

# Radio Channels for College Stations

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THE ACT by which the Congress of the United States created the Federal Radio Commission ignored the fact that public education is a function of the individual states and not of the federal government.

A Senator who was concerned with drafting and passing the law has stated that he inserted a clause which was intended to protect broadcasting stations operated by educational institutions established or chartered by the states, but that this clause was taken out of the bill at the suggestion of a Congressman who argued that, of course, the Federal Radio Commission could be trusted to protect such stations. The Commission, however, soon began to cut down the privileges of some of the college stations, and educators then began to realize that Congress had given the Federal Radio Commission more control over the educational functions of the states than ever before had been placed in the hands of a federal agency.

The Federal Radio Commission did not protect the educational stations as the Congressmen believed it would. It accepted the fact that radio broadcasting was classified in the business world as an amusement enterprise, supported by the sale of advertising. Broadcasting as it existed in America was a business, more nearly related to the vaudeville theater and the movies than to the public school, the college, and the university. From the point of view of the radio industry, as of the theatrical profession, the public was to be exploited rather than educated. Both assumed that amusement was the major interest of the people of the United States. Both believed that only a small minority of the radio listeners was interested in education. The commercial broadcaster's aim was to reach everybody, including important minorities, so material of an educational nature was broadcast. However, most of the hours when the largest audiences could be reached were devoted to amusement. Inasmuch as collecting fees from American listeners appeared to the broadcasters to be more difficult and less profitable than selling time to advertisers, in spite of the experience in other

countries, advertising became the means of producing income.

The members of the Federal Radio Commission were not educators.

**Commercial pressure**—The commercial broadcasters, being more aggressive than the educators, surrounded the Commission with such influences and brought such pressure to bear, that it was natural, perhaps, that the Commission should overlook the fact that education and business have radically different objectives, and that it should agree with the commercial broadcasters in believing that public education, so far as radio was concerned, should be in the control of men and corporations who were interested mainly in making profits.

The control of radio is the basic problem. The whole radio industry and some educators have tried to keep this problem in the background until all broadcasting channels should have passed into the control of business corporations. It was kept in the background until 94.5 percent of the channels had been given by the Federal Radio Commission to stations devoted to amusement and advertising, and until only about fifty of our more than six hundred American broadcasting stations remained free from commercial control and censorship.

Commercial broadcasters have offered education magnificent gifts on one hand, and on the other hand have made a determined effort to take away from the public schools, colleges, and universities the fundamental right, left to them by the Constitution of the United States, of using any method of education and keeping education free from any obligation to promote the interests of particular commercial groups. They have offered more time on the air than the educators have accepted. They have spent more money on educational radio programs than the educators have, and have made these programs more widely available than any that have originated in the halls of learning. They have given outstanding educators high positions, attractive titles, and much publicity for serving, or appearing to serve, in an advisory capacity to commercial companies. But they have fought every attempt to reserve any radio channels and keep them under control of officials elected by the citizens of the states to

administer public schools, colleges, and universities. They have said, by official action of their leading trade organizations, that the demand of educators for reservation of radio channels is based on a totally false conception of the function of broadcasting stations, and have revealed that the industry maintains state and national organizations for the purpose of controlling legislation.

These methods resemble closely those of other industries based on the use of public property. It is natural that they should, for some of the largest public utility corporations are associated with the dominant radio group, and when the first broadcasting chain was organized its first president was a man who had been serving as the public relations director of a public utilities corporation. He had revealed with the utmost frankness his plan for subsidizing educators so that they might shape education to the advantage of public utilities corporations.

**Educators organize**—Few educators have objected to granting the use of part of the radio channels to commercial concerns, to use for their own profit. It was not until the trend toward monopoly had reduced the uncensored channels to a disappearing remnant that educators organized to save the birthright of the public schools and institutions of higher learning.

Then they studied the history of the dealings of the Federal Radio Commission with the educational stations.

Here are some of the facts that were considered:

The Radio Committee of the Association of Land Grant Colleges and Universities reported:

The primary purpose of the Radio Committee is to protect the interest of the Land Grant Institutions on the air so far as practicable. It has been the hope of several members of the Committee that they could secure from the Federal Radio Commission definite rulings which would ensure, at least to every state and particularly to the Land Grant Institution thereof, a definite wavelength or period, which could be used by the institutions for educational broadcasting. This had not yet been accomplished at the end of August, 1929.

