

Governor Hoegh

Mr. John S. Patterson

Mr. J. Roy Price

Mr. Charles H. Kendall

X

5. Mr. Alexander

Attached is a copy of a speech made by Oren Harris before the Overseas Press Club Seminar in New York, April 25, 1960.

Pages 2 and 3 outline definite views expressed regarding the dual control of frequencies and a new Presidential advisor on frequencies to be set up by Executive Order.

Attachment

F. C. Alexander

5/2/60

Telecommunications

3271

660/FCA/hrt

cc: Telecom Records

Reading

OFFICE OF CIVIL AND DEFENSE MOBILIZATION
ROUTING SLIP

TO THE FOLLOWING IN ORDER INDICATED

1.	NAME OR TITLE	ORGANIZATION	BLDG. AND ROOM NO.	INITIALS
	Mr. Wm. E. Plummer	Winder - 410		P
	NAME OR TITLE	ORGANIZATION	BLDG. AND ROOM NO.	DATE
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2.	NAME OR TITLE	ORGANIZATION	BLDG. AND ROOM NO.	INITIALS
	Mr. Alexander		41	
	NAME OR TITLE	ORGANIZATION	BLDG. AND ROOM NO.	DATE
3.	NAME OR TITLE	ORGANIZATION	BLDG. AND ROOM NO.	INITIALS
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4.	NAME OR TITLE	ORGANIZATION	BLDG. AND ROOM NO.	INITIALS
				DATE

- ☐ APPROVAL
☐ NECESSARY ACTION
☐ RECOMMENDATION
☐ RECOMMEND SIGNATURE

- ☐ PREPARE REPLY
☐ NOTE AND FILE
☐ NOTE AND RETURN
☐ INFORMATION

REMARKS:

This is the draft press release which you, Quinn and I worked out for informal submission to Budget.

FROM

Thomas R. Baldwin

(NAME AND ORGANIZATION)

General Counsel's Office

(BUILDING AND ROOM NUMBER)

DATE

4-25-60

PHONE

3431

DRAFT

IMMEDIATE RELEASE

James C. Hagerty, Press Secretary to the President

THE WHITE HOUSE

The President today issued an Executive Order creating in the White House Office the new post of Adviser to the President on Radio Frequency Usage.

He appointed to the position _____ of _____.

The Order directs the Adviser to conduct broad studies of the Federal government's role in managing the use of the radio spectrum.

The President has determined that the studies are necessary because rapidly changing technology and changing needs in government and non-government areas are raising increasingly difficult problems in managing the use of radio spectrum. Space vehicle and satellite programs, radio astronomy and defense weapons systems have added to the complexity of those problems. He considers that efficient and effective use of the spectrum is vital to the welfare and security of the Nation.

The Order directs that the Adviser on Frequency Usage conduct a thorough and comprehensive study of (1) the role of the Federal government in the management of the United States telecommunication resource,

(2) the administrative organization for discharging government's telecommunications resource management responsibilities, (3) the existing methods and procedures for allocating radio frequencies between Federal government and other users, (4) the current division of the radio spectrum between government and non-government users in the light of the national interest.

The Adviser will report to the President on his investigations and shall advise him concerning the allocation of frequencies to Federal government use. The Order does not impair the existing authority or jurisdiction of the Federal Communications Commission.

EXECUTIVE OFFICE OF THE PRESIDENT
BUREAU OF THE BUDGET
Washington 25, D. C.

March 10, 1960

In accordance with the provisions of Executive Order No. 10006, relating to proposed Executive orders and proclamations, the Director of the Bureau of the Budget has received the following papers (copies attached):

- (1) Draft Executive order headed "Creating the position of Adviser to the President on Radio Frequency Usage."
- (2) Transmittal letter of Director Leo A. Hoegh, Office of Civil and Defense Mobilization, dated March 8, 1960.

The Director of the Bureau of the Budget would appreciate receiving an expression of your views with respect to this matter not later than Monday, March 21, 1960.

Your attention is drawn to H.J. Res. 331, introduced on April 7, 1959, by Congressman Harris.

Sincerely yours,

Arthur B. Ficke

General Counsel

Enclosures

10:CHKendall/el 3/7/60

cc: Director (2); Mr. Price; Mr. Alexander,
Deputy Director
P.C. Baldwin - D.C.
Mr. Kendall
Central Files (2)

Honorable Maurice H. Stans
Director
Bureau of the Budget
Washington 25, D. C.

Dear Mr. Stans:

In accordance with the provisions of Executive Order 10086,
there are forwarded herewith seven copies of a proposed
executive order creating the position of Adviser to the
President on Radio Frequency Usage.

The purpose of the order is to create a new position in the
White House Office, the incumbent of which will assist the
President in the performance of the President's functions under
the Communications Act of 1934, as amended, with respect to
the utilization of the radio spectrum by the Federal Government.

Under the order the Adviser would study and report to the
President concerning the existing organizations and methods
involved in the discharge of the Government's telecommunica-
tions responsibilities. He would recommend changes, if any,
which he found necessary to maximum utilization of the spectrum
and optimum apportionment of it between Government and non-
Government users, in the national interest. These recom-
mendations would extend both to changes in procedure and
organization and to changes in utilization and apportionment.

The Adviser would be authorized to secure information from all
agencies of the Government necessary or desirable to the per-
formance of his functions and to call upon the agencies for counsel
and assistance.

Please advise me if I can be of help in the processing of this
proposed order.

Sincerely,

SIGNED
Leo A. Riegh

Enclosure

MAR 8 1960

Return to 408

Another copy
circulated
to rest of
staff including
LRAC

DRAFT

EXECUTIVE ORDER

- - - - -

CREATING THE POSITION OF ADVISER TO THE
PRESIDENT ON RADIO FREQUENCY USAGE

By virtue of the authority vested in me by the Constitution and statutes, including the Communications Act of 1934, as amended, and as President of the United States, it is hereby ordered as follows:

Sec. 1. There shall be in the White House Office an official who shall be appointed by the President, shall have the title "Adviser to the President on Radio Frequency Usage," and shall receive compensation at such rate as the President, consonant with law, may prescribe.

Sec. 2. The Adviser shall, to the maximum extent feasible, perform his functions with the aid, or through the facilities, of appropriate departments and agencies of the Government; and he shall establish such interagency committees and working groups composed of representatives of interested departments and agencies, and consult with such departments and agencies, as may be necessary for the most effective performance of his functions.

Sec. 3. The Adviser shall conduct a thorough and comprehensive study and investigation of (1) the role of the Federal Government in the management of the United States telecommunication resource, (2) the administrative organization for discharging the Government's responsibilities, with particular reference to the division of responsibility under the Communications Act of 1934, as amended, with a view to determining what changes, if any, should be made in the existing administrative organization or statutes to improve the management of that resource, (3) the existing methods and procedures for allocating radiofrequencies and bands of radiofrequencies as between Federal Government and non-Federal Government users, with a view to determining what changes, if any should ^{be} made to insure, insofar as practicable, that allocated frequencies may be utilized to the maximum degree in the national interest, and to facilitate planning to take advantage of technological change in achieving maximum return from the use of the radio spectrum, and (4) the existing table of radiofrequency allocations with respect to the apportionment of the various parts of the radiofrequency spectrum as between Government and non-Government users, with a view to determining whether the current division of the spectrum serves the national interest to an appropriate degree and

whether any frequency space (and if so, how much of such space) may, in the public interest, be reallocated to other uses.

Sec. 4. The Adviser is authorized to receive from any department, agency, or independent instrumentality of the Federal Government any information deemed necessary or desirable to enable him to carry out his functions under this order; and each such department, agency, and instrumentality is authorized to furnish such information to the Adviser upon his request.

Sec. 5. The Adviser shall report to the President the results of his studies and investigations and shall advise the President concerning the allocation of radio frequencies ^{to} ~~for~~ Federal Government use.

Memo from the desk of

CHARLES H. KENDALL

Mr. Fred C. Alexander

Thanks.
or

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DRAFT

CONFIDENTIAL

DRAFT, 12/17/59 WEP

EXECUTIVE ORDER

PROVIDING FOR A SPECIAL ASSISTANT
TO THE PRESIDENT FOR TELECOMMUNICATION

1 By virtue of the authority vested in me by the Constitution
2 and statutes; including sections 305 and 606 of the Communications
3 Act of 1934, as amended (47 U.S.C. 305 and 606), the Defense
4 Production Act of 1950, as amended (50 U.S.C. App. 2061, et. seq.),
5 and section 301 of Title 3 of the United States Code; and as President
6 of the United States and as Commander-in-Chief of the Armed Forces
7 of the United States, it is hereby ordered as follows:

8 SEC. 1. There shall be in the White House Office an official
9 who shall be appointed by the President by and with the advice and
10 consent of the Senate, shall have the title "Special Assistant to
11 the President for Telecommunication," and shall receive compensation
12 at such rate as the President, consonant with law, may ^e prescribe.

