly regarding such words as a clue, the following year a Federal District Court upheld a witness' refusal to testify before a Senate committee⁴⁷ while television, radio and motion picture cameras were present. Defendants had refused on the ground that their constitutional rights would be violated if compelled to testify in this atmosphere. By-passing the constitutional issues, the court observed that the only reason for putting witnesses on the stand is to obtain accurate and reliable testimony. It reasoned that the TV apparatus generated an atmosphere which was not conducive to responsible, considered testimony, so that a refusal to testify under the circumstances was justified.⁴⁸ Even more recently, specific suggestions have been made for revision of the present, sweeping power of investigation. Maslow has advocated that it be revamped by a "code of fair practice,"⁴⁹ one provision of which stipulates:⁵⁰

If the witness so requests, he shall not be photographed by motion picture or television or other cameras while he is testifying nor shall his testimony be broadcast by radio or television or be recorded for such broadcast.

This is in substantial accord with the prevailing practice of those Congressional committees which forbid TV cameras to photograph a witness during the taking of testimony if the witness objects,⁵¹ although as mentioned earlier, many committees (at both state and federal levels) follow the Rayburn rule which forbids all such coverage completely. On the state level, New York has taken the lead, making it a misdemeanor to broadcast or film any proceeding (whether legislative, judicial or administrative) in which testimony is compelled.⁵² The message of former Governor Thomas E. Dewey, approving the Act, expresses the reasons for its enactment:⁵³

It is basic to our concept of justice that a witness compelled to testify have a fair opportunity to present his testimony. No right is more fundamental to our traditional liberties. The use of television, motion pictures and radio at such proceedings impairs this basic right. Batteries of cameras, microphones and glaring lights carry with them attendant excitement, distractions and the potential for improper exploitation and intolerable subversion of the rights of the witness. Official pro-

ceedings must not be converted into indecorous spectacles.

This focuses attention upon the second crucial consideration mentioned previously—the relevance of the media to the avowed purpose of the investigation.⁵⁴

In this respect, it is argued that televised coverage is not a normal adjunct of Congressional hearings and serves no legitimate object in the quest for information. If the use of these means for publicizing the testimony of a witness does not substantially aid the investigating committee in its fundamental objective of obtaining information for the use of Congress, then the case for such coverage must fail. Here, two reasons appear as strong grounds for concluding that such an exercise is arbitrary and hence illegal: (1) The purpose must be to *obtain* information, not to *give* information; (2) that the methods for obtaining information must be compatible with substantive and procedural due process of law.⁵⁵ Since committee members of both the House Un-American Activities Committee and the Kefauver Crime Investigating Committee have never asserted that the underlying objective was to obtain rather than to disseminate information (and may have tacitly suggested the contrary),⁵⁶ it would seem that the use is objectionable on the first ground mentioned. Moreover, this is supported by numerous assertions that the use of these publicity media actually served to hinder the quest for truth. The Committee on the Bill of Rights of the Association of the Bar of the City of New York has concluded that broadcast coverage militates against the fulfillment of the very purpose for which the investigations are designed.⁵⁷ This factor also has figured in the prohibition recommended by the American Bar Association,⁵⁸ by the Ohio Bar Association,⁵⁹ by former counsel for investigating committees,⁶⁰ by legal writers,⁶¹ and by bills introduced in Congress⁶² and state legislatures.⁶³ In view of this clear outburst, it is doubtful that undue emphasis on publicizing such investigations, out of all proportion to the legitimate ends sought, will receive judicial countenance.

In addition, the methods as well as the purpose of the Congressional investigating committee must be reasonably cal-

culated to further a legislative function and cannot be allowed to ignore the fundamental Constitutional rights of witnesses ordered to appear and testify.⁶⁴ It is believed that the Federal judiciaries may be inclined eventually to hold that many of the methods used are a denial of "due process" where they infringe or jeopardize an individual's life, liberty or property under the 5th Amendment. Time has shown that "due process" has proved to be a flexible legal concept, broadly interpreted to encompass an almost infinite variety of circumstances; and it would seem clear that *any* act which deprives a person of his Constitutional guaranties is reprehensible where it is not dictated by unavoidable government purpose or becomes arbitrary and capricious under some fabricated pretext of "necessity."

Several decisions of the United States Supreme Court, taken cumulatively, may foretell the gravity of pursuing the past course, spelling out as they do some of the existent limitations on the investigative powers of Congress. In *McGrain v. Daugherty*,⁶⁵ which reaffirmed the fundamental desirability of such powers as laid down in *Kilbourn v. Thompson*⁶⁶ and *In re Chapman*,⁶⁷ the high tribunal said :

We must assume, for present purposes, that neither house will be disposed to exert the power beyond its proper bounds, or without due regard for the rights of witnesses . . . And it is a necessary deduction that the decisions in *Kilbourn v. Thompson* and *In re Chapman* that a witness may rightfully refuse to answer where the bounds of the power are exceeded or the questions are not pertinent to the matter under inquiry.

Later, in approving these limitations, the court said in *Sinclair v. U.S.*:⁶⁸

It has always been recognized in this country, and it is well to remember, that few if any of the rights of the people guarded by fundamental laws, are of greater importance to their happiness and safety than the right to be exempt from all unauthorized, arbitrary or unreasonable inquiries and disclosures of their personal and private affairs.

And that same year, in *Barry v. United States ex rel. Cunningham*,⁶⁹ the court observed that Congress (and, *a fortiori*, its committees, may legally exercise their powers "subject

only to the restraints imposed by or found in the Constitution;" thus implying that there can be "such arbitrary and improvident use of the power as will constitute a denial of due process of law."

Moreover, as recent legal discussions have indicated, there appears to be a trend toward limiting the scope and direction of Congressional hearings. In 1950, the notion that such committees are subject to no practical control was demolished,⁷⁰ and in *U.S. v. Icardi*,⁷¹ the Supreme Court upset a perjury charge on the ground that the committee involved was not "pursuing a bona fide legislative purpose" and that the questions it posed did not relate to a material matter—i.e., legislative information. This harmonizes with the observations of Mr. Justice Black in *Tenney v. Brandhove*,⁷² where he said:

Legislative assemblies, born to defend the liberty of the people, have at times violated their sacred trusts and become the instruments of oppression.

Although the Congressional power of investigation is vital and essential to the proper performance of Congress' functions, like every power of government, it must be zealously guarded lest it trample the liberties our ancestors struggled to establish. The warning of Mr. Justice Frankfurter, dissenting in *Olmstead v. U.S.* several decades ago, must be heeded:⁷³

Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evilminded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well meaning but without understanding.

Conclusion

An attempt has been made to analyze the main two schools of thought—the first being that televising Congressional and legislative hearings is virtuous because of its ability to educate the public as to the nature and extent of national policies, organized crime, and momentous, often controversial public issues; the second being that this method of procedure constitutes a violation of what we have come to regard as sacred,

traditional rights of the individual in a free society. The crux of the matter seems to be that whereas both sides recognize the importance and potentialities in televising governmental issues, the one side wholeheartedly indorses its almost unrestrained usage, and the other side endorses it reluctantly, demanding many stipulations and qualifications.

Although there is something to be said in support of both theories, it appears that the conservative view is the most sober and most widely subscribed to. For it acknowledges the fact that public participation is an integral part of the legislative processes as established by our Constitution; and that maximum publicity, within the circumference of decorum and fairness, is desirable. But it questions the wisdom and legality of extending this new and powerful means of influencing public opinion into basically trial-type hearings, due to the far-reaching consequences which might ensue.

All of the component parts of society have felt the immense impact of this new and powerful medium; and few are they who would completely deny its values, either present or potential, and the unprecedented contributions which it is capable of making in the national affairs of this country. With the necessary controls it will certainly be beneficial, in principle as in fact; and if its usage is cautiously and intelligently measured, then our idea of democracy should be greatly strengthened.

FOOTNOTES

¹Wiggins, J. R., "The Role of the Press in Safeguarding the People's Right to Know Government Business," 40 *Marquette Law Review* 74 (1956).

²Yankwich, Leon R., "Legal Implications of, and Barriers to, The Right to Know," *Ibid.*, p. 5; MacCauley, Thomas Babbington. *The History of England* (Am.Ed. Vol. IV), p. 248, 1856.

³Buckle, Henry Thomas, *History of Civilization* (World Classics Pocket Ed., Vol. I), pp. 351, 401 (1911).

⁴*Elliot's Debates*, 1827, Vol. III, p. 170.

⁵*Writings of James Madison*, 1906, p. 398.

⁶Wiggins, *supra*, note 1. Despite the efforts of radio and TV newsmen to penetrate the House of Representatives, Speaker Sam Rayburn has consistently refused to permit photographs, films or recordings of House Committee meetings. "Freedom Report," *JOURNAL OF BROADCASTING*, Vol. 1, No. 2, Spring 1957, p. 192. The present practice of the Senate

is to forbid television coverage of committee hearings if a witness objects. *U.S. v. Kleinman*, 107 F. Supp. 407 (D.D.C. 1952).

⁷Cross, Harold, *The People's Right to Know* (1953). Cf. Scales, "Lawmakers on Television," *The Nation*, Vol. 174, p. 193, 1952. Apparently, only one state judiciary (New Jersey) has ever gone so far as to hold that freedom of the press is violated if broadcast facilities are excluded where they would not materially interfere. *Asbury Park Press, Inc. v. City of Asbury Park*, 7 Pike & Fischer Radio Reg. 2062 (N.J. Super Ct. 1951).

⁸2 *Annals of Congress* 490 (1792).

⁹4 *Reg. Deb.* 889 (1827).

¹⁰Massey, M. M., Congressional Investigations and Individual Liberties," 25 *University of Cincinnati Law Review* 323 (1956); Trimble, E. G., "Self-Incrimination and Congressional Investigations," 44 *Kentucky Law Journal* 333 (1956).

¹¹McGreary, "Congressional Investigations - Historical Development," 18 *University of Chicago Law Review* 425 (1951); McDonald, J. L., "Congressional Investigating Committees - Past, Present and To Come," 1 *British Journal of Administrative Law* 20 (1954).

¹²*Time*, Vol. 78, No. 9, March 2, 1959, p. 15.

¹³14 *Federal Communications Bar Journal* 132 (1955).

¹⁴*Kovacs v. Cooper*, 336 U.S. 77, 96 (1949).

¹⁵5 *Oklahoma Law Review* 230 (1952).

¹⁶See, for example, Brownell, "Press Photographers and the Courtroom," 35 *Nebraska Law Review* 1 (1955); Geis, "A Lively Public Issue," 43 *American Bar Association Journal* 419 (1957); and Yesawich, "Televising and Broadcasting Trials," 37 *Cornell Law Quarterly* 701 (1952); "TV and Newsreel Coverage of a Trial," 43 *Iowa Law Review* 616 (1958); "Fair Trial versus Free Press," 11 *U. of Florida Law Review* 87 (1958); "Courtroom Photography," 57 *Michigan Law Review* 280 (1958).

¹⁷By Mr. Frank Stanton, President of CBS, and Judge Harold A. Medina. "On with the Show?," *Senior Scholastic*, Vol. 65, October 6, 1954, p. 7.

¹⁸Javits, J. K., "The Case for Televising Congress," *The New York Times Magazine*, January 13, 1952, p. 12; Koop, T. F., "Equality of Access for Radio in Covering Washington News," *Journalism Quarterly*, Vol. 34, No. 3, Summer 1957, p. 340; McNaughton, F., "Would a TV Congress Improve Democracy?," 53 *Public Utilities Fortnightly* 147 (1954); Berman, Sam, "Keep the Spotlight Bright," *Collier's*, Vol. 127, April 28, 1951, p. 86; Waithman, Robert, "Truth by Television," *The Spectator*, Vol. 186, March 30, 1951, p. 406; "The Biggest Show," *Newsweek*, Vol. 37, March 12, 1951, p. 57.

¹⁹Taylor, Telford, "The Issue is not TV, but Fair Play," *The New York Times Magazine*, April 15, 1951, p. 12; Klots, Allen T., "Trial by Television," *Harper's Magazine*, Vol. 203, October 1951, p. 91; Sheerin, J.B., "Trial by Camera," *Catholic World*, Vol. 173, p. 82; Lawrence, David, "Television Government?," *U.S. News and World Report*, Vol. 30, 1951, p. 60; Cherne, Leo, "What Should be Televised?," *The New York Times Magazine*, April 15, 1951, p. 7; Seldes, Gilbert, "Murrow, McCarthy and the Empty Formula," *Saturday Review*, Vol. 37, April 25, 1954, p. 26.

²⁰86 F. Supp. 813 (E.D. Pa. 1949), aff'd, 184 F.2d 153 (3d Cir. 1950), cert. denied, 340 U.S. 929 (1951).

²¹*Senior Scholastic*, supra, note 17, at p. 8.

²²65 *Harvard Law Review* 1258, 1259 (1952); see also, note 7, *supra*, p. 25.

²³*Ibid.*

²⁴12 *Federal Communications Bar Journal* 222, at p. 238 (1952).

²⁵*U.S. Constitution*, Art. 1, Sec. 5, Cl. 2.

²⁶*Ballin v. U.S.*, 144 U.S. 1 (1892).

²⁷*Senior Scholastic*, *supra*, note 17, p. 8.

²⁸Except for the *Asbury Park* case in New Jersey, discussed *supra*, note 7, and p. 30.