It has not been accomplished yet. The action of the Commission, in compelling educational stations to share channels and time with commercial stations, has

An address before the Second Annual Institute for Education by Radio, Columbus, Ohio, June 9, 1931. Mr. Armstrong Perry is director of the Service Bureau of the National Committee on Education by Radio, and is associated with the Payne Fund.

resulted in continual encroachment of commercial stations on the privileges of educational stations, and the number of broadcasting stations operated by governmental agencies or educational institutions has diminished from one hundred and five in 1926 to fifty-eight in 1931.

Frequently the Commission declines to grant a license on the ground that it would exceed the quota of facilities allotted to the state or zone in which the station is located, yet one zone is more than one hundred percent over quota because of the number of commercial stations licensed.

The law states that radio facilities shall be divided equally among the states and zones with respect to channels, time, and power, yet the Commission ruled that the power of a station could be increased from 5000 watts to 50,000 watts without affecting the quota of the state or zone. This favors the larger stations, which already have clear channels, and tends to drive out educational stations.

**Reaction**—The following reports from colleges show what has happened:

Our station is sharing time on six hundred kilocycles with another station. The channel assigned would be quite satisfactory were it not for the interference. A beat with the carrier of the other station vitiates all efforts to reach listeners beyond a radius of forty miles from the station.

Our station has been on the air since 1922, but during the past three years we have had to share time with three other stations, two of them being educational stations. We find that it has been very difficult to get a different frequency assignment due to the fact that commercial stations have been able to get the best wavelengths available.

The history of our 100-watt station has its pathetic chapters also. We came on the air but a few years after KDKA and therefore belong to the earlier group of stations, but we have been buffeted and shifted around until we find ourselves in a frequency group where it is almost impossible to be logged five miles distant after seven P.M. A recent order of the Federal Radio Commission compelled a considerable expenditure of money which we could ill afford in order to prevent what seemed an inevitable refusal of our license. That seemed like rather curt and summary treatment of a station that should at least have a few priority rights.

We have never complained to the Federal Radio Commission regarding assignments, because that is an expensive procedure, and we do not have the funds to do so. Twelve hundred and ten kilocycles is a very crowded channel, and has made reception by alumni in distant points (under best conditions, rare) impossible. Also, we do not find it nearly so convenient to share time for the reason that we frequently have good lecturers and musicians come to our college on evenings that must be

given over to the other station. Our program is severely handicapped because of the necessity of sharing time.

When the present Radio Commission took office in March, 1927, we were assigned to a frequency along with seventeen other stations. About May one, the same year, in the reallocation our station was put on the same frequency with another station, but with no requirement for time division. The other station would not compromise, hence, we heterodyned each other for two months and then our station was shifted, dividing time with a commercial station and with another station in the background. On December 1, 1927, our station was restricted to daylight operation because of interference. On November 11, 1928, our station began the present time division with another station, our station being allotted one-seventh of the time. This plan worked out quite satisfactorily until the other station asked for full time. After three months of negotiations in an attempt to solve the difficulty without a hearing we were compelled to attend a hearing at Washington. No decision has yet been rendered nor has the referee made his report. In the meantime, both stations continue to divide time on the same basis. However, the aftermath of the hearing has been injurious to our station. The other station is taking a very selfish attitude, refusing to grant the usual courtesies and seemingly has adopted a program of injuring us, so far as our radio audiences are concerned, and the flexibility of our program, at every opportunity.

In spite of the fact that the university radio station is the only one belonging to the people of the state and is the only means that we have of taking to the public the great wealth of material which is here in the form of educational talks and lectures, as well as the various musical treats, athletic contests, etc., we have been handled worse than the proverbial football by the Federal Radio Commission.

We received our first license to broadcast in March, 1922. We used that frequency until 1925, and then were assigned to another. When the new broadcasting structure, to become effective November 11, 1928, was first proposed, we were assigned to share time with two other stations. But before we could arrange a time division with those two, we received another telegram from the Commission saying that we were reassigned and would share with two other stations.