13 SEC. 2. The Special Assistant to the President for Telecom-
14 munication shall: assist and advise the President with respect to
15 the following-described telecommunication functions, and such other
16 telecommunication functions as the President may designate; ~~and shall~~
17 ~~act for the President with regard to those functions where so~~
18 ~~specified in this order:~~

19 *Discharging the President's*
(a) ~~The Special Assistant shall assist and advise the President~~
20 ~~in the discharge of his~~ responsibilities in connection with the
21 United States telecommunication resource to meet the changing demands
22 of national security and welfare, especially with respect to manage-

1 ment of the Federal Government's use of the radio frequency spectrum
2 in such a way as to provide the optimum accommodation of present and
3 foreseen future needs of national security, safety of life and pro-
4 perty, international relations, and the economic, social, educational,
5 and political life of the Nation and the general welfare of its
6 people;

7 (b) Formulating telecommunication policies, plans, programs,
8 and standards designed to assure efficient telecommunication manage-
9 ment within the executive branch of the Government with due regard
10 for the maintenance of sound and healthy commercial telecommunication
11 services both domestic and foreign;

12 (c) Formulating U. S. policies and positions within the
13 executive branch of the Government for international negotiation
14 and assisting and advising the Secretary of State in the projection
15 internationally of U. S. telecommunication policies and positions;
16 and providing guidance for and directing the implementation of U. S.
17 international telecommunication treaty obligations by the several
18 departments and agencies in the executive branch of the Government;

19 (d) Carrying out such policy making, planning and executive
20 functions as are required for the discharge of the President's
21 responsibilities for the assignment of radio frequencies to Govern-
22 ment radio stations and classes of stations; formulating policies,
23 criteria, engineering standards, and procedures for the allocation
24 and assignment of radio frequencies to the several departments and
25 agencies of the executive branch of the Government and the use

1 thereof; and acting for the President, assigning, on an interim basis
2 pending issuance of a superseding executive order assigning radio
3 frequencies to Government radio stations and classes of stations,
4 any frequency for use by Federal Government departments and agencies
5 and modifying or canceling such assignments as the Special Assistant
6 may deem necessary; and maintaining or causing to be maintained
7 suitable records of assignments of frequencies to Government users
8 and the publication of lists of Government frequency assignments as
9 appropriate;

10 (e) Maintaining continuing review of the national table of
11 frequency allocations, consulting with the Federal Communications
12 Commission in the process, for the purpose of ensuring that the
13 division of spectrum space between Federal Government and non-
14 Federal Government users serves the national interest to an appro-
15 priate degree; formulating jointly with the Federal Communications
16 Commission long-range plans for future use of the radio spectrum
17 and the division of the spectrum between Federal Government and non-
18 Federal Government users, in the light of the needs of the national
19 security and international relations of, and economic, social,
20 educational, and political activities in, the United States, and
21 the general welfare of its People; determining after consultation
22 with the Federal Communications Commission and in the light of the
23 national security and considerations of foreign relations, allocations
24 of radio frequencies for Federal Government use; and keeping the
25 President advised with respect thereto;

"omit + adding" ?

1 SEC. 3. (a) Subject to the provisions of this order, the authority
2 vested in the President by subsections 606(a), (c) and (d) of the
3 Communications Act of 1934, as amended (47 U.S.C. 606), is delegated
4 to the Special Assistant to the President for Telecommunications.

5 (b) Without limiting the time of effect of the provisions of
6 Section 4 hereof, it is directed that the authority delegated by
7 Section 3 (a) of this order may be performed hereunder (1) in respect
8 of the said subsection 606(a) only during the continuance of a war
9 in which the United States is engaged, and (2) in respect of the
10 said subsections 606(c) and (d) only upon proclamation by the
11 President that there exists a state of war involving the United
12 States.

13 (c) The Special Assistant may issue such rules and regulations
14 as he may deem necessary in connection with the authority delegated to
15 him by subsection 3(a) of this order.

16 (d) Nothing in this order shall be construed as authorizing
17 the exercise of any authority with respect to the content of any
18 station program or of communications transmitted by any communication
19 facility.

20 SEC. 4. (a) Subject to the provisions of subsection 4(b) of this
21 order, the Special Assistant may, at any time after the issuance of
22 this order, redelegate any authority delegated to him by Section 3
23 of this order. Except as otherwise authorized by the said subsection
24 606(a) of the Communications Act of 1934, as amended, any such

appropriate?

1 redelegation shall be made only to an officer or officers of the
2 executive branch of the Government required to be appointed by the
3 President by and with the advice and consent of the Senate.

4 (b) The authority vested in the President by the said
5 subsections 606(c) and (d) and delegated to the Special Assistant
6 by Section 3 of this order to take over or use facilities or stations
7 or to remove apparatus or equipment from facilities or stations shall
8 be exercised only by the Special Assistant or with his express
9 approval in each case.

10 SEC. 5. The Special Assistant shall assist and advise the
11 President and, pursuant to sections 3 and 4 of this order, act for
12 the President with regard to the responsibilities for mobilization
13 planning to control and direct the use of the national telecommuni-
14 cation resource in a war emergency by performing the following-
15 described telecommunication functions and such other telecommuni-
16 cation functions as the President may designate:

17 (a) Formulate national telecommunication policies, plans and
18 programs designed to assure maximum security to the United States
19 in time of national emergency with a minimum of interference to
20 continuing non-governmental requirements,

21 (b) Formulate plans for the adaption of non-defense telecom-
22 munication services and facilities to the requirements of defense in
23 a national emergency or war;

1 (c) Direct and coordinate the development by the several
2 agencies of the executive branch of the Government of agency plans,
3 programs and actions designed to carry out approved national plans,
4 programs and actions in an emergency;

5 (d) Formulate plans and directives for an emergency telecom-
6 munications agency to direct the control and priority use of U. S.
7 telecommunication in a national emergency;

8 (e) Formulate plans for the conversion of defense telecommuni-
9 cation services and facilities no longer required for defense
10 purposes to the purposes of reconstruction, rehabilitation and peace.

11 SEC. 6. The Special Assistant shall, as a further special
12 duty: (1) study the role of the Federal Government in the management
13 of U. S. telecommunication; (2) study the administrative organizations
14 for discharging the Government's responsibilities with particular
15 reference to the division of responsibility under the Communications
16 Act of 1934, as amended, and the terms of this order; and (3) not
17 later than one year from the date of his qualification for office,
18 submit to the President recommendations on what changes, if any,
19 should be made in the administrative organization.

20 SEC. 7. The mobilization plans developed by the Special
21 Assistant, or under his direction, shall be consistent with the
22 policy direction and program guidance established by the Director
23 of the Office of Civil and Defense Mobilization.

1 SEC. 8. The Interdepartment Radio Advisory Committee shall
2 report to and assist the Special Assistant in the performance of
3 his functions as he may request.

4 SEC. 9. The Special Assistant shall, in the process of
5 discharging the foregoing responsibilities, consult with the
6 various agencies and commercial enterprises as necessary to achieve
7 the objectives. He shall, to the maximum extent feasible, perform
8 his functions with the aid, or through the facilities, of appropriate
9 departments and agencies of the executive branch of the Government.
10 He may establish such interagency committees and working groups
11 composed of representatives of interested departments and agencies
12 as may be necessary for the most effective performance of his
13 functions.

14 SEC. 10. The records, property, personnel, and funds used, held,
15 employed, available, or to be made available in connection with the
16 functions vested in the Telecommunications Office, Office of Civil
17 and Defense Mobilization, by Executive Orders 10460, 10695-A and
18 10705, shall be transferred, consonant with law, to the Special
19 Assistant to the President for Telecommunication.

20 SEC. 11. Executive Orders 10460 and 10705 are hereby revoked.
21 The provisions of any other prior executive orders in conflict with
22 the provisions of this order, are hereby superseded to the extent of
23 such conflict. This order shall not operate to terminate or modify
24 the effect of any provision of any other executive order, except as

1 provided in sections 10 and 11 of this order, or of any rule,
2 regulation, or other action, relating to any of the authority
3 delegated by this order; but, subject to the respective limitations
4 of time set forth in section 3(b) of this order, authority to amend
5 or revoke any such provision shall be deemed to be included within
6 the authority delegated by section 3 of this order.

7 SEC. 12. Nothing in this order shall be deemed to impair any
8 existing authority or jurisdiction of the Federal Communications
9 Commission. The Special Assistant to the President for Telecommuni-
10 cations shall cooperate with the Federal Communications Commission
11 on matters of mutual concern.

John S. Patterson
Deputy Director

September 24, 1959

F. C. Alexander
Deputy Assistant Director for Telecommunications

H. R. 7057 and H. R. 8426

For your convenience there is attached a revision to the comparison between subject bills which I furnished you in my memorandum of September 23, 1959.

This version incorporates the two additional items which you mentioned; namely, that in H. R. 8426, the Government Frequency Administrator reports to the President or his designee; and that the President has certain freedom of action with relation to orders of the Board, when questions of national security and foreign relations are concerned -- as set forth in Section 206.

F. C. Alexander

Attachment

664/RMObermiller:lm x3886
cc: Telecom. Records
Reading File
Mr. Price
Records

*Record Copy in folder
on H. R. 8426*

COMPARISON BETWEEN 7057 (COOLEY) AND 8426 (HARRIS) BILLS

HR
--7057--

To provide the President with the means to discharge satisfactorily his responsibilities in connection with national telecommunication resources including the Government's use of the radio frequency spectrum.

1. Establishes a "National Telecommunications Board."
2. In Executive Office of the President, reporting directly to the President.
3. Three (3) members appointed by the President, by and with the advice and consent of the Senate.
4. Terms of office, each member: 6 years.
Those first taking office expire:
One at end of 2 years
One at end of 4 years
One at end of 6 years
5. Chairman designated by the President.

HR
--8426--

To strengthen the procedures governing the allocation, and to provide for more efficient utilization, of the radio spectrum, and for other purposes.

1. Establishes a "Frequency Allocation Board."
2. In executive branch of the Federal Government, as an independent agency.
3. No difference -- three (3) members appointed by the President, by and with the advice and consent of the Senate.
4. Terms of office 3, 6 and 9 years, respectively. Successors, 9 years.
5. Chairman chosen by the Board.

HR
--7057--

6. Board assists and advises President in the discharge of his responsibilities as President in connection with U.S. telecommunication resources, and to act for him in management of the Federal Government's use of the radio frequency spectrum.

Special duties with 2-year reports:

- a. Review national table of allocations.
- b. Study role and organization of Federal Government in telecommunications.

HR
--8426--

6. Board's function is the continuing study and management of the allocation of radio frequencies to both Federal Government and non-Federal Government users, and to maintain tables of radio frequency allocations for Federal Government and non-Federal Government use.

Advises the President on spectrum matters in connection with foreign relations.

President may change timing of or set aside Board's orders, as well as take independent actions on allocations as deemed necessary or appropriate when questions of national security or foreign relations are involved.

7. Creates a "Government Frequency Administrator."
8. Appointed by and reporting solely and directly to the President, or such official as the President may designate.
9. Duties embrace:
 - a. Continuing study of allocation among and use of radio frequencies by Government agencies.
 - b. Allocate and assign frequencies to Government agencies.

John S. Patterson
Deputy Director

September 23, 1959

F. C. Alexander
Deputy Assistant Director for Telecommunications
HR 7057 and HR 8426

Attached for your information in accordance with your today's telephone request, is a tabulation of the so-called Cooley Bill, H.R. 7057, and Mr. Harris' Bill, H.R. 8426, showing the basic differences between significant items in both.