²⁹Although there has been refusal to punish recalcitrant or contumacious witnesses for contempt where the proceedings were televised against their will. *U.S. v. Klienman*, 107 F. Supp. 407 (D.D.C. 1952).

³⁰During the Kefauver Hearings, the audience in New York City alone was estimated at between 4,000,000 and 5,000,000 people; and the nationwide audience was believed to be between 20,000,000 and 30,000,000. Wiebe, G.D., "Merchandising Commodities and Citizenship on Television," *Public Opinion Quarterly*, Vol. 15, April 7, 1952, p. 687.

³¹97 *Cong. Rec.* 9765 (1951).

³²Excerpt from a White House press release, *Chicago Daily News*, June 27, 1951, p. 49, col. 5.

³³Snee, J.M., "One for the Money, Two for the Show," 42 *Georgetown Law Journal* 143 (1953).

³⁴*Cf. Joint Anti-Facist Refugee Committee v. McGrath*, 341 U.S. 123 (1951), regarding the protection of reputation as "property" under the 5th Amendment.

³⁵*Cole v. Leows, Inc.*, 8 F.R.D. 518 (S.D. Calif. 1948).

³⁶*U.S. v. Fitzpatrick*, 19 F. Supp. 494 (D.D.C. 1951).

³⁷Klots, Allen T., "Trial by Television," *Harper's Magazine*, Vol. 203, October 1951, pp. 91-92 (article by a well-known New York lawyer and former assistant Secretary of State Henry L. Stimson).

³⁸*U.S. v. Lovett*, 328 U.S. 303, 318 (1946).

³⁹*U.S. Constitution*, Art. 1, Sec. 9, Cl. 3.

⁴⁰Zweiman, Robert M., "Trial by Wager of Television," 7 *Intramural Law Review* (New York University) 75 (1952), at p. 83.

⁴¹*Marcello v. U.S.*, 196 F. 2d 437 (5th Cir. 1952). *Cf.* Straight, Michael, *Trial by Television* (Boston: The Beacon Press, 1954); Taylor, Telford, *Grand Inquest—The Story of Congressional Investigations* (New York: Simon & Schuster, 1955), and Wechsler, *The Age of Suspicion* (1933), expressing similar views.

⁴²*Adamson v. California*, 332 U.S. 46, 125 (1947), expressed in the dissenting opinion of Murphy and Rutledge, J.J.

⁴³Cherne, Leo, "What Should be Televised?," *The New York Times Magazine*, August 22, 1954, p. 7; Taylor, Telford, "The Issue is not TV, but Fair Play," *The New York Times Magazine*, April 15, 1951, p. 12.

⁴⁴Prosser, *Torts* (2d. ed., 1955), Sec. 828; Lattimore, *Ordeal by Slander* (1st ed., 1950), pp. 59, 108.

⁴⁵*U.S. Constitution*, Art. 1, Sec. 6. In *Irwin v. Ashurst*, 158 Ore. 61, 74 P.2d 1127 (1938), it was held that judicial immunity persists even though court proceedings are broadcast.

⁴⁶341 U.S. 412, 426 (1951).

⁴⁷The Kefauver Committee, a member of which confessed that "the reluctant witness . . . is necessarily under greater strain and is more

easily distracted by outside forces" than a voluntary witness. Reported in Snee, J.M., "One for the Money, Two for the Show," 42 *Georgetown Law Journal* 1 (1953), at p. 30.

⁴⁸*U.S. v. Kleinman*, *supra*, note 29.

⁴⁹Maslow, "Fair Procedure in Congressional Investigations," 54 *Columbia Law Review* 839 (1954).

⁵⁰Sec. 10(e), "Rights of Witnesses while Testifying," *Ibid.*, p. 889.

⁵¹*Op.cit.*, p. 876, ff.#178.

⁵²*N.Y. Civil Rights Law*, Sec. 52, N.Y. Laws 1954, 177th Sess., c. 414.

⁵³Snee, *supra*, note 47, at p. 24.

⁵⁴See p. 32.

⁵⁵*Ibid.*, pp. 2-3.

⁵⁶*Ibid.*, p. 14, 21. Snee reports that Rep. Rankin called it "the grand jury of America" and that Sen. Cain argued that the use of TV, radio and newsreels "served no conceivable legislative purpose or objective whatever."

⁵⁷*Report on Radio and Television Broadcasting of Hearings of Congressional Investigating Committees* (January 15, 1952).

⁵⁸ABA, *Report of the Committee on Televising and Broadcasting Legislative and Judicial Proceedings* (February 11, 1952).

⁵⁹97 *Cong. Rec.* 9795 (1951).

⁶⁰38 *Georgetown Law Journal* 343 (1950).

⁶¹Thurman W. Arnold, former professor of law at Yale University and assistant Attorney General of the United States levied a scathing indictment against such *modus operandi*. See *Michigan Law Review* 1072 (1953).

⁶²*Javits Bill*, H.J. Res., 20, 81st Cong., 1st Sess. (1949); *Klein Bill*, H.R., 3443, 81st Cong., 2d Sess. (1950).

⁶³A California statute (Cal. Penal Code, Sec. 6028.1, Supp. 1953) contains a provision similar to that of the N.Y. law, *supra*, note 52. It is to be noted that these are two of the leading states in setting judicial and legislative precedent.

⁶⁴5 *Oklahoma Law Review* 230 (1952), p. 232.

⁶⁵273 U.S. 135, 175-176 (1927)

⁶⁶103 U.S. 168 (1850).

⁶⁷166 U.S. 661 (1897).

⁶⁸279 U.S. 263, 291-292 (1929).

⁶⁹279 U.S. 597, 614, 620 (1929).

⁷⁰*U.S. v. Bryan*, 339 U.S. 323 (1950).

⁷¹Cited and discussed in 42 *American Bar Association* 779 (1956), in an article titled "Recent Judicial Limitations of Legislative Investigations."

⁷²341 U.S. 367, 379, at 380 (1951).

⁷³277 U.S. 438, 479 (1928).

IMMUNITY OF BROADCAST STATIONS FROM LIABILITY FOR DEFAMATORY STATEMENTS BY CANDIDATES FOR PUBLIC OFFICE

By Jerry B. Martin

The year 1959 brought about two major changes in the legal responsibilities of broadcasting stations with respect to political broadcasts. The action of Congress in changing Section 315 of the Communications Act to exempt news broadcasts from the "equal-time" provision received the most attention. Also of importance, particularly to the local broadcaster, was the Supreme Court decision in the case

of Farmers Educational and Co-operative Union v. WDAY, Inc.

This review of the Court's action and its implications is by Mr. Jerry B. Martin, a student in the Vanderbilt University Law School. It was originally published in the December 1959 issue of the Vanderbilt Law Review (Volume 13, Number 1), and is reprinted here through the kind permission of that publication.

AN action for libel was brought by petitioner against respondent broadcasting station. The suit arose as a result of an alleged defamatory speech over respondent's facilities made by a political candidate in reply to prior addresses by his opponents.¹ In compliance with section 315 of the Federal Communications Act of 1934,² requiring stations to grant equal time to candidates for public office and denying stations the right of censorship, respondent allowed the candidate to broadcast his remarks uncensored. The state courts dismissed the complaint on the ground that section 315 impliedly immunized the station from liability for the alleged defamation.³ On certiorari to the Supreme Court of the United States, *held*, affirmed (five-to-four decision). Under section 315 a station licensed under the act has no power to censor material broadcast by a candidate for public office and broadcasting stations are therefore immune from liability for libelous statements so broadcast. *Farmers Educ. & Co-op. Union v. WDAY, Inc.*, 360 U.S. 525 (1959).

In *Sorensen v. Wood*,⁴ the first case construing the provision in question,⁵ the Nebraska court held that the predecessor of section 315 permitted censorship of all defamatory remarks not concerned with germane political issues⁶ and

therefore did not grant broadcasting stations an implied immunity from liability for defamatory statements made by political candidates. The Federal Communications Commission in *Port Huron Broadcasting Co.*⁷ construed section 315 as an absolute prohibition against censorship and an inferential grant of immunity from actions for defamation. The Commission and a majority of the courts have adhered to the *Port Huron* doctrine,⁸ while some courts have adopted the *Sorensen* theory.⁹ Proponents of the majority view insisted that Congress did not intend to expose broadcasters to actions for defamation when they have no power to avoid liability.¹⁰ The minority, on the other hand, contended that the legislative history of the act shows a definite intent to exclude the alleged immunity, since an amendment expressly granting immunity was proposed but not adopted.¹¹ This difference of opinion has left broadcasters in a dilemma. Failure to censor may subject them to an action for libel and censorship may cause revocation of their license by the FCC.¹² While recognizing this problem, critics of the *Port Huron* doctrine contended that depriving the states of their traditional power to adjudicate common law defamation actions and abrogating state statutes on the subject require a clear declaration of intent by Congress.¹³

The instant case represents the first interpretation of section 315 by the Supreme Court, the majority adopting the conclusions of the *Port Huron* decision. The majority held that the prohibition against censorship was *complete* and that it was not the intent of Congress to allow broadcasters to delete *any* material from candidates' speeches¹⁴ and that, therefore, the immunity of the licensee is necessarily implied.¹⁵ The Court thought there was significance in the fact that in all cases denying immunity the courts have first found that the licensee has some right of censorship.¹⁶ The contention that the legislative history of section 315 indicates congressional intent not to grant immunity was rejected since Congress has not acted to depart from the Commission's view since it was reported in 1948.¹⁷ The dissent argued¹⁸ that since immunity was not expressly granted by Congress it should not be implied when such implication would pre-empt normal state concepts

of defamation law from its application to licensees.¹⁹ While recognizing this argument, the majority indicated its willingness to abrogate state law where such law obstructs the accomplishment of congressional objectives.²⁰

The arguments presented on both sides of the question indicate a conflict in public policy. If stations are immune, the person defamed may be left without a legal remedy,²¹ while on the other hand a denial of immunity will subject broadcasters to liability for acts over which they have no control. For some reason Congress has not seen fit to resolve this conflict but has left the question for the courts.²² The decision in the instant case is the only just result in view of the important public service rendered by radio and television in bringing political issues to the attention of the voting public. Whether the Court's interpretation of the section is a true expression of legislative intent is still open to conjecture. If it is not, the decision will still serve a purpose by stimulating legislative clarification. As the majority opinion points out, the holding is merely a reading of the section according to what seems to be its "underlying purpose,"²³ and since the conclusion reached is entirely reasonable Congress will probably acquiesce through continued inaction on the subject.

FOOTNOTES

¹A. C. Townley, a legally qualified candidate in the 1956 United States senatorial race in North Dakota, accused his opponents and petitioner of conspiring to "establish a Communist Farmers Union Soviet right here in North Dakota." 360 U.S. at 526-27.

²The statute reads:

"(a) If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station: *provided*, That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is imposed upon any licensee to allow the use of its station by any such candidate." 48 Stat. 1088 (1934), as amended, 47 U.S.C. § 315 (a) (1952).

³The North Dakota Supreme Court affirmed the decision of the state district court dismissing the action, 89 N.W.2d 102 (1958).

⁴123 Neb. 348, 243 N.W. 82 (1932).

⁵The court was considering § 18 Federal Radio Act of 1927, 44 Stat. 1162, from which § 315 was taken verbatim.

⁶"[T]he prohibition of censorship of material broadcast . . . merely prevents the licensee from censoring the words as to their political and partisan trend. . . ." 243 N.W. at 85.

¹²12 F.C.C. 1069 (1948). For a complete discussion of the doctrine of the case see Note, *Censorship of Defamatory Political Broadcast: The Port Huron Doctrine*, 34 N.Y.U.L. REV. 127 (1959).

⁸See *Lamb v. Sutton*, 164 F. Supp. 928 (M.D. Tenn. 1958); *Felix v. Westinghouse Radio Stations, Inc.*, 89 F. Supp. 740 (E.D. Pa.), *rev'd*, 186 F.2d 1 (3d Cir. 1950), *cert. denied*, 341 U.S. 909 (1951) (immunity does not apply when the speaker is an authorized spokesman for the candidates); *Yates v. Associated Broadcasters, Inc.*, 7 R.R. 2088 (1951); *WDSU Broadcasting Co.*, 7 R.R. 769 (1951); *Charles Parker Co. v. Silver City Crystal Co.*, 142 Conn. 605, 116 A.2d 440 (1955); *Josephson v. Knickerbocker Broadcasting Co.*, 179 Misc. 787, 38 N.Y.S.2d 985 (Sup. Ct. 1942).

⁹See *Houston Post Co. v. United States*, 79 F. Supp. 199 (S.D. Tex. 1948); *Daniell v. Voice of New Hampshire, Inc.*, 10 R.R. 2045 (1954).

¹⁰*Lamb v. Sutton*, 164 F. Supp. 928, 932 (M.D. Tenn. 1958) (liability could be avoided by granting time to no candidates but such action would not be in the public interest). For a report on this case see 12 VAND. L. REV. 301 (1958).

¹¹The Senate adopted an amendment to § 18 of the Radio Act of 1927 which granted a station immunity from liability for uncensored utterances. 67 CONG. REC. 12501 (1926). But this provision was removed by the conference committee without any explanation. H.R. REP. No. 1886, 69th Cong., 2d Sess. 10, 18 (1927).

¹²⁴⁸Stat. 1082 (1934), 47 U.S.C. § 303 (m) (1) (A) (1952). This section gives the commission authority to suspend the license of any operator who has violated any provision of any act of the United States.