We were satisfied with this assignment, but immediately three commercial stations applied to be placed on this frequency. In spite of the fact that a clear statement was made in our behalf at the hearing in Washington and in spite of the fact that we require only on the average of one and one-half to two hours a day, this frequency has been assigned to its present holders, and we were put on a Canadian frequency, just twenty kc away from two stations, and with only 250 watts night-time power. One of the stations uses 5000 watts and the other 50,000 watts. As a result, because the frequency on which we broadcast is so close to the one on which our powerful neighbors operate, we are overpowered by them in many localities.

Since the Radio Commission has been in control, this station has been assigned to a number of wavelengths and in general each

was less satisfactory than the preceding one. In all cases we have divided time with commercial stations. In some cases the commercial stations were given the preference in selection of time. . . .

. . . . The station has been kept going mainly in the hope that at some future time more favorable treatment of college stations could be secured.

All and all, we do not have much complaint to offer.

In our endeavor to better the position of our station we have kept up negotiations with the Commission for over two years but so far without finding relief. . . .

The strategy of the industry was traced. One of its dominant leaders had stated in a public address during the infancy of broadcasting that eventually there would be but half a dozen high-power broadcasting stations, which would serve the entire country. The fact that the number of stations multiplied until there were hundreds appeared to be related to the fact that this man's company found it profitable to manufacture and sell transmitting equipment as well as radio receivers, and to issue licenses to other manufacturers, for the use of its patents, on terms to which the licensees frequently expressed violent objections.

**Commission yields**—When there were well over six hundred stations broadcasting, the Commission yielded to the point of view of this dominant radio group and cleared forty of the seventy-nine broadcasting channels used exclusively in the United States, awarding them to individual stations, the majority of which were associated with this group. The college stations were among the more than five hundred and fifty stations that were forced to crowd into the remaining thirty-nine channels. One of the pioneer college stations found itself on a channel with fifty-one stations broadcasting advertising and amusement.

There followed a demand for higher power from the stations favored by the forty clear channels. The maximum permitted at the time by the rules of the Federal Radio Commission was 50,000 watts, and that was all these favored stations asked. When the engineers got their heads together, however, they talked of powers of the order of 1,000,000 watts, which they expected to use as soon as the rules of the Commission could be changed. One station secured permission from the Commission to experiment with amounts of power far in excess of 50,000 watts.

A gentleman who, after a term of service on the Commission, became affil-

iated with a publishing business supported by advertising from the radio and associated industries, let the cat out of the bag by pointing out that granting 50,000 watts power to clear-channel stations would insure the sale of \$10,000,000 worth of transmitting apparatus and \$100,000,000 worth of receivers. His prediction may have been in line with the facts, for granting high power to a few stations forces all others to install new and more powerful equipment. It also forces listeners to purchase better and more expensive receivers if they wish to hear any except the high-power stations. This wellknown commercial game has somewhat the same effect as starting the nations of the world on a race to produce the largest and best navy. Colleges and universities will be at a disadvantage in such a game so long as they are left unprotected on channels where they may be attacked at any time by powerful commercial interests. Twelve out of thirteen commercial stations will likely be crowded out of the air, too, and the trend is likely to be as predicted by the monopolist in the early days of broadcasting, if his policies prevail.

When such facts are pointed out to members of the Federal Radio Commission, the majority take the attitude that the radio laws compel them to consider all stations as being on the same basis, whether they are operated for private profit or as public institutions. This does not agree with the point of view of the Congressmen who made the law. It relates rather to other phases of the strategy of the dominant radio group.

Early in the broadcasting era cases were taken into the courts and decisions were handed down which classified broadcasting as interstate commerce on the ground that radio waves could not be stopped at state boundaries. That was satisfactory to the commercial broadcasters because one federal agency is easier to deal with than forty-eight state agencies.