F. C. Alexander

Attachment

664/Obermiller:lm x3886
cc: Telecom. Records
Reading File
Mr. Price
Records

*Record Copy in folder
on H.R. 8426*

COMPARISON BETWEEN 7057 (GOOLEY) AND 8426 (HARRIS) BILLS

HR
--7057--

To provide the President with the means to discharge satisfactorily his responsibilities in connection with national telecommunication resources including the Government's use of a radio frequency spectrum.

1. Establishes a "National Telecommunications Board."
2. In Executive Office of the President, reporting directly to the President.
3. Three (3) members appointed by the President, by and with the advice and consent of the Senate.
4. Terms of office, each member: 6 years.
Those first taking office expire:
One at end of 2 years
One at end of 4 years
One at end of 6 years
5. Chairman designated by the President.

HR
--8426--

To strengthen the procedures governing the allocation, and to provide for more efficient utilization, of the radio spectrum, and for other purposes.

1. Establishes a "Frequency Allocation Board."
2. In executive branch of the Federal Government, as an independent agency.
3. No difference -- three (3) members appointed by the President, by and with the advice and consent of the Senate.
4. Terms of office 3, 6 and 9 years, respectively.
Successors, 9 years.
5. Chairman chosen by the Board.

HR
--7057--

6. Board assists and advises President in the discharge of his responsibilities as President in connection with U.S. telecommunication resources, and to act for him in management of the Federal Government's use of the radio frequency spectrum.

Special duties with 2-year reports:

- a. Review national table of allocations.
- b. Study role and organization of Federal Government in telecommunications.

HR
--8426--

6. Board's function is the continuing study and management of the allocation of radio frequencies to both Federal Government and non-Federal Government users, and to maintain tables of radio frequency allocations for Federal Government and non-Federal Government use.

Advises the President on spectrum matters in connection with foreign relations.

7. Creates a "Government Frequency Administrator."
8. Appointed by and reporting solely and directly to the President.
9. Duties embrace:
 - a. Continuing study of allocation among and use of radio frequencies by Government agencies.
 - b. Allocate and assign frequencies to Government agencies.

COPY

July 7, 1959

Honorable Oren Harris
Chairman, Committee on Interstate
and Foreign Commerce
House of Representatives
Washington 25, D. C.

Dear Mr. Chairman:

Reference is made to your recent oral request for the views of the Office of Civil and Defense Mobilization with respect to H. R. 7057, "A bill to provide the President with the means to discharge satisfactorily his responsibilities in connection with national telecommunication resources including the Government's use of the radio frequency spectrum."

The Office of Civil and Defense Mobilization does not support H. R. 7057 for the following reasons:

1. The organizational device proposed by this Bill, a National Telecommunications Board of three members appointed by the President, subject to Senate confirmation, and with fixed six-year overlapping terms of office is considered inappropriate for the Executive Office. As a Presidential staff unit, it should support and assist the President in carrying out his responsibilities as Chief Executive. The provision of a six-year term of office would make it likely that a President would have an unresponsive Board during his first term in office. The desirability of using a Board in the Executive Office has been thoroughly explored several times. The first Hoover Commission in its report on General Management of the Executive Branch (pages 16-17) summed up the arguments against this arrangement as follows:

"To put a full-time board at the head of a staff agency is to run the risk of inviting public disagreement among its members and of transplanting within the President's Office the disagreements on policy issues that grow up in the executive departments or in the Congress. It also makes cooperation with related staff agencies more difficult."

The same report (page 16) explored the issue of Senate confirmation and came up with the following recommendation:

"The Congress, when it enacted the Budget and Accounting Act of 1921, wisely made the Director of the Bureau of the Budget a staff agent to the President, to be appointed by him without the Senate confirmation that properly goes with appointment of heads of the operating agencies. Similarly, it recently authorized the President to appoint the Executive Secretary of the National Security Council without Senate confirmation."

2. Day-to-day managerial responsibilities are assigned to the Board for executing the President's responsibilities in connection with United States telecommunication resources and to act for him in the management of the Federal Government's use of the radio frequency spectrum pursuant to the President's responsibilities under the Communications Act of 1934, as amended. At the same time, the Board is designated the responsibility for investigating the Federal Government management aspects in the field of telecommunications.

This dual responsibility vested in a single entity for resource management on the one hand, and investigation

of the effectiveness of that management on the other,
is considered neither practicable nor desirable.

The Bureau of the Budget advises that it has no objection to the
submission of this report.

Sincerely,

Leo A. Hoegh

664/Alexander:Kendall:Imm:x2238:6/19/59

CC: Records (2)
Director (2)
Director, Operations HQs BC (2)
Telecom. Rm. 408 EOB
Mr. Merker
Mr. Kendall
GC Subj. File BC

Control ---

C
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P
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SECRET

G. Lyle Belsley
Deputy Assistant Director for Resources and Production

June 18, 1959

F. C. Alexander
Deputy Assistant Director for Telecommunications

Cabinet Status Report

This is in response to your informal request for a review of item 6 "National Telecommunications Policy" (CI - 58-7/6, Section K-9) in connection with subject document for up-dating to June 19, 1959.

Paragraphs "a" through "d" are satisfactory as written. We suggest that paragraph "e" be deleted in its entirety and the following substituted therefore as additional information to that furnished in our memorandum to you dated March 23, 1959:

- "e. On March 27, 1959 the Director, OCDM, forwarded a copy of the report of the Special Advisory Committee on Telecommunication to the Speaker, House of Representatives, and to the President of the Senate for their disposition and urged early action to further the President's recommendation contained in his March 3, 1959 letter.
- "f. Subsequently, the House of Representatives authorized the Committee on Interstate and Foreign Commerce to proceed with, and provided funds for, a study of the present and future uses of the radio spectrum, in furtherance of legislation which may be needed to cope with the problem. The Committee decided that it would be desirable to obtain a better understanding of (1) the nature of the problems attending the present and future utilization of the spectrum, and (2) the most appropriate and effective methods of approaching the examination and resolution of these problems.
- "g. Panel discussions were held on June 8-9, 1959 with Honorable Oren Harris presiding as Chairman and Representatives from Government and Industry attending, including selected individuals. Thoroughly discussed were the Special Advisory Committee Report and its legislative proposal (HR 7057), the administration plan (H J Res 331), as well as other recommendations and proposals.

When the attachments are removed,
this transmittal letter becomes
Unclassified.

Record Copy in Folder marked - "Policy - Cabinet Consideration of" -

SECRET

-2-

"h. The Committee reportedly held an Executive Session on Friday, June 12th to decide on its next course of action on the subject. Information is not available, as of this date, as to the outcome of this session.

The thermofax copy of Pages 19 through 23 of the report, classified SECRET, which you sent to us is returned herewith.

F. C. Alexander

Attachment

664/Obermiller:lm 6/18/59 x 3886

cc: Telecom, Records

Records

Reading

Mr. Price

SECRET

SECRET

EXCERPT FROM CABINET STATUS REPORT FURNISHED
TELECOMMUNICATIONS BY G. LYLE BELSLEY ON
JUNE 18, 1959 FOR IMMEDIATE COMMENT AND REVIEW

6. National Telecommunications Policy
CI - 58-7/6, Section K-9

- a. The President, by letter of March 3, 1959 to Honorable Richard M. Nixon and Honorable Sam Rayburn, recommended that Congress establish a Special Commission on Telecommunications, to be composed of five members appointed by the President.
- b. By letter of March 3, 1959 to Rayburn and Nixon, Governor Hoegh submitted a Draft Joint Resolution for "A Bill to establish a commission to study and report on the U.S. telecommunication resource with special attention to the radio spectrum."
- c. On March 4, 1959, a response received from the Speaker of the House acknowledged receipt of Governor Hoegh's March 3rd letter and stated that the proposed Bill will be referred to the appropriate committee of the House of Representatives. Subsequently, Senator Magnuson, in his capacity as Chairman of the Senate Interstate and Foreign Commerce Committee, formally introduced the program and reportedly made no comment except to insert in the Congressional Record the Director's letter of March 3, 1959 addressed to Vice President Nixon.
- d. At the OCDM Director's request, the Bureau of the Budget has authorized strengthening the Telecommunication Office through an increase of ten staff personnel during this fiscal year, and an additional eleven in Fiscal Year 1960.
- e. As of this date, there is no indication as to whether any hearings are being scheduled on the Administration's draft Joint Resolution, or how it would be handled in relation to other proposed studies now under consideration on the Hill.

Telecommunications Reports

1202-1514 National Press Building
Washington 4, D. C.
District 7-2654

ROLAND C. DAVIES, Editor
FRED W. HENCK, Executive Editor
THOMAS M. MALIA, News Editor

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REPORT SUBMITTED LATE LAST YEAR BY COOLEY COMMITTEE BECOMES CENTER OF TWO-DAY PANEL MEETING ON FREQUENCY ALLOCATIONS, COMMUNICATIONS PROBLEMS BEFORE HOUSE SUBCOMMITTEE; OCDM, DEFENSE BACK STUDY PLAN

The report submitted late last year by the Special Advisory Committee on Telecommunications, not made available to Congress or the public for several months following its completion, was thoroughly examined by more than a dozen authorities in the field of frequency allocations and the members of the House Interstate & Foreign Commerce communications and power subcommittee June 8-9, and developed a somewhat surprising amount of agreement.

Although other recommendations and proposals—including the Eisenhower administration's alternative plan for another study group, suggestions that Congress itself study the problems of frequency utilization and telecommunications management, and creation of a "super board" or single agency either to replace the present FCC and Interdepartment Radio Advisory Committee or to decide on broad divisions of frequency space between government and non-government uses—received attention, the SACT report was the center of discussion throughout the two-day meeting.

HIGHLIGHTS: Legislative proposal of Cooley committee supported or not objected to by majority of group. . . Doerfer, Quesada agree to Cooley plan as first step, but aim comments toward creation of single governmental authority. . . EIA calls for Federal Spectrum Authority . . . Broadcasters want Congress to study frequency utilization, but no one else does, and some panelists describe such a study as useless. . . Most panelists agree that time for action, not further studies, has arrived. . . Parallel drawn to Federal Aviation Agency.