¹³360 U.S. at 535 (dissenting opinion).

¹⁴360 U.S. at 527.

¹⁵"In no case has a court even implied that the licensee would not be rendered immune were it denied the power to censor libelous material." 360 U.S. at 531.

¹⁶See note 6 *supra*. For cases following this view see note 9 *supra*.

¹⁷The Commission reported its position to Congress in 14 F.C.C. Ann. Rep. 28 (1948).

¹⁸Mr. Justice Frankfurter, joined by Mr. Justice Harlan, Mr. Justice Whittaker and Mr. Justice Stewart, dissenting.

¹⁹360 U.S. at 545-46.

²⁰360 U.S. at 535.

²¹See *Fridenthal & Medalie, The Impact of Federal Regulation On Political Broadcasting: Section 315 of The Communications Act*, 72 HARV. L. REV. 445, 487 (1959). The author cites a situation where it would not be practical to sue the candidate because he is not amenable to process in a convenient forum or he has no assets.

²²Having found no definite indication of legislative intent in a search of available congressional records and knowing that Congress was cognizant of the problem, it can only be assumed that the law makers were undecided.

²³360 U.S. at 535.

EMPLOYMENT PRACTICES AND EDUCATIONAL PREPARATION FOR BROADCASTING

By Thomas H. Guback

Of particular value to teachers of professional broadcasting is feedback that informs them as to whether their students are fitted for success in the industry. It has been over a year since the JOURNAL last attempted to supply this feedback by presenting a vocational survey of broadcasting in the midwest by Linton and Hyden in the Winter 1958-

1959 issue (Vol. III, No. 1). Although of similar import, the following study deals with a different geographical region of the midwest, and is not intended merely to duplicate the questions asked in the earlier study.

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WHEN almost 200 radio and television stations in four mid-Western states were polled on their employment practices, an overwhelming majority of the respondents said they desired college graduates as employees. Respondents also demonstrated a clear awareness that different jobs in broadcasting require different educational backgrounds.

These results were obtained from a study conducted in the spring and summer of 1959 with the cooperation of the Broadcast Education Committee of the Illinois Broadcasters' Association. The survey was aimed mainly at stations in Illinois but questionnaires also went to broadcasters in Indiana, Wisconsin and Iowa. A total of 191 questionnaires were mailed to station managers, presidents and owners of commercial stations in these four states. One hundred and six went to Illinois stations, 91 to radio and 15 to television. Seven of the radio stations had television affiliates. The remaining 85 questionnaires were mailed to 44 radio and 41 television stations in the other three states. Slightly more than 42 percent of the Illinois stations responded and about 34 percent of the other stations receiving questionnaires replied. The quality of response from the four states was substantially the same. The figures given in this summary therefore, will be for Illinois unless otherwise noted.

The questionnaire consisted of ten questions requiring multiple checks or rankings for answers. The object of the survey was to determine what broadcasters deem valuable when hiring non-technical personnel and what types of educational preparation are especially useful for people seeking careers in broadcasting. The non-technical positions in broadcasting were divided into five areas in order to determine whether broadcasters felt certain of these require different experience or preparation. The areas were: 1) news writing and reporting, 2) announcing, 3) production-direction, 4) copy writing, and 5) sales.

The question of whether or not a college degree is valuable to a person in broadcasting has been argued frequently. In the hope of finding out what large numbers of broadcasters have to say about this, a question was included in the survey which permitted them to express a preference for different types of backgrounds. This question asked respondents to pick out three sets of qualifications from a list of seven and rank them first, second and third according to their desirability. The list included such backgrounds as: college degree with commercial broadcasting experience, college degree with educational broadcasting experience, broadcasting experience with no college degree, college degree with newspaper experience, etc. The numerical rankings for each set were added and the total divided by the number of respondents rating that particular item. The resulting score showed the relative desirability of certain backgrounds. The closer a score is to 1.0 the more desirable that background would be.

A college degree with commercial broadcasting experience consistently proved to be the most desirable background for any of the five areas of broadcasting. It was ranked more frequently than other possibilities and received a higher percentage of firsts. The difference in score between broadcasting experience with and without a college degree strongly suggests that the degree is a definite advantage. As the president of a 500 watt radio station in Illinois commented:

I do definitely feel . . . that young men and women desirous of making their marks in radio or TV these days are much better equipped for advancements in

the more responsible jobs with the type of training now offered in many of our institutions of higher learning.

Supporting this feeling was a comment from another Illinois radio station. The respondent wrote:

I know that a man with the aptitudes and abilities for radio and TV should be much better fitted for a job after a four year University major in radio or television.

TABLE I
Relative Desirability of Background*

| | Degree & Commercial Experience | No Degree & Commercial Experience | Degree & Educational Experience |
|---------------------------|--------------------------------------|---|---------------------------------------|
| News writing, reporting : | | | |
| Radio | 1.3 | 2.0 | 2.5 |
| Television | 1.0 | | 2.7 |
| Announcing : | | | |
| Radio | 1.3 | 1.9 | 2.8 |
| Television | 1.0 | 2.3 | 2.7 |
| Production-direction : | | | |
| Radio | 1.3 | 1.9 | 2.5 |
| Television | 1.0 | 2.8 | 2.0 |
| Copy writing : | | | |
| Radio | 1.5 | 2.0 | 2.8 |
| Television | 2.0 | 2.0 | |
| Sales : | | | |
| Radio | 1.5 | 2.3 | 3.0 |
| Television | 1.8 | 3.0 | |

*Based on ranks from 1.0 (most desirable) to 3.0 (least desirable).

Response to this question also indicates that commercial broadcasting experience was felt to be more desirable in a job candidate than educational broadcasting experience. In

fact, as the figures disclose in Table I, broadcasting experience with no college degree frequently was favored over educational broadcasting experience with a college degree.

The consistently lower score of college degree with educational broadcasting experience might reflect some attitudes commercial broadcasters have about their non-commercial brothers. Perhaps they feel that educational broadcasting cannot provide a realistic and adequate background due to the absence of sponsors and advertisers and their influence on programming. And it might also be suggestive of the idea that the fare educational stations broadcast is not paralleled in the same quantity by commercial stations, hence the experience of this type is not as valuable.

Response to another question suggests that broadcasters realize the value of different types of educational backgrounds for different jobs in broadcasting. This question presented to the stations a list of 23 college courses in broadcasting and closely allied fields. Respondents were asked to check those courses a student concentrating in one of the five areas of broadcasting should take. Not only did a difference appear between radio and television, as might be expected, but also within the five fields of each medium. The general tone of response indicates, for example, that a copy writer should take courses different from those a newsman would take. And in addition to this, a radio newsman's course background should differ in some respects from a television newsman's course background.

As Table II points out, a course in Newswriting would be more valuable to the potential newsman than to the future salesman while Radio and Television Advertising would be just the opposite. Similarly, Cinematography would be more useful to the television newsman than to the radio newsman.

The figures in Table II show the percentage of respondents checking a particular course. The list of courses has been shortened in the interest of space.

The general trend established with broadcasting courses was also carried through on liberal arts courses. From a list

TABLE II
Professional College Courses Recommended for Each Broadcast Area

| | News | | Announcing | | Prod.-Dir. | | Copy Writing | | Sales | |
|-----------------------|-------|------|------------|-----|------------|-----|--------------|-----|-------|-----|
| | Radio | TV | Radio | TV | Radio | TV | Radio | TV | Radio | TV |
| Newswriting | 97% | 100% | 53% | 50% | 35% | 33% | 43% | 20% | 26% | 17% |
| Radio News | 91 | 100 | 58 | 50 | 39 | 33 | 29 | 40 | 14 | 17 |
| TV News | 40 | 100 | 19 | 67 | 17 | 33 | 11 | 40 | 9 | 33 |
| Radio-TV Announcing | 66 | 50 | 83 | 100 | 54 | 67 | 40 | 60 | 29 | 33 |
| Radio-TV Acting | 11 | 33 | 25 | 83 | 35 | 67 | 6 | 40 | .. | .. |
| TV Studio Operations | 17 | 50 | 39 | 67 | 58 | 100 | 11 | 80 | 20 | 83 |
| Radio Prod. & Dir. | 20 | 33 | 53 | 83 | 88 | 83 | 46 | 80 | 26 | 33 |
| TV Directing | 3 | 33 | 14 | 67 | 35 | 100 | 11 | 100 | 9 | 67 |
| TV Staging & Lighting | .. | 17 | 11 | 50 | 31 | 100 | 11 | 80 | 3 | 17 |
| Cinematography | 6 | 67 | 33 | 33 | 23 | 83 | 11 | 60 | 3 | 17 |
| Commercial Writing | 29 | 50 | 64 | 50 | 54 | 67 | 91 | 100 | 74 | 67 |
| Continuity Writing | 20 | 33 | 58 | 33 | 61 | 67 | 89 | 100 | 48 | 50 |
| Intro. to Advertising | 34 | 33 | 58 | 67 | 61 | 67 | 69 | 100 | 83 | 100 |
| Radio-TV Advertising | 14 | 17 | 39 | 50 | 54 | 67 | 69 | 100 | 83 | 100 |

of 16 different areas within the liberal arts, broadcasters were asked to check the ones they considered most essential to a student concentrating in one of the five areas of broadcasting. The response indicates that a student majoring in the news area of broadcasting, as an example, would do well to minor in an area that would be different than if he were interested in production-direction. Table III suggests that history, political science and rhetoric-composition might be especially valuable to the newsman while theatre and speech could be useful to the producer-director. The figures in Table III show the percentage of respondents checking each area in the liberal arts.

Television broadcasters frequently point out that their business requires a knowledge not only of television but of radio as well. They claim that operation of a radio station is only part of the total television operation. They add that successful radio operation does not require a knowledge of television but that the reverse of this concept is true. To a large extent, this idea was reflected in the answers to the questionnaire. Stations were asked what backgrounds they found desirable in job candidates for the five areas of broadcasting. The response demonstrated that radio broadcasters do not necessarily desire people with television experience but that television broadcasters do desire people with radio experience. Table IV lists the percentage of respondents desiring previous radio or television experience in potential employees.

The apparent trend of television stations to desire more in the way of broadcasting background than radio stations also was reflected in answers to another question. Respondents were asked to indicate the percentage of broadcasting courses they thought should comprise the college curriculum of a student majoring in radio and television. One of four possible answers could be: 10% to 20%, 20% to 30%, 30% to 40%, and 40% to 50%. The response shows that television stations feel students should take more broadcasting courses than do radio stations. Table V lists the response from Illinois broadcasters as well as from Indiana, Iowa and Wisconsin.

TABLE III
Liberal Arts College Courses Recommended for Each Broadcast Area

| | News | | Announcing | | Prod.-Dir. | | Copy Writing | | Sales | |
|----------------------|-------|-----|------------|-----|------------|-----|--------------|-----|-------|------|
| | Radio | TV | Radio | TV | Radio | TV | Radio | TV | Radio | TV |
| Economics | 47% | 33% | 16% | 33% | 27% | 50% | 29% | 67% | 78% | 100% |
| Foreign Languages | 19 | 33 | 41 | 67 | 19 | 33 | 21 | 33 | 12 | 33 |
| History | 59 | 67 | 22 | 33 | 23 | 33 | 18 | 33 | 12 | 33 |
| Literature | 28 | 50 | 44 | 67 | 35 | 50 | 41 | 67 | 12 | 33 |
| Marketing | 13 | 33 | 16 | 33 | 15 | 50 | 41 | 50 | 91 | 100 |
| Music | 13 | 33 | 50 | 33 | 50 | 50 | 21 | 33 | 9 | 33 |
| Political Science | 66 | 83 | 19 | 33 | 19 | 33 | 12 | 33 | 15 | 33 |
| Rhetoric-Composition | 66 | 83 | 41 | 67 | 42 | 33 | 88 | 83 | 30 | 33 |
| Speech | 41 | 50 | 94 | 100 | 69 | 83 | 41 | 33 | 50 | 67 |
| Theatre | 13 | 33 | 28 | 67 | 61 | 83 | 18 | 50 | 12 | 33 |

TABLE IV
Desirability of Previous Experience

| | Previous Radio Experience | Previous TV Experience |
|--------------------------|------------------------------|---------------------------|
| News writing, reporting: | | |
| Radio | 88% | 6% |
| Television | 67 | 100 |
| Announcing: | | |
| Radio | 89 | 5 |
| Television | 83 | 100 |
| Production-direction: | | |
| Radio | 83 | 8 |
| Television | 67 | 100 |
| Copy writing: | | |
| Radio | 71 | 6 |
| Television | 100 | 100 |
| Sales: | | |
| Radio | 62 | 5 |
| Television | 83 | 100 |

TABLE V
**Desirable Percentage of College Curriculum to Be Devoted to
Professional Broadcasting Courses**

| | Illinois | | Wisconsin Iowa, Indiana | |
|-----------|----------|-----|----------------------------|----|
| | Radio | TV | Radio | TV |
| 10% - 20% | 23% | 20% | 29% | 7% |
| 20% - 30% | 36 | 20 | 43 | 21 |
| 30% - 40% | 19 | 40 | 14 | 57 |
| 40% - 50% | 23 | 20 | 14 | 14 |

A greater percentage of television than of radio respondents felt experience on college broadcasting stations and internship experience were valuable. This too could be evidence that television broadcasters feel students should have more training and background. This question asked respondents what they found desirable in applicants. The figures in Table VI show the percentage of respondents checking each category.

