



1626 K STREET, N. W.

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RADIO LAW REVISION AGAIN SUGGESTED AT HEARING

Need for amendment of the law under which the radio broadcasting industry operates was again expressed at today's hearing before the Senate Interstate Commerce Committee on the White resolution asking a study of the industry by Congress.

Yesterday Senator Clark, of Idaho, expressed doubt as to whether "this law is in proper shape," pointing out that "it is 14 years since this law was enacted," and that the radio networks have grown up since then.

Today, Senator White, of Maine, who introduced his resolution after the FCC issued new rules which would drastically affect network broadcasting, said, "I think there may be a vast difference between what the law is and what the law ought to be. I am not sure but what that is the difficulty which is confronting all of us at this time.

"I have thought the appropriate time for me to discuss that matter was when we meet in executive session. I want to discuss that matter and give the committee my views on what the law now is; but I have not felt that I wanted to make my observations a part of the testimony in the case because I do not like to be in the dual position of acting as a member of the committee and also as a witness in behalf of my own resolution."

FCC Jurisdiction Not Settled Question

At today's hearing Louis G. Caldwell, attorney for the Mutual Broadcasting System, and Fred Weber, general manager of Mutual, continued their testimony.

Asked by Senator Wheeler for his opinion on the disputed question of the jurisdiction of the FCC in promulgating the new rules, Mr. Caldwell, who was the first general counsel of the old Federal Radio Commission,

summed up his opinion by saying, "I think there is fair legal authority, although not as precise as you might want right now, to the effect that the Commission does have this jurisdiction. I can't say that it is a settled question."

In a discussion of whether under the present legislation the principle of free competition in radio is accepted, Senator White said he does not think that is the fact at all.

"Everyone recognizes, I think," said Senator White, "that we cannot have free competition under this Act because of definite technical and physical limitations upon it. At the most, all we do is approach that, but we approach it within the limits of the legislation and within the limits of physical facts."

In the matter of control over programs, Mr. Caldwell said, "There are others who do not agree with me, but the Commission, in my estimation, has, with the help of Congress, gone a little further than it should have into that field of control."

Wants Stations To Be Free

Speaking of the freedom of stations, which he said was an object the Committee members should keep in mind, Senator Wheeler declared that he wants the stations to be free from all "domination" including that by the Commission.

"In other words," Senator Wheeler continued, "I do not like the idea of the Commission simply saying to a radio station, 'You should not put on this program, because it does not represent the views of the Administration—' whichever administration it might be.

"I do not like the idea of the Commission's holding a club over some station if the station happens to be

owned by one who is unfavorable to the administration that might be in power at that particular time. I think there has been entirely too much of that in the past.

“As a matter of fact, the Commission for a long time was dominated as a political commission. That was true in the Republican administration, and it has been true, to some extent, in the Democratic administration.”

In a discussion of a suggestion previously made as to whether the Commission has the right to alter the power of stations in any city when granting licenses, Mr.

Caldwell referred to Louisville, Kentucky, where he said there is a 50-kilowatt clear channel station, a 5-kilowatt regional station and two 250-watt local stations.

In a jocular aside, Senator Wheeler suggested that perhaps the 50-kilowatt clear channel station might be taken away from the *Louisville Courier Journal* and given to Mutual, whose present affiliate is one of the 250-watt stations.

In the same spirit, Mr. Caldwell responded, “I was going to say take the 5-kilowatt station first.”