The legislative proposal of the special committee headed by Victor E. Cooley, retired Board Chairman of the Southwestern Bell Telephone Co., introduced as HR 7057 by Chairman Oren Harris (D., Ark.) of the House committee, was supported or not objected to by a numerical majority of the panelists. The group included, of course, four men who were members either of the Cooley committee or the 1951 President's Communications Policy Board, headed by Dr. Irvin Stewart, former FCC Commissioner and former President of West Virginia University.

Opponents of HR 7057 included spokesmen for the Office of Civil & Defense Mobilization and the Department of Defense, who backed the Eisenhower administration plan (H J Res 331), and to a degree FCC Chairman John C. Doerfer, who stressed the difficulties of attempting to negotiate changes in allocations between government and non-government uses, and aimed his comments toward the creation of an overall authority to make decisions affecting both areas.

Federal Aviation Agency Administrator E. R. Quesada and spokesmen for the Electronic Industries Association directed their views toward ultimate creation of a single agency. General Quesada agreed in general that creation of the three-member National Telecommunications Board envisioned in the Cooley board report (TELECOMMUNICATIONS, April 6) would be a useful "first step." (Continued on next page)

 * FCC NOT TO ACT ON MICROWAVE UNTIL AFTER 25-890 MC PROCEEDINGS *

The FCC is delaying any policy decisions affecting the microwave portion of the radio frequency spectrum, above 890 megacycles, at least until after the present hearings on the 25-890 mc portion of the spectrum are completed, Chairman John C. Doerfer declared June 9 at the panel discussion before the House Interstate & Foreign Commerce Committee on frequency allocations (see separate story).

Urging that questions of the government's organization in radio frequency matters be given top priority, and that a detailed study of frequency utilization be "set aside" for a while, Chairman Doerfer commented that the Commission is delaying a decision on "part of the spectrum" pending taking of testimony "on another part."

He later confirmed to this publication that he was referring to the above-890 mc and 25-890 mc proceedings.

A recommended statement of policy stemming from the above-890 mc hearings of two years ago was recently up for FCC consideration, but was passed over. One possibility is that the policy, to be carried out in detail in proposed rulemaking, will reach a compromise between the position of the common carriers--in general objecting to private microwave systems except for right-of-way companies and in isolated areas--and that of private microwave proponents--for relatively unrestricted licensing eligibility requirements.

-End-

FREQUENCY ALLOCATION PANEL---(Continued from preceding page)

Only support for a study of frequency utilization by a Congressional committee came from the broadcasting participants in the panel--the National Association of Broadcasters and the Association of Maximum Service Telecasters, the latter composed generally of the nation's largest VHF TV stations. Declaring that non-government uses of frequencies must be justified to the FCC, but that there is no way of knowing how much and how well the government frequency space is used, they urged that Congress itself study the question of utilization, with emphasis on the government side.

Later last week, OCDM sent extensive documentary material to the House subcommittee, including charts showing the division of radio spectrum space between government and non-government users, and trends and planning for the future in the government area. Also included was an exchange of letters between OCDM and FCC on long-range planning for future use of the radio spectrum (see separate story on page 18).

Members of the subcommittee--a half-dozen Congressmen sat through virtually the entire two-day session and asked frequent and searching questions--generally appeared impressed with the urgency of the problems outlined and the scope of the analyses presented by the panelists.

The Congressmen's interest was centered in the organizational side of the subject, and there was no expressed disagreement with the flat statements by several panelists--other than the broadcasters' represent-

atives--that an attempt by the committee to study frequency utilization would be "useless," beyond the capacity of the busy committee members and any staff they might hope to assemble, or out-of-date by the time it was completed. On the other hand, several Congressmen declared that clearly the job facing the committee is one of ironing out the organizational problems.

The Interstate Commerce subcommittee reportedly held an executive session Friday, June 12, to decide on its next course of action on the subject. The record will be kept open for corrections and possibly for added comments, and the printed hearings will not be available immediately for analysis. Best guess of some observers was that legislative hearings would be held on the subject later, to insure a full expression of views.

No one defended the status quo, with Paul Goldsborough, Consultant to the Defense Department and former Director for Communications in the Office of the Assistant Secretary of Defense for Supply & Logistics, coming closest to such a position in a statement which noted that the present "dual jurisdiction. . . has resulted in the satisfaction of a vast number of essential civil and military radio frequency requirements."

Mr. Goldsborough, however, commented that Defense recognizes "that any system of management is capable of improvement. . . However, major revisions to the system presently effective. . . should be approached with caution and should be brought into being only after thorough study and investigation has convincingly demonstrated that such changes will bring about improvements." As a result, Defense supported H J Res 331, the administration proposal for a one-year study of the spectrum and government telecommunications management by a five-member special board (TELECOMMUNICATIONS, March 9).

Existing operations within the government structure, particularly of FRAC under OCDM aegis, were described as effective by OCDM Director Leo A. Roegh, and later by his alternate on the panel, Assistant Director John S. Patterson, probably the most vocal supporters among the panelists of the Eisenhower administration's study proposal.

One of the most vigorous critics of the status quo was Chairman Doerfer, who described the present total VHF-UHF allocation for television as a "waste of spectrum space," and contended in effect that it is a product of the present organization, since there is no final authority who might decide to shift some government VHF space to TV while moving non-government space, such as some of the UHF TV channels, to other purposes.

Chairman Doerfer did not endorse any specific proposed legislation--although he accepted HR 7057 as "part" of the solution--urging instead that organizational aspects of the problem be studied further, with emphasis on setting up a single decisional authority. Commissioner Robert T. Bartley, who accompanied him, unqualifiedly supported HR 7057.

There was considerable discussion but no expressed agreement by the "single authority" or "super board" advocates as between the two apparent possibilities--a single entity superintending both govern-

ment and non-government frequency use, or a "super board" which would allocate space broadly between government and civilian uses, with the FCC and a government group such as IRAC deciding on allocations within their respective spheres.

On the other hand, spokesmen for the two boards which have surveyed the situation--Dr. Stewart, Mr. Cooley, Washington consulting engineer Frank G. Kear, and Dr. W. L. Everitt, Dean of the University of Illinois School of Engineering--expressed repeatedly their faith in the negotiating process to produce the best divisions of spectrum space between government and civilian uses, provided the "government's house is put in order." They stressed their view that creation of the permanent three-member NTB would furnish a lasting solution, but emphasized that if it did not work in the area of settling government-civilian disputes Congress then could consider the creation of a "super board."

All members of the panel who addressed themselves to the subject agreed that the present arrangement, under which civilian users must justify their needs to the FCC but information on government use justification is frequently unavailable, is a breeding ground for suspicion on the part of civilian groups. All panelists agreed that it is of first importance that whatever is done on the government side, it must produce a setup which engenders confidence. The Stewart and Cooley board members went on to state that this should solve the problem, since an authoritative and competent NTB would convince civilian users that the government was not holding more space than it needed.

In general, the panelists agreed that some action is urgently required, and that the next move is up to Congress, either through a study or by passing legislation either for a further study or for permanent changes in the organizational structure, depending on the viewpoint of the individual panel members.

Parallels between the communications and aviation fields, and in particular the prospect of action similar to the creation of the Federal Aviation Agency after a Presidential study of the subject, were drawn at numerous points, particularly by EIA President David R. Hull and H. Leslie Hoffman, Chairman of the EIA Spectrum Study Committee, and by several Congressmen.

With this background, General Quesada, after a day and half of silence, delivered his summary of the situation in a statement which evidently had considerable impact on the conference. He started out by conceding that his experience as a user of and "contestant" for frequencies, in the military service and in government, had convinced him there is a "very human tendency" to "hoard" frequencies. (Mr. Goldsborough later emphatically disagreed with this conclusion.)

If the committee attempts to allocate frequencies, it will have the same difficulties "everyone else has had," the FAA Administrator remarked, and it ultimately will have "to retreat to vague and general statements." Congress must instead demand that an organization be created which can do the job, he declared.

Describing IRAC as "almost ineffective" (Mr. Patterson later took issue with this comment), General Quesada pointed out that each IRAC

member agency is a contestant for frequencies, and he doubts any of the participants' ability to be wholly objective.

Stressing that "some detached body" should decide on allocations between government and non-government uses, he commented that there must be an organization with authority to shift bands of frequencies between civilian and government use as the need arises. If there is no such agency, he keynoted, the likelihood is that the developer of each new band, as ways to use higher portions of the spectrum are found, will "assume ownership" of it. Most of this development is likely to be by the government, General Quesada continued, and therefore most of the space is likely to be government-occupied.

Following the panel discussions, Mr. Hoffman issued a statement calling for establishment of a Federal Spectrum Authority which would divide space for government and non-government users. Under the plan, the FCC and IRAC would continue to pass on frequency assignments within their respective spheres.

The announcement declared that "One of the major functions of the FSA, . . . would be to bring up-to-date immediately all technical information on the radio spectrum and government and civilian requirements, and thereafter to maintain such data as the art progresses and requirements change. The FSA also would be expected to conduct long-range planning studies of the spectrum and its uses."

Representing communications common carriers, Chief Engineer Harold R. Huntley of the American Telephone & Telegraph Co. made a brief statement emphasizing that the technical utilization of frequencies must be under continuous review. While the FCC does a good job in the non-government field, he continued, there must be a group in the government area to manage and study the field. To him, Mr. Huntley declared, this could be done primarily through the Cooley board concept of the NTB.

On the question of the "super board," the AT&T Chief Engineer said his "mild feeling" is in accordance with the expressed views of the Cooley and Stewart board members. He told Rep. J. Arthur Younger (R., Calif.), whose questions indicated support of the "super board" or single entity concept, that he has confidence in cooperative work between the FCC and a group as proposed by the Cooley board.

For the subcommittee's background, Mr. Huntley submitted a statement on the use of radio by common carriers, reviewing developments and plans in the fixed and mobile fields. He concluded that "radio has grown from almost nothing to an extremely universal, economical, and flexible tool to do many kinds of jobs very well and has become a very important factor in keeping costs down and giving a degree of ruggedness to our national communications network which could not have been obtained otherwise--at least without exorbitant cost."