TABLE VI
Desirability of Internship or College Broadcasting Experience

| | Internship Experience | College Broadcasting Experience |
|---------------------------|--------------------------|---------------------------------------|
| News writing, reporting : | | |
| Radio | 41% | 47% |
| Television | 67 | 67 |
| Announcing : | | |
| Radio | 46 | 57 |
| Television | 67 | 100 |
| Production-direction : | | |
| Radio | 46 | 50 |
| Television | 67 | 83 |
| Copy writing : | | |
| Radio | 31 | 43 |
| Television | 60 | 80 |
| Sales : | | |
| Radio | 19 | 24 |
| Television | 33 | 33 |

The relative desirability of an engineering license strongly emphasizes the difference in the roles of an announcer for a radio and television station. No Illinois television station reported that an engineering ticket was desirable in job applicants for non-technical positions. Response from radio stations tended to show this same pattern, except for an-

nouncers. Table VII shows the percentage of radio respondents declaring that an engineering ticket is desirable.

TABLE VII
Desirability of Engineering License

| | Engineering License Desirable |
|--------------------------|----------------------------------|
| News writing, reporting: | 3% |
| Announcing: | 43 |
| Production-direction: | 8 |
| Copy writing: | .. |
| Sales: | .. |

The overall response obtained from this questionnaire emphasizes that broadcasters do look toward colleges and universities for personnel trained in broadcasting. Moreover it shows that broadcasters want personnel who are well-grounded in liberal arts and not merely trade school graduates. The results of the survey point out that broadcasters realize the value of different types of preparation for various positions in radio and television. What they deem valuable in the way of background for a potential newsman, for example, would not be the same for a student interested in announcing, copy writing or sales. The response confirms the idea that broadcasting is composed of many different areas, more than simply radio and television, and that background and preparation for these areas might be provided by different programs of study in college.

The conclusions drawn from this study are based on what broadcasters say they find desirable, important or necessary in job applicants. Whether broadcasters actually hire by the criteria suggested here is a problem for another study.

THE RADIO-TELEVISION CURRICULA IN AMERICAN COLLEGES AND UNIVERSITIES

By Harold Niven

This article is based on the information provided by seventy-nine of the approximately ninety colleges and universities offering a degree or major emphasis in broadcasting. The original data was collected in the Fourth Annual Survey of Colleges and Universities Offering Course Work in Radio and Television, 1958-1959 (published in the Fall

1959 issue of the JOURNAL OF BROADCASTING).

Detailed tables, listing all of the broadcasting courses of each of the seventy-nine schools, are available in limited supply from the author.

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IN comparison to older disciplines, the teaching of radio and television is a relatively new area of instruction. Radio instruction found its way to the college campus in the last year of the twenties and in the early thirties. By the early forties most schools that offered degrees in broadcasting were teaching radio courses. Television instruction first came on the scene in the middle forties and by 1952 a majority of schools were offering course work in television. The degree program in broadcasting began in the mid-thirties. By the late forties the awarding of an undergraduate degree in radio-television was firmly established in over seventy-five American colleges and universities. Each year at least one or two schools have added the broadcast major to their curriculum for the first time. Graduate instruction in broadcasting started in the mid-thirties with the surge coming after World War II. Over forty-five colleges and universities offer a master's degree and some dozen schools have a doctoral program in broadcasting.

Various patterns of instruction exist in the number of courses offered, which varies from four to fifty. The median number of courses offered is sixteen. The number of courses offered by seventy-nine schools is reported in Table 1.

TABLE I
Number of Courses Offered

| No. of Courses | Schools | No. of Courses | Schools |
|----------------|---------|----------------|---------|
| 50 | 1 | 18 | 6 |
| 41 | 1 | 17 | 5 |
| 38 | 1 | 16 | 2 |
| 35 | 1 | 15 | 2 |
| 32 | 2 | 14 | 5 |
| 29 | 2 | 13 | 2 |
| 28 | 1 | 12 | 3 |
| 27 | 1 | 11 | 4 |
| 26 | 1 | 10 | 5 |
| 25 | 3 | 9 | 5 |
| 23 | 2 | 8 | 4 |
| 22 | 1 | 7 | 2 |
| 21 | 5 | 5 | 5 |
| 20 | 2 | 4 | 1 |
| 19 | 4 | | |

In over half of the schools a core of eight courses is taught and generally required of the major. These courses usually are a general survey course, three production courses (radio production, television production, radio-television announcing), two writing courses and two business courses.

The purpose of this paper is not consider the variations or balance of course offerings, but rather to report to the extent and range of courses offered by the colleges and universities that grant a degree in broadcasting.

The radio-television course offerings of the schools were initially grouped into twenty-four classifications. These classifications were determined by a majority use of the course title by the universities and colleges supplying information. The types of courses offered, and the quantity of course offerings are reported in Table II. The courses considered are those that are open to undergraduate students and are offered regularly.

Ninety per cent or more of the schools offer three of the courses that comprise the basic core of broadcast courses: Introduction to Radio-Television, Radio Production and Television Production. Only sixty-seven and sixty-six per cent of

the schools offer the two writing courses that are included in the broadcast core: Radio-Television News Writing and General Radio-Television Writing. Fifty-three per cent offer the business courses found in the core: Station Management and Radio-Television Advertising. Radio-Television Announcing, the eighth of the core courses, is offered by fifty per cent of the schools. One third of the general classification of the twenty-four courses used for the purpose of analysis are offered by fifty per cent of the schools granting an undergraduate degree.

TABLE II
Frequency of Radio-Television Undergraduate Courses

| Courses | Number of Schools | Percentage of 79 Schools |
|--|-------------------|--------------------------|
| Introduction to Radio-Television*..... | 74 | 94 |
| Television Production | 74 | 94 |
| Radio Production | 72 | 91 |
| Radio-Television News Writing..... | 53 | 67 |
| General Radio-TV Writing..... | 52 | 66 |
| Station Management | 42 | 53 |
| Radio-TV Advertising | 42 | 53 |
| Radio-Television Announcing | 40 | 50 |
| Radio-TV Performance | 36 | 46 |
| General Workshops | 34 | 43 |
| Radio-TV in Education | 32 | 41 |
| Radio-TV Speech | 32 | 41 |
| Practical Experience Labs..... | 32 | 41 |
| Film for Television | 30 | 38 |
| Law, Regulation | 29 | 37 |
| Program Planning | 28 | 35 |
| Television Writing | 28 | 35 |
| Radio Writing | 27 | 34 |
| Introduction to Studio Operations.... | 26 | 33 |
| Television Design, Art | 18 | 23 |
| Broadcast Research | 15 | 19 |
| Sales, Business | 12 | 15 |
| Broadcast Music | 9 | 11 |
| Pro-Seminars | 4 | 5 |

*Also includes the areas of social aspects, criticism, aesthetics, history.

Only forty-six to forty-one per cent of the schools offer broadcast courses in: Radio-Television Performance, General

Experience Workshops, Radio-Television in Education, Radio-Television Speech, and Practical Experience Laboratories.

Thirty-eight to thirty-three per cent of the schools offer courses in: Television Film Techniques, Law and Regulation, Program Planning, Television Writing, Radio Writing, and Introduction to Studio Operations.

Twenty-three per cent of the schools offer a course in Television Design and Art, nineteen per cent have a course in Broadcast Research and fifteen per cent have a course in Sales and Business Practices. Eleven per cent have a course in Broadcast Music and Pre-graduate Seminars are offered in five per cent of the schools.

The rest of the courses offered by the colleges and universities were classified as "other courses." Approximately sixty-five of the schools offered courses in this category. These courses included such specialized offerings as: Radio Drama, Religious Radio, Special Events, Public Affairs Broadcasting, Sports Broadcasting, Women's Programs, Internships, International Broadcasting, Audio-visual Aspects of Television, Radio-Television Engineering, Radio-Television Audiences, Radio-Television Traffic, Independent Study, Contemporary Problems in Broadcasting, Special Broadcast Problems, Promotion and Public Relations, Television Programs, Radio-Television News Practice, Radio-Television Program Evaluation, Radio-Television Special Problems, Audience Measurement, Content Analysis and Radio-Television Newscasting.

Radio-television course work is offered in twelve different departments in the various colleges and universities. Speech departments are responsible for the broadcast curriculum in twenty-six of the seventy-nine schools reporting. There appears to be a movement, on the part of some colleges and universities, toward the establishment of separate Radio-Television departments; fifteen schools are in this group. Another movement currently under way is the consolidation of several departments into a School or Department of Communications. Eleven Schools of Communication offer a major in radio-television. Speech and Drama departments offer undergraduate degrees in radio-television in nine schools. The eight other

TABLE III
Radio-Television Undergraduate Course Offerings Classified by Department

| Courses | Speech | Radio-TV | Communi- | Speech-Drama | Speech & | Radio-TV- | Journalism | Drama | Speech-Radio | Radio-Journ. | Radio | Lang. Arts | Total Schools |
|-------------------------|------------------------------------|----------|------------------|--------------|-------------------|-------------|------------|-------|--------------|-----------------|-------|------------|---------------|
| | N=26 | N=15 | ications N=11 | N=9 | Journalism N=5 | Film N=3 | N=3 | N=2 | N=2 | Printing N=1 | N=1 | N=1 | N=79 |
| | Number of Schools Offering Courses | | | | | | | | | | | | |
| Intro. to RTV* | 25 | 13 | 10 | 8 | 5 | 3 | 3 | 2 | 2 | 1 | 1 | 1 | 74 |
| Law, Regulation | 8 | 7 | 7 | 1 | 2 | 2 | 1 | — | — | — | 1 | — | 29 |
| RTV in Education..... | 8 | 12 | 8 | 1 | 2 | 1 | — | — | — | — | — | — | 32 |
| Gen. Workshops | 8 | 9 | 7 | 3 | 3 | 1 | 1 | 1 | 1 | 1 | — | 1 | 36 |
| Station Mgmt. | 12 | 11 | 6 | 1 | 4 | 2 | 2 | 1 | 1 | 1 | — | 1 | 42 |
| RTV Advertising | 10 | 12 | 8 | 3 | 3 | 1 | 2 | 1 | 1 | — | 1 | — | 42 |
| Sales, Business | 2 | 5 | 3 | — | — | — | — | 1 | 1 | — | — | — | 12 |
| Research | 4 | 4 | 1 | 1 | 1 | 3 | — | 1 | — | — | — | — | 15 |
| Pro-Seminars | 1 | 1 | — | 1 | — | — | 1 | — | — | — | — | — | 4 |
| RTV Speech | 10 | 6 | 7 | 1 | 4 | 1 | 1 | 2 | — | — | — | — | 32 |
| RTV Announcing | 10 | 12 | 8 | 1 | 1 | 2 | 1 | 1 | 2 | 1 | 1 | 1 | 40 |
| RTV Performance | 9 | 8 | 7 | 3 | 3 | 1 | 2 | 2 | 1 | — | — | — | 36 |
| Intro. Studio Opn. | 7 | 7 | 4 | 3 | 1 | 1 | — | 2 | — | — | — | — | 26 |
| Radio Production | 24 | 14 | 11 | 9 | 5 | 3 | 3 | 2 | 1 | — | 1 | 1 | 72 |
| TV Production | 25 | 15 | 11 | 8 | 5 | 3 | 3 | 2 | 1 | — | — | 1 | 74 |
| Pract. Exp. Labs. | 7 | 9 | 6 | 3 | 3 | 1 | — | 2 | — | — | — | 1 | 32 |
| Gen. RTV Writing | 17 | 10 | 8 | 4 | 4 | 3 | 2 | — | 2 | — | 1 | 1 | 52 |
| Radio Writing | 10 | 6 | 4 | 2 | 1 | 1 | 1 | 1 | — | 1 | — | — | 27 |
| TV Writing | 7 | 7 | 6 | 2 | 1 | 2 | 1 | 2 | — | — | — | — | 28 |
| RTV Dram. Writing .. | 7 | 7 | 6 | 3 | 2 | 1 | 1 | 1 | — | — | — | — | 28 |
| RTV News Writing | 14 | 14 | 9 | 4 | 5 | 2 | 3 | 1 | 1 | — | — | — | 53 |
| Film for TV | 3 | 10 | 5 | 3 | 3 | 3 | — | 1 | 1 | — | 1 | — | 30 |
| TV Design, Art | 3 | 3 | 5 | 2 | 3 | 2 | — | — | — | — | — | — | 18 |
| Program Planning | 9 | 8 | 5 | — | 1 | 2 | 1 | 1 | 1 | — | — | — | 28 |
| Broadcast Music | 4 | 2 | 2 | — | — | — | — | 1 | — | — | — | — | 9 |
| Other | 13 | 13 | 6 | 3 | 4 | 3 | 2 | 1 | 2 | 2 | — | 1 | 51 |

*Also includes the areas of social aspects, criticism, aesthetics, history, etc.

department types represented are: five schools with Speech and Journalism departments both offering a degree, three Radio-Television-Film departments, three Journalism departments, one Radio-Journalism-Printing departments and one Division of Language Arts. In Table III the number of schools that offer courses in the twenty-four course classifications is summarized and reported by the departments in which the work is offered.

Table IV summarizes the number of schools offering radio-television courses by the course classifications under the five major areas or departments where the degree in broadcasting is granted. The percentage of schools offering a particular radio-television course under this classification of five major departments is also reported. The twelve departments were consolidated into the following:

a. Speech, including Speech, Language Arts and Speech-Radio departments.

b. Radio-Television, including Radio-Television, Radio, Radio-Television-Film departments.

c. Communications, including Communication departments or schools, as well as universities with Speech and Journalism departments both offering a degree.

d. Speech and Drama, including Speech-Drama and Drama departments.

e. Journalism, including Journalism and Radio-Journalism-Printing departments.