**Sidestepping**—The next step in the strategy was to avoid the responsibilities of common carriers or public utilities. Efforts to do this have been successful so far, and we have the anomaly of interstate commerce with no common carriers to carry it, no regulation of broadcasting rates by any governmental agency, no radio highways in the broadcasting band reserved for education or other governmental functions, and no power in the hands of any governmental agency to keep even profanity, obscenity, and the advertising of quack doctors and lot-

teries off the air unless the citizens themselves assume the responsibility for protesting and fighting the matter through the courts. A commercial station outside your state may blanket it with objectionable advertising while the Federal Radio Commission, which keeps the station on the air, denies the state itself the right to operate a station for the benefit of its citizens. Even telephone lines used in broadcasting, though they may be entirely within one state, are free from governmental regulation in most, if not all, states. Last year it was reported authoritatively that the Ohio School of the Air, conducted by the State Department of Education, was obliged to pay for a telephone circuit for broadcasting, five times what it would cost to use the same circuit for the same length of time for person-to-person communication, and that the Public Utilities Commission was powerless to go into the matter to determine whether the charge was just and reasonable.

**Commission helpless?**—The Federal Radio Commission maintains that its hands are tied by the law so that it is powerless to protect broadcasting stations owned by states or by institutions chartered by states. It maintains that if a commercial concern applies for facilities used by a state educational station, and insists on a hearing, the hearing must be granted and, regardless of expense, the state station must appear as a respondent if it wishes to protect its rights. No matter how many times it may be attacked in the course of a year, the state station, supported by tax money and operated for public benefit, must bear the expense of employing attorneys and sending witnesses to hearings in Washington. In February, 1931, applications of commercial broadcasters who wished to use radio channels for their own profit involved the rights of twenty-eight educational stations, about half the total number of such stations still on the air. In March, twenty-seven educational stations were affected by similar applications.

Protesting it is deeply interested in education, and that its hands are tied so it cannot protect educational stations, the Commission nevertheless objects to an appeal to Congress for reservation of channels for education. Two members have branded the bill, introduced by Senator Fess, for reserving a portion of the radio channels for educational purposes, as class legislation. If it is class legislation, the laws establishing the public schools are class legislation.

The one alternative suggestion emanating from the Commission is the same urged by commercial broadcasters; namely, that commercial stations shall be required to give a certain amount of time each day to educational programs in return for privileges granted. When asked who would determine what hours should be given to education, a member of the Commission who has been most active in arguing for this arrangement said: "Well, of course, commercial stations would have to have the hours they could sell to advertisers." In short, commercial broadcasters and the majority of the Commission deny the legal right of the states, responsible for public education, to have any control of any broadcasting channels, and advocate that education by radio be given in hours which have no value for the commercial broadcaster and advertiser.

Such an arrangement has more disadvantages than that of inconvenience and inefficiency. It would make commercial stations the exclusive radio outlet not only for education but also for the addresses of the elected representatives of the people. These stations have the right to grant or deny requests for time and, in granting them, to choose the time when they shall be broadcast. Also they have the right of censorship. By putting one speaker on at one hour and another on at a less favorable hour the owner of a station or a chain might swing public opinion during a crisis as might be desired. Also he could associate any public speaker with commercial advertising. A national chain associated the Lincoln Day address of the President of the United States with the advertising of a tobacco company, and, in spite of consequent protests, associated his Red Cross address three months later with the same advertising.

**Camouflage**—In trying to maintain their hold on the public air, commercial broadcasters often try to raise a smoke screen by criticizing college stations. The Federal Radio Commission has been fogged at times by these criticisms. But why should the Commission, or a commercial broadcaster whose object in life is to build up an audience which he can sell to advertisers, have anything to say about what the state does in education except what they have a right to say as individual taxpayers? What they say is usually highly inaccurate, as is proven by their own actions. In hearings before the Federal Radio Commission, commercial broadcasters declare nobody wants to be educated by radio, and officials of the

Commission back up the assertion. Ten minutes later the same broadcasters will be arguing for increased time and power, or better channels, on the ground that a large percentage of their time is devoted to educational programs, and the Commission lets them get away with it.

They state publicly that educators fail as broadcasters, and at the same time put forth every effort to make their commercial stations the exclusive radio outlets for state departments of education, and for colleges and universities. The station manager and chain official who spoke so disparagingly of educators at a recent meeting in New York is the same man whose station used its power of censorship with such outrageous effrontery that a state university discontinued cooperation with the station. And an official of the Federal Radio Commission, yielding to this man's plea that his station was rendering indispensable educational service, recommended that his station be granted an increase of 40,000 watts in power, while the Commission denied the right of a high school in the state to use two watts power to broadcast interesting school events to parents and taxpayers within the district.