Raising the possibility of a Presidential veto of HR 7057, if it should be passed, was a letter from the Bureau of the Budget read into the record by Rep. John J. Flynt (D., Ga.), presiding in the later stages of the panel. It supported H J Res 331, and said HR 7057 should not be enacted pending the study contemplated by the former.

Pointing out that the six-year term asked for NTB members overlaps the four-year term of Presidents, the Budget Bureau said that the organizational device would be inappropriate for the White House structure. It also is against Hoover Commission recommendations, Budget said, for reasons including the long-standing policy against Senate confirmation of such White House staff officers as the Director of the National Security Council and the Director of the Budget.

Opening the sessions with a review of past background, including the introduction of HR 7057 and H J Res 331, as well as the proposals of former Senator Charles E. Potter and Rep. William E. Bray (R., Ind.) for studies of frequency utilization, Chairman Harris stressed that the subcommittee first was seeking information on the nature of the problems in the field.

Dr. Stewart, as the first panelist to make a statement, declared that unless the House subcommittee can stimulate some action on the subject, "there may be none." He made the first of a number of comments along the lines that after the 1951 report of the committee headed by himself, there was an improvement in the government's organization through the appointment of a Telecommunications Advisor to the President but that as the result of later events, the professional telecommunications organization in OCDM now is a couple of layers removed from the top echelon. Outlining what were generally conceded by the panel to be deficiencies in the present handling of government frequency assignments, he emphasized the view that no further studies are needed, except by someone empowered to take action on his study results. Mr. Hull quickly endorsed Dr. Stewart's conclusions.

At this point, Fred C. Alexander, OCDM Deputy Assistant Director for Telecommunications, was called on for a basic explanation of the frequency spectrum, how it is measured, its size, and the amount left for further development. The half-hour basic explanation, complete with five large charts showing on separate lines the Atlantic City frequency tables, present US allocations, and US proposals for this summer's international radio conference in Geneva, was referred to frequently by the subcommittee members in later questions.

The next general statement came from NAB President Harold E. Fellow who urged further study of frequency spectrum questions by Congress so that there would be "established a legislative history by a committee of Congress which would serve as guidance to any group or body which might subsequently be established to administer the spectrum, as between government and non-government users. . . This committee would soon find that the non-government use of the spectrum space is an open book, while in the government use of this valuable resource there exists no check or control, nor knowledge of overall utilization."

During Mr. Cooley's description of his committee's report, several Congressmen raised questions about the section of the group's proposed bill--now HR 7057--which would call on the NTB, as a special duty, to study the role of the federal government in the management of telecommunications, reporting to the President on any changes proposed in the government's organizational structure within two years.

(Continued on page 16)

FREQUENCY ALLOCATION PANEL---(Continued from page 6)

The proposed board, in addition to directing the government's telecommunications policies and assignments of radio frequencies to government users, would have another special duty--a review of the national table of frequency allocations jointly with the FCC.

On the second day of the session, Mr. Cooley announced that the board members had agreed that deletion of the section calling for the study of government telecommunications management, and the organizations which carry out such work, could be deleted without harming the essential purposes of the legislation. This, he noted, would meet some objections expressed during the first day, including Governor Hoegh's contention that delay would result from the proposed study by the NTB.

There was discussion at a number of points, between members of the subcommittee and such panelists as Chairman Doerfer and Governor Hoegh, as to the extent of Presidential authority over frequency assignments, and whether the current divided responsibility between the White House organization and the FCC is the product of specific legal authority, or "forbearance." The conclusion finally was that about the only way to solve any constitutional questions would be to pass a law, and await any court review.

In this general area, Reps. Flynt and John E. Moss (D., Calif.) agreed that any delegations of authority to handle telecommunications matters should come from Congress.

In his statement, Mr. Hull declared that EIA is "convinced that much of this national resource is now being wasted and inefficiently used, and that a competent study directed to a long-range rearrangement of radio channels would be of great benefit to the public which uses these channels for safety, communications, broadcasting, national defense, space exploration, and commercial purposes. We also believe that whatever realignment of channels may be agreed upon, after an appropriate study of the technical and economic possibilities, can be accomplished in such a manner that it will not cause the discard or premature obsolescence of present equipment."

Mr. Hoffman urged that the subcommittee review the Stewart and Cooley studies and "your own previous actions," such as its reporting out a frequency study resolution last year, "and forthwith draft legislation that will insure the full utilization of this very vital resource. He emphasized that responsibility for the division of authority between the FCC and IRAC is that "of the Congress. This divided responsibility would appear to be a basic obstacle to establishing and administering a unified national policy for radio spectrum allocations. The spectrum is a single entity governed by one set of physical laws which are not subject to legislation."

In urging unification of the government structure, and thorough analysis of government frequency use, the EIA spokesman described the present situation as "having one house, with two landlords--and a housing shortage," and as "holding a beauty contest and only looking at the legs."

In reply to questions by Rep. William H. Avery (R., Kans.), the panelists generally agreed that any study without the opportunity for action would be useless, but there was division of opinion as to whether the same group empowered to act should make the study.

Governor Hoegh, at this point, contended that there is little basic difference between HR 7057 and H J Res 331, but Chairman Harris declared that he could see a "vast difference." Rep. Harris asked Dr. Stewart--a member of the Cooley board as well as the 1951 committee--if President Eisenhower's March 3 letter carried out the group's recommendations, and Dr. Stewart replied, "Everything except the heart of our recommendations." He added that the board "had been under the impression we were working on an urgent problem."

After outlining the Defense Department position, as reported above, Mr. Goldsborough declared in reply to questions that IRAC employs the same standards as the FCC in making frequency assignments. He added that only three times in two and a half years has Defense made a request through OCDM to the FCC for use of non-government frequencies. Two of those were certified "at the highest level" as essential to national defense, he reported, while the third one is still under review in his former office.

Asked by Rep. William L. Springer (R., Ill.) if there is a "shortage" in the allocations for civilian use, Chairman Doerfer declared that there is, in certain areas of the spectrum, but he pointed out that a shortage may result from "inefficient or inappropriate" use.

Later, Mr. Goldsborough told Rep. Springer that Defense would not object to creation of a board with authority to make final decisions within the government on radio frequency use.

One of the later statements came from Lester W. Lindow, Executive Director of the Maximum Service Telecasters, who keynoted the lack of information about government frequency use, and urged that the subcommittee itself study the subject of spectrum use. He opposed HR 7057, H J Res 331, and Rep. Bray's bill as not providing for the study required.

Rep. Flynt raised a question, after commenting that the State Department does not have the expertise and background in the communications field that others may have, as to whether one agency should be handling allocations at home and international treaties abroad. Commissioner Bartley defended State's activities in the field, and Mr. Goldsborough commented that the communications administrations abroad represent monopoly, and that present methods in the US are "superior." Mr. Cooley added that under the board's recommendations, the NTB would coordinate US policies and advise the State Department.

Mr. Goldsborough later noted that another basic problem had not received consideration by the panel. This, he said, is the fact that communications planners must consider how much and where each type of radio service--fixed, mobile, amateur, navigational, and broadcast--requires space in the spectrum.

Late in the discussion, Rep. Moss asked if there was agreement that the subcommittee had received the proper proposal either in HR 7037 or H J Res 331, and there was no indicated dissent. Mr. Hoffman then asked Mr. Patterson what would happen after the study planned under H J Res 331, and was told the findings would be transmitted to the President and Congress. The EIA official inquired if it would not be better to set up an agency first, and Mr. Patterson contended this would be putting the cart before the horse.

Another point made at the close was by Mr. Patterson, who recalled the April 30 announcement of a joint study of the frequency spectrum by OCDM and the FCC (TELECOMMUNICATIONS, May 4).

Winding up the session, Rep. Flynt asked about the "results" of a Cabinet committee named several years ago to study telecommunications policies (TELECOMMUNICATIONS, Oct. 4 and Nov. 8, 1954). He was not familiar with the details, and Mr. Patterson expressed no knowledge of the subject. (The committee, composed of the Office of Defense Mobilization Director and the Secretaries of State and Defense, never issued a report.)

-End-

SUBSTANTIAL AMOUNT OF DOCUMENTATION COVERING DIVISION OF FREQUENCY SPACE BETWEEN GOVERNMENT AND NON-GOVERNMENT USES SUBMITTED BY OCDM

A substantial amount of documentation, covering the division of radio spectrum space between government and non-government radio users, trends and planning for the future by the Interdepartment Radio Advisory Committee, and including an exchange of correspondence between the FCC and the Office of Civil & Defense Mobilization on long-range planning of use of the frequency spectrum, was sent to the House Interstate & Foreign Commerce communications and power subcommittee late last week by OCDM.

The material had been prepared by the office of the OCDM Deputy Assistant Director for Telecommunications for last week's panel discussion before the House group, and was requested for the record by the subcommittee.

HIGHLIGHTS: Exchange of correspondence between FCC and OCDM relates to "terms of reference" for use in long-range frequency study . . . Purpose of study is improved pattern of frequency allocations over next 10 or 15 years. . . Chart shows division of frequency space between government and non-government uses.

The exchange of correspondence related to "terms of reference" for the long-range frequency study. It provided that the technical study group will prepare a list of all existing and foreseeable types of frequency use for which space should be allocated; a statement for each listed entry of the frequency range or ranges needed; the "best estimate" of the amount of space needed to satisfy each usage category; and a draft table of frequency allocations.

For the purpose of the study, it will be assumed that the existing rate of world tension will continue. The technical study group will

confine itself to technical and economic matters and national security considerations where appropriate, while the policy level group will consider such items as "political and sociological" matters.

As previously reported, objective of the study is an improved pattern of frequency allocations which could be implemented within the next 10 or 15 years. The exchange of correspondence depicted Acceptance of the "terms of reference" by the FCC, with a response by OCDM Director Leo A. Hoegh.

A chart showing division of radio frequency space between government and non-government users, and the bands which are shared, prepared on a logarithmic frequency scale, indicated that about 53-54% of frequency space now is allocated to non-government users, of the bands which are not shared.