Table V lists the types and total number of radio-television courses offered in the various colleges and universities, classified according to size and whether the institutions were publicly or privately supported. This table is based upon a table giving the course offerings of each of the 79 schools. The longer table is available in duplicated form, and may be obtained from the author. Classification of courses was difficult in many instances. Schools were asked to report their course offerings under twenty-eight general categories and to "write in" courses that did not fit the given classifications. In some

TABLE IV
Number and Percentage of Courses Classified by Five Major Departments

| Courses | Speech N=29 | | Radio-TV N=19 | | Communic. N=16 | | Sp. & Drama N=11 | | Journ. N=4 | | Total N=79 | |
|--------------------|----------------|----|------------------|----|-------------------|-----|---------------------|----|---------------|-----|---------------|----|
| | No. | % | No. | % | No. | % | No. | % | No. | % | No. | % |
| Intro. to RTV* | 28 | 97 | 17 | 89 | 15 | 94 | 10 | 91 | 4 | 100 | 74 | 94 |
| Law, Regulation | 8 | 28 | 10 | 53 | 9 | 56 | 1 | 9 | 1 | 25 | 29 | 37 |
| RTV in Education | 8 | 28 | 13 | 68 | 10 | 63 | 1 | 9 | 0 | 0 | 32 | 41 |
| Gen. Workshops | 10 | 35 | 10 | 53 | 10 | 63 | 4 | 36 | 2 | 50 | 36 | 46 |
| Station Mgmt. | 14 | 48 | 13 | 68 | 10 | 63 | 2 | 18 | 3 | 75 | 42 | 53 |
| RTV Advertising | 11 | 38 | 14 | 74 | 11 | 69 | 4 | 36 | 2 | 50 | 42 | 53 |
| Sales, Business | 3 | 10 | 5 | 26 | 3 | 19 | 1 | 9 | 0 | 0 | 12 | 15 |
| Research | 4 | 13 | 8 | 42 | 2 | 13 | 1 | 9 | 0 | 0 | 15 | 19 |
| Pro-Seminars | 1 | 3 | 1 | 5 | 0 | 0 | 1 | 9 | 1 | 25 | 4 | 5 |
| RTV Speech | 10 | 35 | 7 | 37 | 11 | 69 | 3 | 27 | 1 | 25 | 32 | 41 |
| RTV Announcing | 13 | 45 | 14 | 74 | 9 | 56 | 2 | 18 | 2 | 50 | 40 | 50 |
| RTV Performance | 10 | 35 | 9 | 47 | 10 | 63 | 5 | 45 | 2 | 50 | 36 | 46 |
| Intro. Studio Opn. | 7 | 24 | 8 | 42 | 4 | 25 | 5 | 45 | 0 | 0 | 26 | 33 |
| Radio Production | 26 | 90 | 18 | 95 | 16 | 100 | 9 | 82 | 3 | 75 | 72 | 91 |
| TV Production | 27 | 93 | 18 | 95 | 16 | 100 | 10 | 91 | 3 | 75 | 74 | 94 |
| Pract. Exp. Labs. | 8 | 28 | 10 | 53 | 9 | 56 | 5 | 45 | 0 | 0 | 32 | 41 |
| Gen. RTV Writing | 20 | 69 | 14 | 74 | 12 | 75 | 4 | 36 | 2 | 50 | 52 | 66 |
| Radio Writing | 10 | 35 | 7 | 37 | 5 | 35 | 3 | 27 | 2 | 50 | 27 | 34 |
| TV Writing | 7 | 24 | 9 | 47 | 7 | 44 | 4 | 36 | 1 | 25 | 28 | 35 |
| RTV Dram. Writing | 7 | 24 | 8 | 42 | 8 | 50 | 4 | 36 | 1 | 25 | 28 | 35 |
| RTV News Writing | 15 | 52 | 16 | 84 | 14 | 88 | 5 | 45 | 3 | 75 | 53 | 67 |
| Films for TV | 4 | 13 | 14 | 74 | 8 | 50 | 4 | 36 | 0 | 0 | 30 | 38 |
| TV Design, Art | 3 | 10 | 5 | 26 | 8 | 50 | 2 | 18 | 0 | 0 | 18 | 23 |
| Program Planning | 10 | 35 | 10 | 53 | 6 | 38 | 1 | 9 | 1 | 25 | 28 | 35 |
| Broadcast Music | 4 | 13 | 2 | 11 | 2 | 13 | 1 | 9 | 0 | 0 | 9 | 11 |
| Other | 16 | 56 | 17 | 89 | 10 | 63 | 4 | 36 | 4 | 100 | 51 | 66 |

*Includes: Social aspects, criticism, aesthetics, history, etc.

cases the schools reported that their offering was more flexible than the form permitted, but they supplied information to the best of their ability. It is therefore probable that some courses were assigned to categories to which they did not ac-

TABLE V
Radio-Television Undergraduate Courses Classified by Size and Type of American Universities and Colleges

| Size of School: | Private Colleges | | | Public Colleges* | | Total N=79 |
|---------------------------------|-----------------------|-------------------------|-----------------------|-------------------------|-----------------------|---------------|
| | Under 1,500 N=4 | 1,500- 4,999 N=10 | Over 5,000 N=15 | 1,500- 4,999 N=12 | Over 5,000 N=33 | |
| Courses | Number of Courses | | | | | |
| Intro. to RTV** | 4 | 14 | 31 | 16 | 65 | 130 |
| Law, Regulation | 1 | 4 | 6 | 3 | 15 | 29 |
| RTV in Education | 1 | 2 | 10 | 5 | 23 | 41 |
| Gen. Workshops | 2 | 13 | 11 | 12 | 33 | 71 |
| Station Mgmt. | 2 | 4 | 12 | 4 | 27 | 49 |
| RTV Advertising | — | 5 | 12 | 3 | 30 | 50 |
| Sales, Business | 1 | — | 7 | 1 | 4 | 13 |
| Research | — | 1 | 4 | — | 16 | 21 |
| Pro-Seminars | — | — | — | 1 | 3 | 4 |
| RTV Speech | — | 1 | 7 | 6 | 23 | 37 |
| RTV Announcing | 2 | 8 | 18 | 5 | 25 | 58 |
| RTV Performance | 2 | 2 | 19 | 3 | 19 | 45 |
| Intro. Studio Opn. | 1 | 3 | 16 | 5 | 12 | 37 |
| Radio Production | 3 | 12 | 20 | 12½ | 51 | 98½ |
| TV Production | 3 | 11 | 26 | 15½ | 60 | 115½ |
| Pract. Exp. Labs. | 2 | 2 | 16 | 6 | 35 | 61 |
| Gen. RTV Writing | 2 | 8 | 12 | 7 | 30 | 59 |
| Radio Writing | 2 | 6 | 3 | 5 | 14 | 30 |
| TV Writing | 2 | 3 | 7 | 2 | 16 | 30 |
| RTV Dram. Writing .. | — | 6 | 10 | 2 | 18 | 36 |
| RTV News Writing .. | — | 6 | 20 | 9 | 52 | 87 |
| Film for TV | — | 2 | 19 | 1 | 24 | 46 |
| TV Design, Art | — | — | 4 | 3 | 19 | 26 |
| Program Planning | 1 | 3 | 10 | 1 | 16 | 31 |
| Broadcast Music | — | — | 2 | 2 | 5 | 9 |
| Other | 4 | 3 | 28 | 11 | 62 | 108 |
| Total | 35 | 119 | 330 | 141 | 697 | 1322 |
| Average No. of Courses | 8.8 | 11.9 | 22.0 | 11.8 | 21.1 | 16.7 |

*There were no public universities or colleges with fewer than 1,500 students among the 79 respondents.

**Includes the areas of social aspects, criticism, aesthetics, history, etc.

tually belong. As previously stated, classification was based on the majority use of the course title in describing the course offering of the school. The courses listed represent the radio-television curriculum for the 1958-59 school year of the seventy-nine colleges and universities offering a BA, BS, BJ, BFA or major emphasis or concentration in broadcasting. It should be noted that no public institution in this study had an enrollment below 1,500.

The range of radio-television course offerings varies from four, in the case of a small state university that offers a degree in speech with an emphasis in radio, to fifty-four at a large university offering a bachelors, masters and doctorate in one department and a bachelors and masters in another department. Special attention should be called to the fact that a large number of course offerings is the exception rather than the rule. Only eleven of the seventy-nine schools offer more than twenty-five radio-television courses. Over fifty per cent of the schools offer from ten to twenty courses.

In a majority of cases, the department granting the degree offers most of the broadcasting courses. Required courses offered by other departments (notably Business and Journalism) are generally in the areas of news, speech and advertising. Approximately ninety per cent of the schools provide study in both radio and television. Some five per cent have not yet added television to the curriculum, and the other five per cent tend to concentrate on television and film to the exclusion of radio. Recently, there appears to be some trend toward consolidation of course offerings, with most expansion being in the area of television.

In that minority of schools where the "practical" approach to broadcast education is subscribed to, the radio-television department tends to require students to take all of the offered radio-television courses. At those schools where the "liberal-professional" philosophy is practiced, broadcasting students are required to take a core of from five to eight specific courses and may elect the rest of the broadcast course offerings along with other liberal arts, fine arts, business, and other courses.

The type of radio-television courses offered ranged from ninety per cent "formal" (lecture, discussion, quiz) and ten per cent "combination" (lecture with laboratory sessions) to one hundred per cent "combination". For the seventy-nine schools, the figures were: "formal" 35%, "laboratory" 10%, and "combination" 55%.

As stated earlier, the purpose of this study was to report on the extent and range of course offerings, not to consider the curricular balance of radio-television courses in American colleges and universities. A supply of the detailed report on which this article is based is available from the author for those interested in considering the subject further.

APBE INDIVIDUAL MEMBERSHIPS

At their October meeting, the Board of Directors of the Association for Professional Broadcasting Education approved the recommendation that a class of individual memberships in APBE be instituted, effective immediately. Individual membership shall consist of those individuals who have a concern for professional broadcasting education, as teacher, professional worker or student. Individual members will receive a subscription to the *JOURNAL OF BROADCASTING* and copies of the member newsletter, *Feedback*. In addition they will be able to attend the annual meeting of APBE and the NAB regional meetings as well as open sessions and exhibits of the NAB Annual Convention. Individual memberships will not carry with them the right to attend NAB closed sessions or receive NAB membership materials.

Annual dues of \$7.50 for Individual Membership in APBE include a subscription to the *JOURNAL OF BROADCASTING* at the rate of \$5.00 per year. Further information and application forms may be secured from the Executive Secretary of APBE, Fred Garrigou, 1771 N St., N.W., Washington 6, D.C.

A CLOSER LOOK AT THE NON-TELEVISION HOUSEHOLD

By Bruce H. Westley and Joseph B. Mobius

The growth in percentage of American homes with television over the past dozen years has outstripped even the adjectives used to describe the phenomenon. Although the period of greatest growth was between 1950 and 1955, the proportion of U.S. homes with television has climbed from two out of every three in June of 1955 to nine out of ten today.

The non-television owner has become something of a rare bird, not necessarily needing sanctuary, but certainly worthy of study. At the time this research was performed, the Census Bureau reported 85% set ownership in the sample area (a figure

in excellent agreement with findings in the present study).

This study was financed in part by a grant-in-aid from the National Educational Television and Radio Center. Field work was conducted by students of Professor Ralph O. Nafziger. Dr. Richard F. Carter, now of Stanford University, also contributed to the study.

Dr. Westley is Associate Professor of Journalism at the University of Wisconsin, and Research Coordinator of the Television Laboratory. Mr. Mobius is a project assistant in the Laboratory and a graduate student in Mass Communications at Wisconsin.

NOW that just about every nook and cranny of the United States is served by television, it is more or less assumed that everyone has at least one set, except possibly for an occasional crank or indigent. Of course this is not the case at all and in any community it would be possible to find a substantial number of non-television households.

What kinds of people have held out against television and for what reasons? Actually there exists very little evidence on this subject. A better-than-usual opportunity to study this situation was presented in connection with a study of the audience for educational television carried out by the senior author and his associates in the School of Journalism and the Television Laboratory at the University of Wisconsin. It was better than usual because the study was based on approximately 800 interviews. This meant enough instances of non-television-owning homes to permit a close examination of their characteristics.

The study was conducted in Madison, Wisconsin, and two

suburbs. Of course the distributions of characteristics, such as income, occupation, organized activity, etc., and for that matter of the dependent variable itself—television owning—are not typical of those in other communities. However it is the *relationships between characteristics* that interest us here, and there is no reason to expect that these relationships are substantially different from one community to another within a single culture.

Some of these relationships have been explored in other studies, even national studies. The particular advantage in the data of this study, even though based on a single community, is in the fact that a large number of relationships can be explored simultaneously.

