

# Free Air

*A Strictly Imaginary Educational Broadcast*

JAMES RORTY

**G**OOD EVENING, ladies and gentlemen of the great radio audience: I am speaking to you tonight thru the courtesy of the Universal Food, Candy, Cigarette, and Gadget Company, makers of Cheeryoats, Wet Smack Bars, Old Mold Cigarettes, and Sweetie Washing Machines. My subject is education by radio. I shall try to explain to you why the National Committee on Education by Radio, representing nine educational associations, including the National Education Association, is sponsoring the Fess Bill, which is now pending in Congress. The officials of the Planetary Broadcasting Company are opposed to the Fess Bill. Its passage would, they think, affect adversely both their own commercial interests and the interests of other companies with which they are closely affiliated. They are, nevertheless, devoted to the principle of free speech, and loyal to their stewardship of the great national resource of the air. Accordingly they have offered the use of their facilities to me without charge in order that I may place before you the issues which you, representing public opinion, the ultimate authority in a free democratic country like ours, must some day decide.

**The Fess Bill**—If you will have patience, I shall read the Fess Bill.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled that . . . not less than 15 percent, reckoned with due weight to all factors determining effective service, of the radio broadcasting facilities which are or may become subject to the control of and allocation by the Federal Radio Commission, shall be reserved for educational broadcasting exclusively and allocated, when and if applications are made therefor, to educational agencies of the federal or state governments and educational institutions chartered by the United States or by the respective states or territories.

Who and what are these educational broadcasting stations that are claiming 15 percent of the air? Most of you, probably, have never heard them or even heard of them, and I don't blame you. You see, ever since the passage of the Radio Act of 1927, and even before that, the educational broadcasting stations, operated chiefly by the state universities, have been running on flat tires. The air is free, all right, but try and get some of it.

**Mr. Lafount and his figures**—The records of the Federal Radio Commission show that in May 1927, when the present radio law went into effect, there was a total of ninety-four educational institutions licensed to broadcast. On March 9, 1931, the number had been reduced to forty-nine. At present, out of a total of 440 units available to the United States, educational stations occupy only 23.16 units, or one-sixteenth of the available frequencies. During the same period, however, educational broadcasts, largely over commercial stations, have increased from almost nothing to almost a tenth of the total time used by all broadcasting stations now on the air. Harold A. Lafount, federal radio commissioner, is authority for these figures. Commissioner Lafount also points out that altho the forty-nine educational institutions now licensed to broadcast have been assigned a total of 3669.2 hours per week, they have actually used only 1229.28 hours, or one-third of the time which has been made available to them, and that of this time only 283.85 hours per week have been devoted to education. He further declares that the reduction in the number of educational stations since 1927 has occurred by virtue of the voluntary assignment or surrender by educational stations of their licenses, because they were unable financially to maintain them, or because they did not have sufficient program material to continue operation.

Commissioner Lafount believes, with the majority of his colleagues on the Federal Radio Commission, that the status of education on the air is healthy, and that the educators ought to be happy. I am here to tell you that the status of education on the air is not healthy and that the educators—their militant wing, at least—are not happy. On the contrary, they are bitter, rebellious, and determined. Let us get back of Commissioner Lafount's figures and see what actually has been happening.

**Commercial prejudice of the Radio Commission**—To begin with, the Radio Act of 1927 reserves our national quota of broadcasting channels as public property and licenses their use, subject to revocation practically at will by the Federal Radio Commission. This body has discretionary power, subject to court

review, to interpret and apply the principle of "public interest, convenience, and necessity" which the law embodies. But as at present constituted, the members of the Federal Radio Commission are not educators. They are business men, and they regard the interests of business as paramount in our civilization. From this point of view the right and proper disposition of every genie, such as radio, that pops out of the laboratory bottle of modern science is to put him to work making money for whoever happens to hold the neck of the bottle. If he makes enough money for somebody, then, in some mysterious way, "progress" and "civilization" will be served. This, I say, is the point of view of the business man, and it is the application of this point of view, more or less sympathetically aided by the Federal Radio Commission, which is responsible for the present preposterous and imbecile condition of radio broadcasting in this country. Does this seem strong language? Forgive me, ladies and gentlemen of the great radio audience. Admittedly, I am neither a business man nor an inventor. From where I sit, as a simple naive professor, the radio looks to me like the most revolutionary instrument of communication ever placed in human hands; it seems to me that its free and creative use, not to make money, but to further education and culture and to inform public opinion, is perhaps the most crucial problem with which our civilization is confronted. But, of course, I didn't invent the confounded gadget, and I may be wrong. Let us listen to the man who did—Dr. Lee DeForest, who, more than any other American, has been associated with radio science from its beginning.