It showed the following percentages for non-government and government above 25 mc, with the non-government percentage listed first, government second, and shared third where applicable: 25-30 mc, 70.4, 29.6; 30-40 mc, 54.4, 45.6; 40-50 mc, 72.0, 28.0; 50-100 mc, 98.4, no government, 1.6; 100-200 mc, 55.9, 25.3, 18.8; 200-300 mc, 16.0, 78.4, 5.6; 300-400 mc, no non-government, 93.2, 6.8; 400-500 mc, 50.0, 13.2, 36.8; 500-1000 mc, 81.6, 10.4, 8.0; 1000-2000 mc, 15.0, 20.0, 65.0; 2000-3000 mc, 10.0, 10.0, 50.0; 3000-4000 mc, 30.0, 40.0, 30.0; 4000-5000 mc, 20.0, 60.0, 20.0; 5000-10,000 mc, 23.0, 43.5, 27.5; 10,000-20,000 mc, 47.0, 46.0, 7.0; and 20,000-30,000 mc, 50.0, no government, and 50.0.

In anticipation of the joint program of frequency study, the report continued, expansion of the OCDM Telecommunications Office is being planned in the forthcoming year. It noted that "Present plans call for an increase of 21 positions, bringing the staff up to an authorized strength of 64 positions, including the present IRAC secretariat, by the end of fiscal year 1960."

The added cost will be about \$250,000. It was brought out, but the OCDM Director decided that the cost could be financed from funds included in the President's fiscal 1960 budget for the salaries and expenses account, so that no additional appropriations for this purpose were asked for fiscal 1960.

-End-

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* AT&T-RCA PACIFIC RADIO LINKS AUTHORIZED BY FCC AS CABLE BACK-UP *

* * * * *

Special temporary authority to use "all authorized frequencies" for non-voice communications between the international radio communications stations of the American Telephone & Telegraph Co. Long Lines Department at Dixon, Calif., and RCA Communications at Kahuku, Hawaii, for restoring private line telegraph service normally routed over the Pacific submarine telephone cable when service cannot be rendered over the cable system was issued to the carriers last week by the FCC.

The authority granted by the Commission last week covers the period from June 10 to Sept. 10.

-End-

EXECUTIVE OFFICE OF THE PRESIDENT
BUREAU OF THE BUDGET
Washington 25, D. C.

C
O
P
Y

May 20, 1959

My dear Mr. Chairman:

Reference is made to your request to the Bureau of the Budget for its views with respect to H. J. Res. 292 and H. J. Res. 331. These resolutions would both establish commissions to review utilization of the radio spectrum and related matters.

The President has recommended to the Congress that a study of this subject should be made and the administration-favored resolution is H. J. Res. 331. The Bureau of the Budget therefore supports enactment of H. J. Res. 331 in preference to H. J. Res. 292. Our principal reasons for favoring H. J. Res. 331 over H. J. Res. 292 are as follows:

a. The study authorized by H. J. Res. 292 is too limited in scope, only calling for an examination of radio and television frequencies allocated to the various agencies and instrumentalities of the Federal Government. It is believed that this study should look at the total telecommunications resource and not at a selected segment of that resource, and should also concern itself with existing methods for allocating frequencies.

b. The time allowed for completion of the H. J. Res. 292 study (six months) is believed to be inadequate for the task involved. While the resolution is limited in scope, it does call for a detailed examination of frequency utilization. We understand that such a study could not be completed even in a period substantially longer than six months.

c. The method of appointment of the members of the commission (two by the President, one by the President of the Senate, one by the Speaker of the House, and one by the Chairman of the Federal Communications Commission), and the requirement that all members be experts in the field of communications, would make it difficult to provide for a balanced composition of the commission under H. J. Res. 292.

We believe that the study of this general area contemplated by your Committee under the terms of H. R. 181 will be of considerable value in formulating your views and developing sound legislation.

Sincerely yours,

Honorable Oren Harris
Chairman, Committee on
Interstate and Foreign Commerce
House of Representatives
Washington 25, D. C.

(Signed Phillip S. Hughes)
Assistant Director for
Legislative Reference

**HOUSE INTERSTATE COMMERCE COMMITTEE PLANS TWO-DAY PANEL ON
RADIO FREQUENCY PROBLEMS: WIDE RANGE OF PARTICIPANTS INVITED
TO ATTEND**

A two-day panel discussion about radio frequency utilization and means of solving spectrum problems, with invited participants covering a wide range of interested parties, has been scheduled by the House Interstate & Foreign Commerce Committee for Monday and Tuesday, June 8-9. It was reported last week, by Chairman Oren Harris (D., Ark.).

The House committee has before it the various legislative proposals advanced for study of spectrum uses, and has been authorized funds by the House for its own study of the subject. So far, however, qualified personnel have not been available to staff the study, and the panel discussion is intended to provide guidance for the committee in proceeding on the problem.

No word was formally made public on the invited participants, but the identity of many of them was available. They include a number of the members of the Special Advisory Committee on Telecommunications appointed last year, and President Truman's Communications Policy Board, including Dr. Irvin Stewart, Victor E. Cooley, William G. Thompson, Frank Kear, Dr. William Everitt, and Dr. James Killian, it is reported.

The Defense Department may send an official participant for the panel and the Office of Civil & Defense Mobilization, the Federal Aviation Agency and the FCC have been invited to send representatives. An Electronic Industries Association spokesman is likely to attend, and A. Prose Walker, Manager of Engineering, is expected to represent the National Association of Broadcasters.

Chairman Warren G. Magnuson (D., Wash.) of the Senate Interstate & Foreign Commerce Committee has been invited, but it is possible the Senate group merely will send an observer.

On May 11, Rep. Harris introduced the legislation proposed by the special advisory committee, as included in the committee's report made late last December. The group proposed creation of a three-member National Telecommunications Board (Telecommunications, April 6) in recommendations which varied considerably from those of the Eisenhower administration sent to Capitol Hill previously.

Rep. Harris said he was introducing the special committee's bill so that it "may be considered by our committee together with other proposals previously introduced relating to spectrum studies and spectrum management."

The latter include the administration proposal, a resolution offered by Rep. William E. Bray (R. Ind.), and the House action which granted the Interstate Commerce group funds to conduct its own investigation of frequency use and telecommunications management.

Extract from BROADCASTING magazine, May 11, 1959

HOUSE SPECTRUM PANEL TO MEET JUNE 8-9

As its first step in a planned overall study of the radio spectrum, the Communications Subcommittee of the House Commerce Committee, will hold a two-day panel June 8-9. Rep. Oren Harris (D-Ark.), chairman, said the panel members would be limited to discussion of (1) problems of the spectrum and its utilization and (2) the most appropriate way to solve these problems.

The House of Representatives authorized \$200,000 for the subcommittee to conduct its investigation in the face of a White House proposal for congressional approval of an Administrative commission for the same purpose. So far, Rep. Harris has been unable to attract the necessary experts to staff the investigation and still is searching for a qualified director.

Among those to be invited to participate on the panel are Sen. Warren Magnuson (D-Wash.), chairman of the Senate Commerce Committee; Dr. Irvin Stewart, former member of the old Federal Radio Commission and ex-president of West Virginia U.; Donald A. Quarles, deputy Secretary of Defense; Leo A. Hoegh, director of the Office of Civil & Defense Mobilization; Dr. Ernest Everett of the U. of Illinois, and representatives of the NAB, FCC, EIA and other industry organizations.

* * *

Extract from TELECOMMUNICATIONS REPORTS, May 11, 1959

**EIA PRESIDENT HULL WARNS OF "CHAOTIC" SITUATION UNLESS
ADMINISTRATION, CONGRESS END STALEMATE AS TO HOW RADIO
SPECTRUM STUDY SHOULD BE MADE**

Capt. David R. Hull (USN, ret.), speaking as President of the Electronic Industries Association, warned in an address Thursday, May 7, that unless the apparent stalemate can be ended between the Eisenhower administration and Congress on how a radio spectrum study should be conducted, the situation "will become chaotic."

Captain Hull, Vice President-defense programs of the Raytheon Manufacturing Co., told the Washington chapter of the Armed Forces Communications & Electronics Association that the "electronics industry is seriously concerned over the increasing congestion in the radio spectrum resulting from growing needs of the military services, the space exploration agencies, and commerce and industry for more channels."

Turning to the recent administration proposals and Congressional moves for a spectrum study, the EIA President said, "Unless this issue can be resolved and the study is undertaken by competent and independent investigators the competing military and civilian demands for more frequencies will become chaotic."

Another problem disturbing the electronics industry, he added is the increasing competition of foreign electronic products for the American market, aggravated by the wide disparity of labor rates between American and foreign producers.

He also cited legislative problems affecting the industry, including the Renegotiation Act, now under review by the House Ways & Means Committee; a bill sponsored by Sen. Leverett Saltonstall (R., Mass.) designed to modernize the government's procurement procedures; the Hebert Subcommittee hearings on defense contracting; and the Walsh-Healey minimum wage act. This last, Captain Hull stated, is causing considerable trouble for the electronics industry, with several wage determinations under way and because of its "inflationary threat to the cost of national defense." He asked Congress to reexamine administration of the act.

The EIA President reported that about 52% of the annual \$8 billion in electronic sales today are to the military services. "Military purchases of electronic products, including communications equipment, reached a record of \$4.1 billion in 1958," he pointed out. He also attributed the rapid

growth of military electronics since 1955 largely to the rise in the electronic portion of missiles. Military purchases of electronic devices are expected to exceed \$1.5 billion during the current fiscal year, and to reach \$2 billion next year.

Members of the AFCEA chapter also honored Dr. William H. Martin, who is retiring this month as the Army's Director of Research & Development. A tribute to Dr. Martin, who entered government service in 1954 at the end of a 43-year Bell System career, was read by Maj. Gen. Ralph T. Nelson, Chief Signal Officer of the Army.

Dr. Martin was Vice President of Bell Telephone Laboratories at the time of his retirement, and shortly afterward he was named Deputy Assistant Secretary of Defense.

* * *

86TH CONGRESS
1ST SESSION

H. R. 7057

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 1959

Mr. HARRIS introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

To provide the President with the means to discharge satisfactorily his responsibilities in connection with national telecommunication resources including the Government's use of the radio frequency spectrum.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "National Telecommuni-
4 cations Act of 1959".