METHOD

The data reported here are based on a sample survey made in the spring and early summer of 1957. A probability sample was drawn from street listings of a current city directory with provision to avoid clustering. The sample proved to be unrepresentative in one important respect—women were oversampled. A check with census data for the city indicated that there were only small discrepancies between sample and universe in age and education. The only other significant discrepancy was that the lowest educational group was under-sampled and high school graduates were oversampled. However, the data in the present report concern households, rather than individuals; hence this defect should not influence results. A complete account of the survey methods and the complete questionnaire and code may be found in a previously published report.¹

Although the purpose of the study was to examine attitudes toward educational television and ETV viewing behavior—and to study their relationship to other characteristics of homes and individual respondents—the general television questions were posed before the interviewer made any mention of educational television. Thus there should be no “response set” involved as a result of the general nature of the study.

The interviewers received four hours of training and a

large part of the field work was done by professional survey interviewers.

In some respects the community is an especially fortunate choice for such a study. At the time, Madison had three commercial television stations—one VHF and two UHF— one UHF educational TV station, and six radio stations, of which five are commercial and one educational. Of the five, one is AM only, one is FM only, and three are AM and FM. There are two daily newspapers, one morning and one evening. Milwaukee and Chicago radio and newspapers enter the city heavily; Milwaukee and Rockford, Ill. television are also seen.

If such competitive diversity is not typical, at least it means a rather ideal situation for the study of mass media audiences, since all media are so vigorously represented.

RESULTS

Of the 798 households for which data were obtained, 112, or 14%, did not have television sets. Table I shows the relationship between not having TV and 13 other characteristics, together with data on statistical significance based on the "chi-square" statistic, which indicates the probability that such values could have occurred by chance.² Except as otherwise indicated, the chi-square values are given for the entire table; for example, the entire array of income categories in relation to having and not having TV shows a total X^2 of 42.38,

TABLE I
Characteristics of Non-Television Households

| | Percent Non-TV | X^2 | df | $p <$ |
|---------------------------------|-------------------|-------|----|-------|
| TOTAL SAMPLE (798) ¹ | 14.0 | | | |
| Sex of Respondent ² | | 1.54 | 1 | n.s. |
| M (278) ³ | 15.1 | | | |
| F (517) | 13.3 | | | |
| Education of Chief Wage Earner | | 31.59 | 4 | .001 |
| Less than high school (206) | 15.0 | | | |
| High school (235) | 8.1 | | | |
| Some college (137) | 11.7 | | | |
| College graduate (137) | 11.0 | | | |
| Beyond college (106) | 30.2 | | | |

| | Percent Non-TV | χ^2 | df | $p <$ |
|---|-------------------|----------|----------------|-------|
| Income of Chief Wage Earner | | 42.38 | 3 | .001 |
| Less than \$4,000 (233) | 26.6 | | | |
| \$4,000 to \$4,999 (261) | 9.2 | | | |
| \$5,000 to \$7,999 (145) | 9.0 | | | |
| \$8,000 and up (102) | 6.9 | | | |
| Occupation of Chief Wage Earner | | 17.95 | 5 | .01 |
| Professional (117) | 16.2 | | | |
| Manager, proprietor (113) | 3.5 | | | |
| Clerical, sales (146) | 13.0 | | | |
| Skilled worker (108) | 8.3 | | | |
| Semi-skilled worker (84) | 6.0 | | | |
| Unskilled, service, domestic (125) | 17.6 | | | |
| "White Collar" vs. "Blue Collar" ⁴ | | *5 | 1 | n.s. |
| White (376) | 11.2 | | | |
| Blue (317) | 11.4 | | | |
| Number of Adults in Household | | 25.80 | 2 | .001 |
| One (97) | 30.9 | | | |
| Two (575) | 11.5 | | | |
| More than two (125) | 12.8 | | | |
| Number of Children in Household Aged 5-15 | | 34.56 | 2 | .001 |
| None (526) | 18.6 | | | |
| One (112) | 5.4 | | | |
| More than one (137) | 2.5 | | | |
| Number of Family Organizational Affiliations | | 8.45 | 4 | .05 |
| None (247) | 19.0 | | | |
| One (160) | 13.1 | | | |
| Two (151) | 10.6 | | | |
| Three (118) | 13.6 | | | |
| Four or more (122) | 9.8 | | | |
| Types of Organizations | | 13.69 | 4 ⁶ | .01 |
| Professional (125) ⁷ | 21.6 | | | |
| Hobby, sports (127) | 14.2 | | | |
| Church (375) | 12.5 | | | |
| Fraternal, social (354) | 11.0 | | | |
| Public affairs (231) | 9.1 | | | |
| Veterans, patriotic (57) | 10.5 | | | |
| Trade union (74) | 6.8 | | | |
| Business (71) | 1.4 | | | |
| Number of Magazines in Household | | 20.68 | 4 | .001 |
| None (121) | 21.5 | | | |
| One (59) | 32.0 | | | |
| Two (103) | 19.4 | | | |
| Three (147) | 15.0 | | | |
| Four (132) | 9.1 | | | |
| Five or more (236) | 8.0 | | | |
| Kinds of Magazines | | 64.84 | 7 | .001 |
| Professional (89) ⁷ | 30.3 | | | |
| News and opinion (340) | 15.9 | | | |

| | Percent Non-TV | χ^2 | df | p < |
|--|-------------------|----------|----|------|
| Travel (80) | 15.0 | | | |
| Religious (93) | 14.0 | | | |
| Lowbrow fiction (70) | 11.4 | | | |
| General (707) | 8.2 | | | |
| Middlebrow fiction (577) | 7.3 | | | |
| All others (939) | 10.1 | | | |
| Preferred Medium for News ^a | | | | |
| Newspaper first choice (406) | 12.3 | 1.99 | 1 | n.s. |
| (All others) (355) | 15.8 | | | |
| Radio first choice (190) | 25.3 | 27.81 | 1 | .001 |
| (All others) (571) | 10.2 | | | |
| Newspaper mentioned (681) | 12.8 | 5.37 | 1 | .05 |
| (Newspaper not mentioned) (115) | 20.9 | | | |
| Radio mentioned (513) | 18.5 | 25.17 | 1 | .001 |
| (Radio not mentioned) (283) | 5.7 | | | |
| Attitude Toward Educational TV | | | | |
| | | * | 1 | n.s. |
| Favorable, neutral but friendly (531) | 13.3 | | | |
| Unfavorable, indifferent (262) | 14.1 | | | |
| Daily Educational Radio Listening | | | | |
| | | 37.17 | 2 | .001 |
| None (315) | 6.3 | | | |
| Less than one hour (295) | 16.3 | | | |
| One hour or more (161) | 26.7 | | | |

¹Total sample was 800; two were not ascertained (TV, no TV).

²Irrelevant, of course, but shown as a check on interviewer error.

³Although probability sampling procedures were followed, men were undersampled to a highly significant degree (.001). This should have no effect on these data, since they are for households.

⁴Professional, manager-proprietor, clerical-sales vs. remainder.

⁵Less than 1.0.

⁶Omitting small-cell frequencies ($E < 10$): Business, veterans-patriotic, trade union.

⁷Total frequencies exceed total respondents: multiple entries per household.

⁸Respondents were asked two questions: all media used and the single medium most preferred.

which (at 4 degrees of freedom) is beyond the .001 level. (Such large discrepancies could occur by chance only once in a thousand.) The direction and consistency of the trend may be seen in the percentage figures themselves. For example the relationship between having TV and income of the chief wage earner is a consistently negative one, although it is most marked in the lowest income group.

The number in parentheses is the number of households in that category. Where the total is less than 798, the differ-

ence is due to the information not being ascertained for certain households.

The data on sex of respondents support the contention that there was no significant response bias owing to the fact that too many of our respondents were women.

SOCIO-ECONOMIC STATUS

Considering first those variables generally regarded as indices of "socio-economic status," it was found that generally persons of higher status tend to have higher education, to have more income, to have certain kinds of occupations, to be more active in voluntary groups in the community, and to choose certain kinds of voluntary groups over others.

What should be expected in the way of a relationship between status and TV owning? Should it be a positive relationship on the grounds that TV more readily is available only to higher status people? Or should it be considered a relatively inexpensive status symbol that the status-deprived would seek more avidly than those confident of their status? Or is TV a *negative* status symbol?

What was found was a negative relationship between having TV and income, a curvilinear negatively-accelerated relationship between having TV and education, a similar relationship between having TV and occupational level, and a generally negative relationship between having TV and activity in voluntary associations.

As to income, the relationship is consistent but very moderate through most of the range of incomes, but very marked at the lowest income level. Thus the popular notion that having TV is a low-status characteristic—and especially the notion that TV is even more prevalent at low income levels—is once again rejected. Some people can't afford and therefore don't have television.³

Perhaps the most interesting relationship is the curvilinear one between education of the chief wage earner and having or not having TV. The more education the *less* likely that you will find TV in the home, except that the lowest education category is also less likely to have television. This latter

datum probably reflects what has just been seen—that the lowest income group is somewhat less likely to have television. It might also reflect the fact that this group tends to be older.

Yet the most striking departure is at the other extreme. Families headed by persons whose education carried them beyond college graduation are the most likely of all to be *without* television, and this difference is highly significant.⁴ It would appear that it is the “professional class” that is most likely to reject television.

There is considerable support for this idea in the data on occupations. Here again is seen a relationship that is quite strong but by no means linear. The unskilled, service and domestic workers, who presumably are also among those with the least income, are shown to be less likely to have television than blue-collar workers of higher skill. Although all occupational groups are more likely to have television than not, the professional is a little more likely than others to be doing without TV.

But it is in the top two categories that the most striking contrast is seen. Whereas 96.5% of managers and proprietors have television this is true of only 83.8% of professionals.⁵

Another striking fact is that when these categories are combined into a comparison of white-collar with blue-collar occupations, there is no difference whatever in the likelihood of having television. Having TV or not having it does not appear to be a status characteristic at all. Perhaps the hypothesis should be a revised to say that persons who can afford it and who have no intellectual scruples about it are the ones who are most likely to have television.

FAMILY COMPOSITION

Family composition, on the other hand, appears to be strongly related to the dependent variable. In the first place families with no children in the 5-15 age category are much less likely to have TV than those with school-age children. In addition there is a small but consistent positive relationship between having TV and the number of adults in the household⁶. The highest TV figure in the entire study is the one

for families with more than one child; regardless of socio-economic status or other matters, these families are 97.5% television-owning.

Perhaps more surprising is the fact that the one-adult household is so much less likely to have TV. We suspect this may again be an artifact of age—the elderly widow or widower who does without TV for financial or other reasons. At any rate it should be noted that it is the two-adult household that is most likely to have TV. Thus one of the strongest determinants of having TV or not is family composition, with the family with more than one child the most likely to have it.

ORGANIZATIONAL ACTIVITY

There is obviously something more here than family composition and status. The data on the family's voluntary group activity was based upon a question concerning the names of all the organizations in which members of the family were "active." In the study from which these data were drawn, it was found that this attribute was one of the best predictors of educational television viewing. This was not altogether expected, since it might be reasonable to believe that the socially more active families would be less likely than others to find time for educational television.

Here we find a moderately strong and fairly consistent tendency for the organizationally active families to have TV. This is almost entirely owing, however, to the tendency of families who can name *no* voluntary group activities to be without TV. Now that the status hypothesis has been abandoned, this is not easy to explain.

When considering the types of organizations mentioned, we find a repetition of something already seen—that professionals are the least likely and business men the most likely to have TV. Evidently trade union members are a little more likely to have TV, too, regardless of their position on the economic scale.

COMMUNICATIONS BEHAVIOR

The rest of the data in the table largely concerns at-

tributes that may be termed "communications behavior." Here some of the most striking differences are to be found.

Persons who do not have magazines in the household at all, or decline to mention the ones they have—and many more "pulp" are sold than turn up in surveys like this—are significantly less likely to have television than persons who have magazines. But beyond that point, having more magazines means a steadily increasing likelihood that TV is owned. It is noteworthy that this is curvilinear, too—the one-magazine family is significantly less likely to have TV than the family without magazines. The reason might be economic, of course. Or it might be a matter of insularity—the person without magazines and without organized affiliations is also less likely to have TV. In any case it is clear that magazines and activities do not *compete* with TV for the time and attention of reader-viewer-members.

However when considering types of magazines in the household, another manifestation of something seen before is found. Professionals—persons who get professional and technical publications—are relatively unlikely to have TV. Persons who get general and "middlebrow" mass-circulation magazines such as *Life*, *Saturday Evening Post*, etc., are more likely to have TV. This suggests that those who seek popular entertainment in one medium are also likely to seek it in others.

The remaining comparisons suggest systematic differences between TV and non-TV respondents in the use of the other media. These do not suggest a bias against electronic media: non-TV respondents are more likely to favor radio as a source of news and less likely to mention the newspaper as a source of news⁷. And, although they are no more likely to express favorable attitudes toward educational television, they are—at a highly significant level—more likely to be in the audience for educational radio.

SUMMARY

This study examined the characteristics of television and non-television households in one community, using a sample survey of approximately 800 interviews.

It found evidence that the non-television household is likely to be found at both extremes of the socio-economic scale—persons of low income and persons of the professional class. No difference was found in television owning between white-collar and blue-collar families. However a highly significant negative relationship was found between income and television owning.

The most striking status differences were found at the upper end of the scale: professionals are most likely and businessmen least likely to be without television.

Families without school-age children and one-adult families were also found to be significantly less likely than others to have television.

There is evidently no suggestion of a bias against non-print media among non-TV owners, since they are more likely to prefer radio as a source of news and more likely to be in the educational radio audience.

FOOTNOTES

¹Westley, Bruce H., *Attitudes toward educational television*, Research Bulletin No. 10, University of Wisconsin Television Laboratory, 1958. Especially Appendix A, "Survey Procedures," Appendix B, "The Interview Schedule," and Appendix C, "The Final Code."