**Broadcaster's greediness**—A while back Dr. De Forest spent some time listening to what the business men have been doing to his child. Here is what he said:

Why should anyone want to buy a radio, or new tubes for an old set? Nine-tenths of what one can hear is the continual drivel of second-rate jazz, sickening crooning by degenerate sax players [original or transcribed], interrupted by blatant sales talk, meaningless but maddening station announcements, impudent commands to buy or try, actually superposed over a background of what might alone have been good music.

Get out into the sticks, away from your fine symphony-orchestra pick-ups, and listen for



twenty-four hours to what 80 percent of American listeners have to endure. Then you'll learn what is wrong with the radio industry. It isn't hard times. It is broadcasters' greed—which is worse, much worse—and like T. B. grows continually worse, until patient radio public dies. That's all the trouble. Simple, isn't it?

You know, it's strange, but Dr. De Forest talks almost like a professor. He reminds me of the late Professor Vernon L. Parrington, who, in the last volume of his *Main Currents in American Thought*, said that science in this country had become "the drab and slut of industrialism."

**The truth about Mr. Lafount's figures**—Take, for example, this "voluntary" surrender of the air which Commissioner Lafount is so cheerful about. What has actually happened is that the educational stations have steadily been given less desirable frequencies; they have then been asked to divide their time with some commercial broadcaster; they have been obliged to meet some new regulation involving costly equipment—often, as the educators themselves admit, a regulation essentially right in itself, but applied with such suddenness as not to allow time for adjustment in the educational budget; finally, by the time they had got together the money for technical and program improvements, they have been obliged to spend it on lawyers' fees and on trips to Washington to defend their right to broadcast at all.

**The voice of education**—While, for these and other reasons, the voice of independent education on the air has been fading, the voice of education sponsored by such companies as my host tonight and by the commercial broadcasting companies themselves in sustaining programs has been rapidly swelling in volume. Many of our most eminent educators have, tentatively at least, accepted this substitution. Some of them serve on the Advisory Council of the National Broadcasting Company; others are on the National Advisory Council on Radio in Education, which includes in its membership not only educators and publicists but also representatives of the two great broadcasting chains—National Broadcasting Company and Columbia Broadcasting System. This organization is financed jointly by John D. Rockefeller, Jr., and the Carnegie Corporation. Its announced objectives are primarily fact-finding and fact-dissemination, and it has made and published valuable studies of both the technical and social problems of broadcasting. More recently it has sponsored educational broadcasts given over com-

mmercial stations, the first of the series being by Dr. Robert A. Millikan, who is president of this National Council. The commercial broadcasters greeted the formation of the National Council with enthusiasm; they have, in fact, repeatedly declared their willingness to give the educators all the free time on the air they can use, when and if the educators come prepared with educational programs which "do not bore too great a proportion of *their* audiences too much."

**Whose audiences? !!**—What do they mean—"their audiences"? Our national quota of radio frequencies is public property under the law, and these broadcasters are licensed to use assigned frequencies, subject to revocation practically at will by the Federal Radio Commission. I assert that they are using this public property, not in the "public interest, convenience, and necessity," but in their own private commercial interest and that of the commercial advertisers whom they serve. For example, what public interest, convenience, or necessity is served by the disingenuous superlatives which are lavished night after night by my host, the Universal Food, Candy, Cigarette, and Gadget Corporation, on Cheeryoats, Wet Smack Bars, Old Mold Cigarettes, and Sweetie Washing Machines? If you really wanted to know the truth about these things you would demand that disinterested government experts from such departments as Public Health and the Bureau of Standards broadcast a genuine educational program which would, incidentally, debunk nine-tenths of the radio advertising now on the air. If, in addition, you want entertainment, including jazz, I suggest that you pay for it straight by means of a tax on receiving sets, as is done in England and in Europe, and will shortly be done in Canada if the recommendations of the government radio commission are followed.