5 NATIONAL TELECOMMUNICATIONS BOARD

6 SECTION 1. There is hereby established in the Executive
7 Office of the President the National Telecommunications
8 Board, hereinafter referred to as the "Board", which shall
9 report directly to the President. The Board shall consist

1 of three members to be appointed by the President, by and
2 with the advice and consent of the Senate. The Chairman
3 shall be designated by the President and shall receive com-
4 pensation at the rate of \$20,500 per annum. The other two
5 Board members shall receive compensation at the rate of
6 \$20,000 per annum. All actions of the Board except those
7 relating to internal administrative matters shall be by affirm-
8 ative vote of a majority of its members. The Chairman
9 shall be responsible for the internal administrative direction
10 of the Board and its staff.

11 FUNCTIONS OF THE BOARD

12 SEC. 2. (a) The Board shall assist and advise the Pres-
13 ident in the discharge of his responsibilities as President of
14 the United States in connection with United States tele-
15 communication resources to meet the changing demands of
16 national security and welfare and shall act for him in the
17 discharge of his responsibilities arising from the Communica-
18 tions Act of 1934, as amended, for management of the
19 Federal Government's use of the radio frequency spectrum
20 in such a way as to provide the optimum accommodation of
21 present and foreseen future needs of national security, safety
22 of life and property, international relations, and the eco-
23 nomic, social, educational, and political life of the Nation
24 and the general welfare of its people.

25 (b) The Board shall formulate telecommunication pol-

1 icies, plans, programs, and standards designed to assure
2 efficient telecommunication management within the execu-
3 tive branch of the Government with due regard for the
4 maintenance of sound and healthy commercial telecommuni-
5 cation services both domestic and foreign. The Board shall
6 coordinate the formulation of United States policies and
7 positions within the executive branch of the Government for
8 international negotiation and shall assist and advise the
9 Secretary of State in the projection internationally of United
10 States telecommunication policies and positions. The Board
11 shall provide policy guidance for and direct the implementa-
12 tion of United States international telecommunication treaty
13 obligations by the several agencies in the executive branch
14 of the Government.

15 (c) The Board shall carry out such policymaking,
16 planning, and executive functions as are required for the dis-
17 charge of the President's responsibilities arising from section
18 305 of the Communications Act of 1934, as amended, for
19 the assignment of radio frequencies to Government stations
20 or classes of stations. The Board shall formulate policies,
21 criteria, engineering standards, and procedures for the alloca-
22 tion and assignment of radio frequencies to the several
23 agencies of the executive branch of the Government and for
24 the use thereof. The Board shall maintain or cause to be
25 maintained suitable records of assignment of frequencies to

1 Government users and the publication of lists of Government
2 frequency assignments as appropriate.

3 (d) The Board shall, as a special duty, review the na-
4 tional table of radio frequency allocations being employed
5 by Federal Government and non-Federal Government
6 users. This review shall be done in consultation with the
7 Federal Communications Commission to the end that a de-
8 termination be made as to whether the current division of
9 radio spectrum serves the national interest to an appropriate
10 degree. The Board shall make a report of findings to the
11 President for transmission to Congress. The report shall
12 contain, in addition to the findings resulting from the review
13 and the comments of the Federal Communications Com-
14 mission thereon, such recommendations as may be con-
15 sidered desirable and applicable. The report is to be made
16 at the earliest date consistent with the task to be performed
17 but no later than two years from the appointment and
18 qualification of the Board members.

19 (e) The Board shall maintain continuing review of the
20 national table of radio frequency allocations, coordinating
21 with the Federal Communications Commission, for the pur-
22 pose of insuring an appropriate division of spectrum space
23 between the Federal Government and non-Federal Govern-
24 ment users. The Board shall formulate, and coordinate with
25 the Federal Communications Commission, the development

1 of long-range plans for future use of the radio spectrum
2 resource. The Board shall encourage the operational ap-
3 plication of new techniques, improved equipment, and
4 methods to promote a more effective use of the radio spec-
5 trum and to conserve radio frequencies.

6 (f) The Board shall, as a further special duty, (1)
7 study the role of the Federal Government in the manage-
8 ment of United States telecommunications; (2) study the
9 administrative organizations for discharging the Govern-
10 ment's responsibilities with particular reference to the di-
11 vision of responsibility under the Communications Act of
12 1934, as amended, and the terms of this Act; and (3), not
13 later than two years from the appointment and qualification
14 of the Board members, report to the President for transmis-
15 sion to the Congress the Board's recommendations on what
16 changes, if any, should be made in the existing administra-
17 tive organization.

18 (g) The Board shall carry out such other duties and re-
19 sponsibilities as may be directed by the President from time
20 to time.

21 (h) The Board shall establish and maintain liaison as
22 required with departments and agencies of the Federal
23 Government and the telecommunications industry, includ-
24 ing but not limited to the broadcasting, electronic, and com-
25 munications services, with particular reference to research

1 and development and new manufacturing techniques and
2 capabilities, for the purpose of improving telecommunication
3 services, the conservation of the spectrum, and for increas-
4 ing productivity of the total resource. The Board shall
5 encourage research and studies in those areas where the need
6 exists.

7 (i) The Board shall, in the formulation and promul-
8 gation of policies, plans, programs, criteria, standards, and
9 procedures of national import, consult as appropriate with
10 the Federal Government agencies.

11 (j) The Board is also authorized: (1) subject to the
12 civil service and classification laws, to select, employ, ap-
13 point, and fix the compensation of such officers, employees,
14 attorneys, and agents as shall be necessary to carry out the
15 provisions of this Act, and to define their authority and
16 duties; (2) to appoint such advisory committees as shall
17 be appropriate for the purpose of consultation and advice
18 to the Board in performance of its functions hereunder and
19 to obtain services as authorized by section 15 of the Act
20 of August 2, 1946 (5 U.S.C. 55 (a)), at rates not to exceed
21 \$100 per diem for individuals; and (3) to place in grades
22 16, 17, and 18 of the General Schedule established by the
23 Classification Act of 1949, as amended, not to exceed ten
24 positions which shall be additional to the number author-
25 ized by section 505 of that Act.

1 ORGANIZATION OF NATIONAL TELECOMMUNICATIONS

2 BOARD

3 SEC. 3. The term of office of each member of the Board
4 shall be six years, except that (1) any member appointed
5 to fill a vacancy occurring prior to the expiration of the
6 term for which his predecessor was appointed shall be ap-
7 pointed for the remainder of such term; and (2) the terms
8 of office of the members first taking office after the date of
9 enactment of this Act shall expire, as designated by the
10 President at the time of appointment, one at the end of two
11 years, one at the end of four years, and one at the end of
12 six years. Two members shall constitute a quorum of the
13 Board. Each member of the Board shall be a citizen of the
14 United States.

15 ANNUAL REPORT

16 SEC. 4. The Board shall make an annual report to the
17 President for transmission on or before the 15th of March
18 of each year to the Congress, summarizing the activities of
19 the Board for the previous calendar year and making such
20 recommendations as it may deem appropriate.

21 TRANSFER OF RECORDS, PROPERTY, PERSONNEL, AND FUNDS

22 SEC. 5. The records, property, personnel, and funds used,
23 held, employed, available, or to be made available, in connec-
24 tion with the functions vested in the Director of the Office of
25 Civil and Defense Mobilization by Executive Order 10460 of

1 June 16, 1953, and Executive Order 10705 of April 17,
2 1957, shall be transferred, consonant with law to the Board.

3 APPROPRIATIONS

4 SEC. 6. There are hereby authorized to be appropriated
5 such sums as may be necessary and appropriate for the car-
6 rying out of the provisions and purposes of this Act.

86TH CONGRESS
1ST SESSION

H. R. 7057

A BILL

To provide the President with the means to dis-
charge satisfactorily his responsibilities in
connection with national telecommunication
resources including the Government's use of
the radio frequency spectrum.

By Mr. HARRIS

MAY 11, 1959

Referred to the Committee on Interstate and Foreign
Commerce

May 11, 1959

Dr. Irvin Stewart
Francis Scott Key Apartment Hotel
600 20th Street, N. W.
Washington, D. C.

Dear Irvin:

Attached is the list of names in Management and
Organization of the Bureau of the Budget.

When we tried to get a copy of their telephone directory
for you, we were told the supply is limited and we could
have only one copy for our reference library. Maybe
you would have better luck!

Sincerely,

F. C. Alexander
Deputy Assistant Director
for Telecommunications

Enclosure

Assistant Director for Management and Organization
Finan, William F.

Assistant to the Assistant Director
Strait, Edward B.

Assistant Chiefs
Levy, Fred E.
Mullins, George G.
Platt, C. Spencer
Seidman, Harold

General Management and Organization Staff
Barnett, Richard W.
Beckman, Norman
Berg, Clifford L.
Cutler, Robert G.
Jasper, Herbert N.
Moore, R. Scott
Moy, Marsh H.
Osborn, Gordon G.
Rapp, William
Schnoor, Howard
Seidman, Harold
Wohlfeld, William

Chief, Property Management and Systems Group
Mullins, George G.
Currie, James
Gill, William
Hale, Jacob
Holden, John
Maltby, Albert
Walsh, J. Herbert

Chief, Personnel Management Group
Platt, C. Spencer
Lehman, William
Parker, Charles
Severy, Roland

Mr. John S. Patterson
Deputy Director

May 8, 1959

Deputy Assistant Director
for Telecommunications

Proposed Discussion on Pending Legislation to Investigate the
Management and Use of the Radio Spectrum

Pursuant to our conversation on the subject, Mr. Oren Harris plans to assemble a panel of interested people for the purpose of trying to break the deadlock in which there are several proposals and proposed bills at hand for the purpose of studying the use, apportionment, and management of the radio spectrum, some of which appear to be moving forward.

A letter inviting OCDM participation will reach us next week.

It is planned to convene the group on June 8 and 9, 1959, here in Washington. I am advised that for the Executive Branch, Dr. Killian and OCDM may be accompanied by such knowledgeable people as desired.

Present plans include the presence of Messrs. Killian, Kear, Thompson, Everitt*, Stewart, Cooley, Doerfer, and Hoegh, as well as representatives of the broadcast industry, Electronics Industries Association.

Dr. Quarles, regrettably no longer with us, was also invited and no doubt Mr. McElroy will designate someone else to attend for the Department of Defense.