²Correction for discontinuity was applied wherever expected values fell below 10. (See Quinn McNemar, *Psychological Statistics*. New York: Wiley, 1949.)

³Could the fact that there are many student heads of households in Madison be affecting this result? This does not appear to be the case. Households headed by students not otherwise employed were lumped into an "unemployed" category, which was omitted from the table because one cell was below the required expected value of 5. For what it is worth, this category was 39.2% non-television, by far the highest proportion in the study. However the entire category had an N of only 51. If these respondents were largely in the under-\$4,000 income category, this might have contributed a little but only a little to the high proportion of non-TV households in that category.

⁴It is unusual to have more than 100 respondents in the beyond-college cell. The difference between this group and the college-graduate group yields a chi-square value of 11.47, which is significant at beyond the .001 level. The difference between the high school and less-than-high-school groups is significant at .05.

⁵Only about 26% of the professionals in the sample are University of Wisconsin faculty members. This proportion is not large enough to account for much of this difference.

⁶The difference between families of one child and more than one is not quite significant at .05 when correction for continuity is applied.

⁷Separate questions determined the respondent's first choice of news media (Which of these media . . . would you say you *depend on most* for the news?) and all media used (where do you ordinarily get your information about news of day-to-day events?).

THE NATURE OF THE BROADCAST RECEIVER AND ITS MARKET IN THE UNITED STATES FROM 1922 TO 1927

By Leslie J. Page, Jr.

It is unfortunate that only a small amount of the history of broadcasting is in written form. This could be remedied if two sources—mortal memories and obscure memoranda and periodicals—were mined to the utmost. Mr. Page, a graduate student at the University of North Carolina, presents a study of the home radio receiver—the instrument that created the broadcast

ing industry. Mr. Page's research is doubly encouraging as a sign of renewed interest in broadcasting's early history. With the exception of such items as the FTC 1924 Report on The Radio Industry and articles in business magazines at infrequent intervals, it stands almost alone as a study of the broadcast receiver.

“There probably has never been a scientific development that was as quickly translated into popular use as was radio broadcasting.”

—Judge Stephen B. Davis, 1927

PROBLEMS in transmission interference and the associated difficulties of broadcasting in the United States in the 1920's during the “period of confusion” have become a relatively well known phase of the history of broadcasting in this country. In spite of these problems, enthusiastic public interest in radio contributed to an abnormal growth of the receiver industry which added confusion to an already complex picture in the early years of broadcasting.

This increased popularity of radio in the early 1920's was accompanied by the sudden appearance of a large number of radio receiver manufacturing concerns destined to play an important part in the development of the receiver market in these formative years. Many of these companies were characterized by unethical operation which was seen by many as being a more serious threat to the future of broadcasting than station interference.

A statement by H. J. Kentner of the Better Business Bureau of New York partially indicates the extent of unsavory practices by manufacturers in 1922:

This gentry [professional promoters] moved by the scores and hundreds into the radio field, organized companies and began campaigns for funds . . . descending upon the public with small, select armies of hair-trigger salesmen and with advertising of the "do-it-now" balhoo type.¹

The seriousness of the situation had been recognized in an address made on July 26, 1922 at Washington where a meeting of radio manufacturers had been called to set up a National Radio Chamber of Commerce. Dr. L. duPlessus Clements spoke for Secretary of Commerce Hoover and urged manufacturers of wireless equipment to coordinate their various fields of activity.² With the organization of the National Radio Chamber of Commerce (not to be confused with the N.A.B.) steps were taken to prevent further injury to the receiver market caused by unscrupulous manufacturers. The organization had as its purpose the function of serving as mediator for manufacturer, broadcaster, and receiver owner. It was aimed at including all manufacturers and broadcasters under regional chambers of commerce with activities coordinated by a national headquarters in New York. The president, W. H. Davis, expressed a criticism that has been heard repeatedly by broadcasters since 1923:

. . . the broadcasting of the trivial and the valueless have injured the business and unless remedied may ruin it.³

Another group in a position to deal more directly with the buyers of receivers was the department store owners. Through their organization, The National Dry Goods Association, a meeting was called that was attended by representatives of five hundred department stores. Lew Hohn, managing director of the association said:

Department store officials believe that they are essential to the full development of this trade, and are eager to establish broadcasting stations. The department store men want to make sure that only first-grade radio equipment is put on the market, so that, for example, a man will not spend \$25.00 for a receiving set that he thinks will take messages from 200 miles away and then find that it will only cover 15 or 20 miles. As is natural in any boom business, inferior goods are being distributed

in many cases, but the manufacturers are ready to cooperate in remedying the situation.⁴

In the summer of 1923 one New York department store, Gimble Brothers, purchased from the Radio Corporation of America 20,000 Radiola R. C. receiving sets made by Westinghouse. The value of these sets was not disclosed but at the current nationally established list price the purchase was at least \$3,000,000. An indication of the rise in receiver use is found in increases in market value and number of sets sold for representative years. H. L. Jome quotes a survey made of the radio industry that placed the total value, excluding tubes sold separately, at \$43,460,676.00 in 1923. He further cites the Radio Manufacturers Association's claim that ". . . the 1924 production of radio is approximately \$400,000,000."⁵

How did the prospective buyer fit into the scheme of things at this point? As the receiver became big business, he could purchase an inexpensive set with a built-in crystal detector capable of receiving a continuous wave signal from a distance of about 100 miles or radio-phone signals 25 miles or less from the sending station. Far superior to these crystal sets were the vacuum tube detectors which required the use of two separate batteries, one each for filament voltage and plate current. These "A" and "B" voltages required critical adjustment when supplying current to the receiver's tubes. One of radio's earliest popular chroniclers, Austin C. Les-carboursa, indicates that reception was never a matter of simply turning on the set and sitting back to listen.

The radio amateur soon learns to arrange and rearrange his receiving equipment until he obtains the best results—if he is ever satisfied.⁶

In New York, Gimble's was making it relatively easy for a set to be placed in the average living room. On May 5, 1925, the store began a sale of Freed-Eisemann Neutrodyne five tube receivers for \$98.75 with a down payment of \$15.00. This price included, in addition to the receiver, one "Prest-O-Lite" "A" battery of 90 amperes, two 45 volt "B" batteries, one phone plug, a complete antenna outfit, five vacuum tubes, and a choice of loudspeaker. The entire fifth floor of the store was given over the sale and on the opening day 240 clerks

sold 5,300 receivers. The sale was continued the next day with one change—closing time was 9 p.m. instead of midnight as on the first day.⁷

By May, 1925, 566 stations were broadcasting in the United States and its possessions and the *New York Times* of May 10th carried a story that gave a fairly reliable estimate of new receivers in operation.

The sales manager of one of the largest radio corporations estimates at least 300,000 receiving sets have been placed on the market at reduced prices since April 1. The low prices are attributed to overproduction.⁸

The uncertainties that faced the buyer of a radio receiver had been lessened by mid 1925. Although sales continued to grow, the rate of increase appeared to be much more stable. At the end of 1924 approximately 2,500,000 broadcast receivers were in use in the United States.⁹

Since winter weather conditions were most favorable for good reception, receiver sales usually increased in the fall. This trend was emphasized quite graphically in September of 1925 when receiver manufacturers set the pace for the country by holding two radio shows in New York City. The purpose of these exhibits was to promote the sale of sets and to show off new developments and styles. The 1925 radio shows provide a means of comparison of the sets of that period with earlier receivers as well as a measure of the maturity in development and use of receivers at the mid point of the 1920's.

Orrin E. Dunlap, Jr., then Radio Editor of the *New York Times*, pointed out that even though sets showed an improvement in physical appearance and simplified operation, there was nothing to be found that might be termed absolutely revolutionary. One feature that did create more than a passing interest was improvement in loud speaker design which was to result in increased use of boxed and cone type reproducers as opposed to the goose-neck horn.

From the beginning, receivers were either crystal sets or battery operated. However, attempts at production of a receiver using ordinary house current had continued and the

1925 shows did exhibit a few sets that enabled the buyer to dispense with the bulky batteries and their accompanying wires, acid, and general inconvenience. These sets were not seen, however, as offering any real competition to the battery operated sets.

Notwithstanding the progress made in meeting the problem of utilizing alternating house current in operation of radio receivers, there is no immediate sign that either storage or dry batteries are likely to be displaced to a very large extent. Some of the larger radio manufacturers, who have been developing radio receivers which will dispense with batteries, will this year for the first time place sets on alternating current. . . . These sets, however, are necessarily in the higher-price range, and are not likely to take the place of the popular battery sets.¹⁰

These predictions regarding the development of sets using alternating house current were not borne out. The following year as early as January, a set selling for \$250.00 was put on the market by the MacLaren Manufacturing Company of New York. It used either AC or DC house current and had a built-in speaker.

Prior to 1925 the receivers had been designed primarily to amplify the signal as loud as was possible in order to get distant stations. Little thought had been given to tone quality or to appearance of the set. They had been very utilitarian in appearance, they required the use of a number of wires leading out from the cabinet to the batteries and various other parts such as the coils and condensers used to increase volume. The 1925 shows were presenting receivers that had a neater appearance. As one reporter of the events at the show put it: "Radio at the shows this year resembles a furniture display so much as it does an electrical exhibit."¹¹ The receivers were being advertised as appealing to an entire family, not only to the operator who must know how to manipulate all the knobs and controls necessary to tune the receiver; not unlike early television set operation.

The 1926 radio audience was estimated at 20,000,000 by *Radio Retailing* in a survey of manufacturers' sales. Their findings showed that:

The number of receivers in use is calculated at 5,000,000. The total retail value of radio equipment sold during 1925 is placed at \$450,000,000. There are approximately 2,000 radio manufacturers, 1,000 radio jobbers, 31,000 radio retailers.¹²

The initial cost of the average 1926 receiver was \$80.00, according to the findings of *Radio Retailing* which was reportedly based on a complete listing of all sets on the market. The results of this survey as reported in the *New York Times* also gave the average receiver five tubes, two stages of radio frequency, detector and two stages of audio frequency. By 1926 most of the tuning controls had been reduced to two. Earlier sets had used a voltage control knob for each tube. The average sale per customer was based on reports of five radio stores that were said to be representative. This credited the average sale at \$95.00 as compared with similar reports of \$51.88 in 1924 and \$16.22 in 1923.¹³

Unethical practices in marketing receivers and parts that had characterized the 1923 and 1924 periods had, by 1926, been largely overcome. Many of the marginal manufacturers had been weeded out as was predicted in 1925. However, some malpractices still faced the prospective receiver buyer. An example of one type of subtle practice engaged in by manufacturers is recorded by the Federal Trade Commission regarding false or misleading advertising. An un-named company was distributing in interstate commerce sets equipped with cabinets advertised as "Beautifully finished mahogany" and "Built with mahogany legs."

. . . when in truth and in fact the said cabinets, described as above, were not manufactured of mahogany but were manufactured of a wood or woods other than mahogany, finished to simulate mahogany.¹⁴

Practices such as this were counteracted by various means. In New York, Manhattan radio stores were trying to create a sense of responsibility and good practice in merchandising. They banded together to emphasize their methods and to stress their ". . . money back guarantees and the reliability of the apparatus they sell."¹⁵ A week later a similar plan was adopted by Chicago dealers.

Some manufacturers who appeared to be in sound financial condition judging from their activity in the market, were forced to pass from the scene. One of these, the Music Master Corporation, went into the hands of temporary receivership. Its directors "admitted its insolvency, giving 'general depression' in the radio industry as the cause." The same fate was in store for the Thermiodyne Radio Corporation which filed a petition in bankruptcy in the spring of 1926.

The early 20's had seen the sale of receiver parts in nearly every sort of establishment.¹⁶ By 1925 these marginal dealers had given way to exclusive radio stores and as the market became more stable the final months of 1926 seemed to mark a new tendency in retailing. The summer slump in sales provoked a prediction for the future of radio stores by J. W. Griffin, president of a New York and Chicago radio retail organization. He said that stores selling radio sets exclusively would be a thing of the past "within a year or two."

This is true because during the last three years the seasonal nature of radio has become more and more marked. The radio business as business probably begins about Columbus Day, October 12, and it is pretty nearly all finished by St. Patrick's Day, March 17.¹⁷

Receiver sales began to rise in August of 1926 in keeping with the pattern that had been found in the preceding three years. The buyer and the dealer were apparently pleased with the merchandise for the coming 1927 season. It would appear that the summer of 1926 was a period of re-evaluation of receivers and their place as a commodity on the open market. Marginal manufacturers had been dropped and the industry was facing an era of stabilization. Sets had become much more standard in operation and in parts used. Manufacturers were still trying to bring down the cost of receivers that used regular house current and the over-all trend seemed to be toward greater prosperity for the industry and greater benefits for the buyer.

The tendency in set design at this point in their development was towards console models with indoor loop antennas. Most of them were not yet equipped with built-in loudspeakers. Service departments of radio dealers were finding that

accessories such as batteries, tubes, and corroded connections at the antenna, were giving owners more trouble than the sets themselves.