**Don't fool yourself**—Do not imagine that you are not now paying for what you get and paying high. As taxpayers, you are paying directly the \$444,179.94 annual budget of the Federal Radio Commission, most of which is spent in futile attempts to "regulate" the existing commercial chaos. As cigarette smokers, gum chewers, gadget users, and antiseptic garglers, you are paying indirectly the total budget of all the broadcasting stations, which is estimated to be over \$75,000,000 a year. This total is more, far more, than is paid by the radio listeners in all the countries of Europe combined.

All you really get free is the efforts of philanthropic organizations like the National Committee and the National Council to inject some sort of civilized decency into the absurd situation which resulted from failure to make representative government represent true interests.

Do you realize, ladies and gentlemen of the great radio audience, that your ears and minds are offered for sale to the highest bidder by profit-motivated corporations which have no title to what they sell and no title to the medium they use except squatters' rights which, if contested, they will defend in the courts? Do you imagine for a moment that education can permanently function as an appendage of toothpaste- and cigarette-sponsored jazz and vaudeville? Do you suppose that your views, your preferences, your rights, can make any headway at all against the economic determinism which obliges the commercial broadcaster to sell his most valuable time to advertisers, to permit the advertiser to cajole, bore, deceive, and insult the intelligence of his hearers to the limit? Do you imagine that even if educational institutions were able to *pay* for the facilities of commercial stations, instead of accepting their compromised and qualified gifts of free air, educational programs would thereby obtain a complete right of way? Even so conservative an expert as Mr. H. V. Kaltenborn, editor of the *Newspaper of the Air*, does not think so. As he points out, commercial stations would insist that the programs must interest most of their listeners, lest competing stations win them away; they would also refuse to offend important advertisers by denying them the right to purchase popular periods on particular days. Finally, altho Mr. Kaltenborn does not make this point, they would ultimately be obliged to censor any educational broadcast which affected adversely the interests of their advertising clients.

**The wedge**—Admittedly, ladies and gentlemen, the Fess Bill, even if passed, would not represent a complete or permanently satisfactory solution of the problem of converting broadcasting to intelligent social uses. It would, however, drive a wide breach into the existing system of commercial exploitation, and prepare the ground for the recapture by the people of the free air which they have never legally surrendered.

This article, which appeared in *The Nation*, March 9, 1932, Vol. 134, No. 3479, p280-2, is reprinted here by courteous permission of the publishers.



# U. S. A. versus R. C. A.

**B**ROADCASTING ITS CHARGES against the Radio Corporation of America and associates, and adding four new companies to the list of defendants, the Department of Justice on March 7 filed at Wilmington, Delaware, an amended petition in its anti-trust case against the Radio Corporation of America, and associates.

The National Broadcasting Company is one of the four new defendants, and is said to have been organized for the purpose of restraining competition in the business of nationwide broadcasting, according to the announcement of the Attorney General.

New charges allege that the companies restrain trade between the United States and foreign companies as well as domestic commerce.

These new charges brought the International General Electric Company, Westinghouse Electric International Company, and RCA Communications, Inc., into the list of defendant companies which already included the Radio Corporation of America, General Electric Company, American Telephone and Telegraph Company, Westinghouse Electric Company, General Motors Radio Corporation, and many subsidiaries.

The combined capitalization of the companies "would run into many hundreds of millions of dollars," according to J. L. O'Brian, assistant attorney general in charge of anti-trust cases.

The filing of the amended petition is merely a part of the Department of Justice program in bringing the case to trial, the announcement says, and it does not signify that negotiations between the department and the defendants looking toward an open patent pool have ended.

These negotiations have been going on for some time; if they culminate in a

satisfactory arrangement concerning the corporations' patent holdings, they would eliminate an expensive feature of the trial, Mr. O'Brian said, but they would

**I**T IS EXTREMELY IMPORTANT that Congress shall enact such legislation as will recover this priceless treasure—radio—from monopolistic control by a few corporations which are using it for a private profit and gain. Sixty million radio listeners in the United States are keenly interested in all efforts to prevent the air from being monopolized by a few gigantic corporations serving their own selfish ends.