College stations have not reached the acme of perfection in putting education on the air, but the reaction of listeners to radio advertising indicates that commercial broadcasters are just as open to criticism. Records of the college stations show they have rendered useful service to large audiences more interested in education than in mere amusement, and that the service is appreciated.

**Status**—The present radio situation is, as Judge Robinson of the Federal Radio Commission told us last year, one that threatens the foundations of our government. Would we be willing to have the printing presses of our country controlled by commercial concerns having power to determine what should and should not be printed? Would we be willing to have our public schools, colleges, and universities in the hands of commercial groups having power to determine what should be taught, and when these institutions should be used for public purposes? That is exactly similar to what the commercial broadcasters and certain members of the Federal Radio Commission advocate we do with education by radio.

Recently we heard a distinguished scientist, professor of an outstanding university, tell us over a national chain of broadcasting stations:

Any talk of the loss of liberty thru the monopolistic control of the ether at this time in the United States is too grotesque to need to receive more than a line in an address like this. Any high-school boy knows that it would be very simple now, and increasingly easy as research moves on, to break such a monopoly if there ever appeared to be the slightest danger of its being created.

Only a few days before, the parent corporation which owns that chain had been finally adjudged guilty of monopoly, and of violation of the antimonopoly laws of the United States. Why did he ignore this fact, and the fact that the Attorney General of the United States had instituted a suit against this same great corporation following investigation of its activities by the Interstate Commerce Committee of the United States Senate?

**Vested rights**—The effort to secure vested rights for commercial radio stations is a further step toward monopoly of radio. Congressional foresight has kept control of radio channels, theoretically, in the hands of the federal government. The Federal Radio Commission issues licenses to broadcasting stations for short periods. Every license holder has signed a waiver, agreeing that he has no rights to the use of a channel beyond the period specified in the license. Nevertheless, if the Commission attempts to restrict or withdraw from a commercial station the privileges granted by a broadcasting license, the owners usually take the case into court on the plea that their property is being confiscated. If such a case should happen to go to a court which believed that protection of an investment of money was more of a sacred duty than protection of the rights of citizens to keep their channels of education free from commercial censorship, a precedent might be established which could be set aside only by an amendment to the Constitution. This possibility has been foreseen, and a Senator who has done much in shaping present radio laws stated that he will introduce such an amendment if necessary, and work for its adoption. He points to the fact that the Eighteenth Amendment, although it affected the value of many millions of dollars worth of property temporarily, gave the owners of such property no right to claim damages on the plea of confiscation.

College broadcasting stations, which seemed to be in a desperate situation a few months ago, have now some new

hopes. Station WCAJ, Nebraska Wesleyan University, attacked by a commercial station which wanted to take away its rights, received a favorable decision from the Federal Radio Commission after a long and expensive struggle. Its brave fight under adverse conditions won the support of the state government of Nebraska, the state delegation in Congress, and influential organizations.

Wired radio will take away many listeners who tire of sales talks on the air if its owners deliver the service claimed, free from advertising, while making a moderate monthly charge to the listener, precluding the necessity of purchasing expensive equipment.

Newspapers, which brought radio broadcasting to the attention of the public and made it popular before the radio group revealed its purpose to enter the advertising business and sap the life blood of the press, are organizing to force advertising off the air. They are powerful and may succeed. They must succeed or many of them will die, for, according to their reports, already fifty-nine percent of their advertising income has been diverted to radio.

**United action**—Educators also are organized on a national basis, with headquarters and a service bureau in Washington. Key men and women in government, business, and the professions are receiving information, and many of them add their influence to the cause of uncensored education by radio as they begin to realize its significance.

If advertising is driven from the air, broadcasting must be supported as it is in all other countries—by appropriations from public funds, by philanthropy, or by a combination of the two. Already institutions of learning are so supported. When public funds are allotted for education by radio, what could be more logical than that broadcasting stations maintained by those institutions should be preferred to those that have been operated for private profit?

Anyone who has faith in our democratic form of government must believe that its citizens, when the facts are before them, will prefer to have education by radio controlled by men and women whom they elect to represent them, rather than by corporations which, while their aims and business may be perfectly legitimate, are interested mainly in using the public domain for private profit.

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