The sixth season of broadcasting found that receiver manufacturers still in business had come into a period of leveling-off. During 1926 a total of 6,500,000 sets had been in use in the United States and the 1926 expenditures were said to be \$506,000,000 by *Radio Retailing*. The owners of receivers had spent \$1,490,000,000 for their sets from 1922 through 1926. By 1927 there had been a 24% radio saturation in the country and 29,000 retailers were selling sets supplied by 2,550 manufacturers through 985 wholesalers and distributors.¹⁸

With the establishment of the first network in 1926 and rapid technical improvements in transmission and receiving apparatus after 1927, the latter year marks the beginning of the broadcasting era and the end of a period of severe growing pains which were felt by the general public as well as the industry. This five year period witnessed the change in receivers from battery operated sets built with a complex assortment of components from numerous manufacturers to receivers largely standardized in construction and price. Broadcasting receivers had emerged from a public novelty to an indispensable utility.

FOOTNOTES

¹H. J. Kentner, "Ride to Riches With Radio; Some Get Rich Quick Schemes That Are All Bull and A Yard Wide," *Radio Broadcast*, II (March, 1923), p. 398.

²*New York Times*, July 27, 1922.

³*Ibid.*, January 28, 1923.

⁴*Ibid.*, April 19, 1922.

⁵Hiram L. Jome, *Economics of the Radio Industry*, New York; A. W. Shaw Co., 1925, pp. 74-75.

⁶Austin C. Lescarbourea, *Radio for Everybody*, New York: Munn & Co., 1922, p. 131.

⁷*New York Times*, May 7, 1925.

⁸*Ibid.*, May 10, 1925.

⁹*Ibid.*, June 29, 1925.

¹⁰*Ibid.*, September 13, 1925. This issue devoted sixteen pages to the shows.

¹¹*Ibid.*

¹²*Ibid.*, February 14, 1926.

¹³*Ibid.*

¹⁴Quoted in U.S. Federal Trade Commission, *Federal Trade Commission Decisions*, XI (November 5, 1926 to January 29, 1928), p. 537. This bears a striking resemblance to a statement regarding misleading or confusing advertising of television console finishes in *Consumer Reports*, Vol. 24, No. 12, (December, 1959), pp. 628-629.

¹⁵*New York Times*, March 14, 1926. "A new association of radio dealers has been formed in Chicago to promote and uphold ethical standards of the trade." (*New York Times*, March 21, 1926.)

¹⁶A. Henry, "Merchandising Radio," *Radio Broadcast*, I (May, 1922), pp. 82-86. Henry points out that parts can be bought in hardware stores and drugstores. In his *Economics of the Radio Industry* H. L. Jome mentions that "Every little village and hamlet has its dealer in radio, be it electrical shop, furniture store, or restaurant." (p. 73).

¹⁷*New York Times*, May 16, 1926.

¹⁸*Ibid.*, January 9, 1927.

"In 1928 we were watching it grow.

And in 1950 the radio art will have influenced this whole people for more than thirty years, breaking down their distance barriers, making all the world their neighbor, carrying the electric word from coast to coast and nation to nation . . . promoting understanding, sympathy, peace . . .

It will have played its part in the development of music as the cinema, the camera, the color plate, the lithograph, have played theirs in the development of the graphic arts . . . it will have endowed the musician, created demand for his effort . . .

It will have played its part in education, and in business, and in happiness. . . ."

—Paul Schubert's conclusion to his book "*The Electric Word: the Rise of Radio*," Macmillan, 1928.

BOOKS IN REVIEW

THE IMAGE INDUSTRIES: A CONSTRUCTIVE ANALYSIS OF FILMS AND TELEVISION. By William F. Lynch, S.J. New York: Sheed & Ward, 1959. 159 pp. \$3.50.

A Jesuit priest, author, professor of literature and philosophy takes a critical but positive look at American mass media. This cordial, sympathetic appraisal of films and television analyzes the media constructively from the aspect of artistic integrity and fundamental human issues.

Mediocrity in themes and in their creative development, says the author, can be a more insidious thing—more deleterious to the national spirit and character—than the depicting of outright moral failures. The “present substantially miserable situation of our mass media” is rooted in their addiction to fantasy rather than reality, to flatness and a lack of truly deep sensibility, to clichés and fixations which smother genuine artistic freedom, and to the “magnificent imagination” which dotes on colossal extravaganzas. This situation can be remedied only by the harmonious collaboration of artists, critics, and theologians (of all people!). With mutual understanding each can contribute from his own sphere something positive to the mass media arts. This something positive involves an undistorted, integral understanding of human reality—of the “profound nature of the human soul and of its reactions to reality” all around it.

The author of this book would agree with Wilbur Schramm (*Responsibility in Mass Communication*) that no single group or agency can succeed in working for a fuller human world of beauty and sensibility in mass media; such controlling direction has never come from anything less than thousands of indeterminate forces. Central among these forces are: the writers and production artists, the competent critics, the creative theologians and the creative mind in general, the universities, and the “pervasive reality of the people themselves” including their human nature. In the pluralistic society these are the central groups to be called upon to perform this serious task of upgrading the quality of mass media products.

Father Lynch's theme is that the “worried moralist” should not be called in more and more to judge by way of intervention in the artistic process, but rather the artist himself must be fully free to develop his creative themes which provide perceptive insights into human thought and feeling and activity. The question here considered is the crucial role of good art on the grounds of superior workmanship, apart from any moral or didactic purpose. The artist's integrity, soundness, and judgment in the discovery and re-creation of reality is crucial if art is to

provide a true, impelling image of man at work and play in the real world of forces about him.

The author provides some refreshingly balanced viewpoints on the place and method of censorship in mass media art, including the Legion of Decency's problems regarding movies. He clarifies the partial role—not a total and merely negative role—that censorship and moral judgment play in viewing art. The relationship between art and morality rests on the level of reality, by a responsible faithfulness to facts and to the whole synthesis of human living.

The author obviously has a firm background in Christian-Catholic theology. To this he adds experience with, and a sympathetic appreciation of, specific works produced recently in the media, especially in the movies. Unfortunately television is discussed only occasionally throughout the sprightly written essay; films dominate the examples given to illustrate points. This is a weakness, particularly in view of the subtitle of the work.

On some key topics the author's development is rather jejune. Key insights are presented but they are not always proposed in a fully expanded way, with the result that they might tend to convince only those already in agreement with the ideas presented. This is due partly to the essay style of writing, partly to the author's quiet conviction and forthrightness in making his points succinctly.

The value of *The Image Industries* lies in its providing a solid creative orientation for: (1) thoughtful and concerned media men, particularly those in executive administration and management; (2) serious critics and college teachers; and (3) constructive critics and theologians who must spell out further this significant theme.

There yet remains to be written a more comprehensive and knowledgeable study of the broadcasting industry—radio and television—along these same lines but in the layman's less esoteric language.

James A. Brown, S.J.
University of Detroit

DESIGN FOR ETV: PLANNING FOR SCHOOLS WITH TELEVISION. Prepared by Dave Chapman Inc. for Educational Facilities Laboratories, 477 Madison Avenue, New York, 1960. 96 pp.

One of the most beautiful books to come from a designer's tender and loving hands is *Design for ETV*. Not only is it one of the most beautiful but also one of the most useful to anyone interested in the most modern avenue of communication given to mankind. It is freely predicted that the offer "to send additional copies" will bring demands not only from

our own country, Canada, Latin America and Europe, but from every part of the civilized world.

For this is not only a book of design—it is a comprehensive book in the whole program of instructional television to date. From the anonymous "Forward" through the signed "Approach to This Design Study" to the extensive bibliography and references, it is a book to which any organization could "look with pride."

In some ways, it represents the epitome of the Ford Foundation's interest, faith and support of television as a powerful force in education. In it, you can see the fine Italian hands of Robert Hutchins, Scott Fletcher, Clarence Faust, Alvin C. Eurich, Harold Gores and all the rest who have never once lost allegiance to a great cause. Even if they had been misguided, you would still have admiration for their constant use of the scientific method to prove their points.

With a multitude of graphics, extensive use of documentation and a low run on verbalization, this book becomes a glowing example of what television is doing to us, whether we resist it or wholeheartedly accept its use.

The first part is devoted to "Our Educational Program." It is a keen analysis of what faces the United States in the adaptation of its old educational system to the new demands about to be made upon it. The second part sketches the role television can play (and is playing) in the re-adjustment. It is dubbed "Planning Schools with Television." To introduce the subject, it suggests in a beautifully clear chart (with varied colors) the possible re-deployment of teacher time and effort which may be accomplished by using televised lessons. The next pages would be confusing if it were not for the fact that "all roads lead to Rome"—the television receiver. Four types of TV production are offered: open circuit UHF, open circuit VHF, closed circuit coaxial cable and closed circuit microwave. Which should one choose? The answer is soon made clear: the one best adapted to his needs.

Then it goes into breakdowns of needs as applied to the small school (200 or less), medium school (200-500), and the large school (500 or more) suggesting the equipment each should have after deciding whether TV is to be used for enrichment, for demonstration or for direct teaching. The next pages are devoted to the creation of favorable environments for seeing, hearing, and learning, with or without TV.

The next chapter is devoted to "Educational Facilities in the Schools" and anticipates practical overhead projectors with screens hooded from ambient light, floor projectors on swivels, and many other types adaptable to every class size and location situation, as well as a prophetic sketch of a new low-cost video tape recorder. What follows is the beginning of the concept of the new school to produce the highest possible efficiency of both design (particularly space allocation) and investment.

For example, a "Teacher's Center" is planned which is emphatically not an institutional rest-room but a place of both work and recreation, a semblance of a well-planned library and receiving center for programs to be viewed in advance of the lessons. "Flexible furniture," the kind that lasts and lasts but can always be adapted to new functional use is presented, as are designs for "Group Spaces" outlining space use for groups from 2-6, 12-15, 20-25, 35-40, 40-60, to a maximum of 100-200. The Auditorium as such (used only 10% of the day in most schools) is gone, the walls hemming in 30-50 students are gone, the unfortunate stationary desks and seats have disappeared. One of the most interesting innovations is the hexagonal unit of six classrooms with control center and access to all six rooms for transmission of programs, as well as to any other room in the building. Any one of these "studio-rooms" may be immediately adapted to regular class-use. The cafeteria, that is out of use in practically all schools today except at mealtime, becomes an Auditorium, along with divided-space centers (at the windows) for all other kinds of activities, including small or large teaching areas. Large-group spaces are also suggested for varied activities, with overhead receivers mounted from the ceiling for groups of 200 or more.

One of the most valuable features, closing the book ("Background Facts and Sources") gives answers to hundreds of pertinent questions and the results of experiments titled "Research Studies" leads us to the conclusion, replete with glossary, bibliography, and references.

What was it Emerson said? "If you can make a better mousetrap, the world will beat a steady path to your door." It looks as if someone has made that better mousetrap.

Franklin Dunham
U. S. Office of Education

AN INDIAN EXPERIMENT IN FARM RADIO FORUMS. By J. C. Mathur and Paul Neurath. Paris: UNESCO, 1959. (Press, Film and Radio in the World Today series.) 132 pp.

Read from the standpoint of the uses to which radio can be put in developing areas of the world, to meet the real needs of real peoples whose literacy level is so low that printed materials cannot reach them, this UNESCO report has value for the educator in America who may have forgotten the sightless-but-never-blind medium. The report is of an experiment based on one of the more interesting group techniques known to the radio medium—the radio forum.

The report is broadly divided into two parts: "The Project and Its Implementation," and "Evaluation and Results." J. C. Mathur, Director General of All India Radio (AIR) has written the first part, and Paul

Neurath, Professor of Social Research, who was on leave from Queens College and the New School for Social Research in New York on a Fulbright grant to direct the evaluation, has written the second part.

The technique of using listening groups, which gather to hear broadcasts and discuss them afterwards for a heightened learning experience, is not new. However, the specific application of this technique to the Indian situation and the needs of Indian villages presented some interesting variations both in the format of the experimental programs and in the organization of the post-listening forums.

In a state in which there is governmental ownership, control of and appointment of radio station personnel, and in which the organization of each village is along highly stratified class lines, a democratic procedure resulting in free post-broadcast discussion presents problems. The way in which those problems were approached and solved, and the evaluation of the learning effectiveness resulting from the radio forum in India is the major concern of this experimental design.

The report makes clear that radio set ownership in the more than 500,000 villages of India is still a luxury which the average villager cannot afford. Sets are owned on a village basis and radio listening is group listening. As a result, programs were "directed to the community rather than the individual listener." In addition, when one remembers that there are more than 13 recognized languages in India with several dialects in each, the problem of language for broadcasting becomes compounded. The Indian experiment confined itself to five districts only, in which the Marathi language is spoken by 90 per cent of the inhabitants.

The programs, half hour in length, were broadcast twice a week. The total number of programs in the experiment was 20, each program divided into two general parts: (1) the presentation of the subject matter in the form of a play, a feature, panel discussion, interview or straight talk, and (2) the Listeners' Corner, suggestions, criticisms and comments from the members of the various village forums was discussed and questions answered. Rural folk-lore and folk music was used throughout, and this was a popular feature of each of the broadcasts.

The objectives of the experiment were simple and forthright: could a radio farm forum be used to transmit new knowledge; was group discussion, coupled with radio broadcasts a means for transmitting such knowledge; could the radio farm forum be considered a new institution in Indian villages and be used as a means for improving village life?

Particular emphasis was placed in evaluating changes in levels of knowledge which occurred in many sub-groups, such as increased knowledge among illiterates exposed to the radio farm forums as contrasted with those illiterates who did not hear the broadcasts.

Some basic bias in selecting the groups to be studied must be noted. The groups selected were located near roads and bus stops and therefore