The aim and purpose of the Radio Trust is to secure vested rights in the air, and when it has been successful in its attempts, goodbye to freedom of the air. It will never be possible, then, to loosen the grip of the monopoly on the radio facilities. . . .

Never in the history of the nation has there been such a bold and brazen attempt to seize control of the means of communication and to dominate public opinion as is now going on in the field of radio broadcasting.—Hon. Frank R. Reid, U. S. Representative from Illinois.

not do away with the necessity of trying the other charges.

The announcement issued by Attorney General William D. Mitchell follows:

**Additional allegations**—The Attorney General filed today with the District Court at Wilmington, Delaware, an amended and supplemental petition in the case brought by the United States against the Radio Corporation of America and its associates.

The new pleading amplifies the petition originally filed and alleges additional facts relating to certain activities of the defendants in foreign trade and international communications, charging them with attempts to restrain commerce between the United States and foreign countries as well as domestic commerce. Three new defendants are added because of these allegations, viz: International General Electric Company, Westinghouse Electric International Company, and RCA Communications, Inc.

The National Broadcasting Company is also added as a party defendant. The petition alleges that this corporation is owned jointly by Radio Corporation, General Electric Company, and Westinghouse Electric Company, and that it was organized for the purpose of restraining competition in the business of nationwide broadcasting.

Negotiations have been conducted for some time between the defendants and the government and between the defendants themselves with respect to the possibility of creating an open patent pool which would obviate the trial of some of the important issues of the case. The filing of the amended bill does not mean that these negotiations have been broken off, but the government has been going on with its preparations for trial pending the outcome of these negotiations, with the purpose of having the case heard this spring. The filing of the amended bill is in line with these preparations.—*The United States Daily*, March 8, 1932.

**E**DUCATION BY RADIO is published weekly by the National Committee on Education by Radio at 1201 Sixteenth Street, Northwest, Washington, D. C. The members of this Committee and the national groups with which they are associated are as follows:

Arthur G. Crane, president, the University of Wyoming, Laramie, Wyoming, National Association of State Universities.  
R. C. Higgy, director, radio station WEOO of Ohio State Univ., Columbus, O., Association of College and Univ. Broadcasting Stations.  
J. O. Keller, head of engineering extension, Pennsylvania State College, State College, Pa., National University Extension Association.  
Charles N. Lischka, 1312 Massachusetts Avenue, Washington, D. C., National Catholic Educational Association.  
John Henry MacCracken, vicechairman, 744 Jackson Place, Washington, D. C., American Council on Education.  
James N. Rule, state superintendent of public instruction, Harrisburg, Pennsylvania, National Council of State Superintendents.  
Thurber M. Smith, S. J., St. Louis University, St. Louis, Missouri, The Jesuit Educational Association.  
H. Umberger, Kansas State College of Agriculture, Manhattan, Kansas, Association of Land-Grant Colleges and Universities.  
Joy Elmer Morgan, chairman, 1201 Sixteenth Street, Northwest, Washington, D. C., National Education Association.

Everyone who receives a copy of this bulletin is invited to send in suggestions and comments. Save the bulletins for reference or pass them on to your local library or to a friend. Education by radio is a pioneering movement. These bulletins are, therefore, valuable. Earlier numbers will be supplied free on request while the supply lasts. Radio is an extension of the home. Let's keep it clean and free.

# **The Ideals of a Great Citizen**

**W**ILLIAM HOWARD TAFT, according to an article by Mark Sullivan, had accumulated no private means when he left the Presidency. "It was open to him and he was solicited to unite with some of the greatest law firms in New York. Taft declined. He said that as President it had happened to fall to him to appoint about 60 percent of all the district, circuit, and Supreme Court justices on the United States bench. He could not, he said, appear before his own appointees as an advocate in private litigation. And he accepted the small remuneration of a teacher at Yale University.

This action is in striking contrast to the former members and employees of the Federal Radio Commission who have taken positions with the radio monopolies which they had previously been obliged to deal with as members of the Commission, thus placing themselves in a situation where the information they gained as public servants may be used for private advantage contrary to the public interest.