F. C. Alexander

cc: Director

*Dean of Electrical Engineering, University of Illinois.

660:FCAlexander:hrt
cc: Telecom Records
Reading
Mr. Price
Records

Extract from BROADCASTING Magazine, April 13, 1959

HARRIS OFFERS IKE'S SPECTRUM RESOLUTION

The House version of a Senate resolution recommended by the President for a study of the spectrum was introduced last week by Chairman Oren Harris (D-Ark.) of the House Interstate & Foreign Commerce Committee.

But Rep. Harris, who already has \$150,000 for a spectrum study by a special subcommittee of his House Commerce Committee, introduced the White House measure (HJ Res 331) only out of courtesy to the Chief Executive, not because he favors it, according to a spokesman.

The White House recommendation drawn up by Leo A. Hoegh, director of the Office of Civil & Defense Mobilization, was introduced on the Senate side by Chairman Warren G. Magnuson (D-Wash.) of the Senate Interstate & Foreign Commerce Committee.

The Commission on Telecommunication Management would include five members, all appointed by the President and none subject to Senate confirmation; all would be experts in the telecommunications field. They'd be exempt from Civil Service Commission requirements.

They would study (1) the role of the government in managing the U. S. telecommunication resource; (2) the administration organization for discharging government responsibilities, particularly "the division of responsibility under the Communications Act," to determine if any organizational or legal changes are desirable; (3) present methods of allocating bands of frequencies between federal government and non-government users to determine if any practicable changes should be made to use the frequencies to the maximum degree, considering technological changes that might enhance maximum use; (4) present apportionment of frequency allocations between government and non-government users to determine if, in the national interest, any frequency space should be reallocated to other uses and, if so, the amount.

Sen. Warren G. Magnuson (D-Wash.), chairman of the Senate Commerce Committee, announced last week that five government agencies had approved the Presidential plan to appoint a five-man commission to study the use of the radio spectrum by both government and civilian groups.

Government agencies urging the enactment of SJ Res 76--introduced March 10 by Sen. Magnuson at the behest of the White House--were State, Interior and Commerce Depts., Office of Civilian & Defense Mobilization and the FCC. The FCC suggested that the study not be limited to one year.

Note: Copy sent to each of the following: Messrs. Hoegh, Patterson, Price and Scott Moore, Bureau of the Budget.

Sen. Magnuson said that he hoped to start hearings on the bill at an early date.

The White House-sponsored legislation would establish a five-man commission, with members appointed by the President. It would study the management, administration and usage of the entire radio spectrum, including both classified and public use, and report its findings and recommendations to the President in 12 months. Commissioners would receive \$75 per diem when engaged in this job.

In addition to Rep. Harris, Rep. William Bray (R-Ind.) is also opposed to this concept of a Presidential commission to investigate the radio spectrum. Mr. Bray is the author of HJ Res 292 which would establish a joint commission to investigate federal use of the radio spectrum. The commission would include two members appointed by the President, one each by the Speaker of the House and the Vice President (as President of the Senate) and the chairman of the FCC. Pay would be \$50 per diem.

* * *

Extract from TELECOMMUNICATIONS REPORTS, April 13, 1959

REP. HARRIS INTRODUCES ADMINISTRATION-SPONSORED RESOLUTION
CALLING FOR STUDY OF SPECTRUM, MANAGEMENT; FCC COMMENTS
ON HOEGH PROPOSAL

Acting at the request of the Eisenhower administration, Chairman Oren Harris (D., Ark.) of the House Interstate & Foreign Commerce Committee has introduced in the House the administration-sponsored resolution calling for a five-member commission to conduct a one-year study of government telecommunications management and the allocation of the radio frequency spectrum.

Chairman Harris, as did Chairman Warren G. Magnuson (D., Wash.) of the comparable Senate committee when he introduced the resolution, made it clear that he offered the proposal as an administration request, and not under his own sponsorship.

The FCC, meanwhile, has submitted comments on the resolution as introduced by Senator Magnuson, as asked by the Senate Interstate Commerce group. The Commission's basic position was that any study of frequency allocation should include not only the subject of assignments, but also how the frequencies are being used.

The Commission declared that "We continue to believe that a comprehensive study of present and future radio frequency spectrum usage and needs, as well as of the organization and procedures employed by the federal government for spectrum management, would be useful."

Revisions recommended by the FCC also would include extension of the life of the group for more than the one year specified in the resolution as presented, and specification that the study group would have access to classified material.

Other agencies in the executive branch have been asked by Senator Magnuson for their comments. Since they all concurred in sending the resolution to Capitol Hill in comments asked by the Budget Bureau before it was transmitted, it is assumed that they will endorse the measure as they did before.

Note: Not circulated.

As expected, the report of the special advisory committee on telecommunications appointed by Leo A. Hoegh, Director of the Office of Civil & Defense Mobilization, was formally laid before the House and Senate April 7. The report was referred to the Senate and House Interstate Commerce Committees.

Meanwhile, at the request of the FCC, Chairman Harris has introduced in the House the Commission's legislative proposal which would eliminate the requirement that many documents filed with the FCC be notarized.

* * *

86TH CONGRESS
1ST SESSION

H. J. RES. 331

IN THE HOUSE OF REPRESENTATIVES

APRIL 7, 1959

Mr. HARRIS introduced the following joint resolution; which was referred to the Committee on Interstate and Foreign Commerce

JOINT RESOLUTION

To establish a commission to study and report on the United States telecommunication resource with special attention to the radio spectrum.

- 1 *Resolved by the Senate and House of Representatives*
- 2 *of the United States of America in Congress assembled,*
- 3 That (a) there is hereby established a Commission on Tele-
- 4 communication Management (hereinafter referred to as the
- 5 "Commission").
- 6 (b) The Commission shall be composed of five members
- 7 as follows:
- 8 (1) The members shall be appointed by the President
- 9 of the United States.

1 (2) One member shall be designated by the President
2 at the time of appointment as Chairman of the Commission.

3 (c) The members of the Commission shall be citizens of
4 the United States who are not officers or employees of the
5 Federal Government, and shall include persons who, by
6 reason of training or experience, or both, are experts in the
7 field of telecommunication.

8 (d) The Commission shall establish rules for its pro-
9 cedures.

10 (e) Any vacancy in the Commission shall not affect its
11 powers, but shall be filled in the same manner in which the
12 original appointment was made.

13 (f) The members of the Commisison shall each receive
14 \$75 per diem when engaged in the actual performance of
15 duties vested in the Commission, plus travel and allowances
16 in lieu of subsistence expenses while away from their homes
17 or regular places of business in accordance with the Travel
18 Expense Act of 1949, as amended, and the Standardized
19 Government Travel Regulations.

20 SEC. 2. (a) It shall be the duty of the Commission to
21 conduct a thorough and comprehensive study and investiga-
22 tion of (1) the role of the Federal Government in the man-
23 agement of the United States telecommunication resource,
24 (2) the administrative organization for discharging the
25 Government's responsibilities, with particular reference to

1 the division of responsibility under the Communications Act
2 of 1934, as amended, with a view to determining what
3 changes, if any, should be made in the existing administra-
4 tive organizations or statutes to improve the management of
5 that resource, (3) the existing methods and procedures for
6 allocating radiofrequencies and bands of radiofrequencies as
7 between Federal Government and non-Federal Government
8 users, with a view to determining what changes, if any,
9 should be made to insure, insofar as practicable, that allo-
10 cated frequencies may be utilized to the maximum degree
11 in the national interest, and to facilitate planning to take ad-
12 vantage of technological change in achieving maximum
13 return from the use of the radio spectrum, and (4) the exist-
14 ing table of radiofrequency allocations with respect to the
15 apportionment of the various parts of the radiofrequency
16 spectrum as between Government and non-Government
17 users, with a view to determining whether the current
18 division of the spectrum serves the national interest to an
19 appropriate degree and whether any frequency space (and
20 if so, how much of such space) may, in the public interest,
21 be reallocated to other uses.

22 (b) The Commission shall submit to the President for
23 transmission to the Congress within one year after the ap-
24 pointment and qualification of its members a report of the
25 results of the study and investigation provided for in subsec-

tion (a) together with such recommendations as the Commission deems desirable and applicable. Upon submitting the report provided for by this subsection, the Commission shall cease to exist.

SEC. 3. (a) The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of the civil service laws and the Classification Act of 1949, as amended: *Provided, however,* That no employee (other than technical personnel) whose position would be subject to the Classification Act of 1949, as amended, if such Act were applicable to such position, shall be paid a salary at a rate in excess of the rate payable under such Act for positions of equivalent difficulty or responsibility.

(b) The Commission may procure, without regard to the civil service laws and the Classification Act of 1949, as amended, temporary and intermittent services as authorized for the departments by section 15 of the Act of August 2, 1946 (60 Stat. 810), but at rates not in to exceed \$75 per diem for individuals.

SEC. 4. (a) The Commission is authorized to receive from any department, agency, or independent instrumentality of the Federal Government any information deemed necessary or desirable to enable it to carry out its functions under this joint resolution; and each such department, agency, and in-

1 strumentality is authorized to furnish such information to the
2 Commission, upon request made by the Chairman of the
3 Commission.

4 (b) The Commission may authorize the Chairman to
5 make the expenditures herein authorized and such other
6 expenditures as may be necessary to carry out the duties
7 of the Commission. When the Commission ceases its activi-
8 ties it shall prepare a statement of its financial transactions
9 and the General Accounting Office shall, in connection with
10 the audit of the Commission's financial transactions required
11 by other law, audit said statement and report thereon to the
12 appropriate committees of the Senate and the House of Rep-
13 resentatives.

14 SEC. 5. There are hereby authorized to be appropriated
15 such sums as may be necessary to carry out the provisions of
16 this joint resolution. Funds appropriated under the heading
17 "Emergency Fund for the President, National Defense" in
18 the General Government Matters Appropriation Act, 1959
19 and 1960, shall be available to carry out the provisions of
20 this joint resolution.

86TH CONGRESS
1ST SESSION

H. J. RES. 331

JOINT RESOLUTION

To establish a commission to study and report on the United States telecommunication resource with special attention to the radio spectrum.

By Mr. HARRIS

APRIL 7, 1959

Referred to the Committee on Interstate and Foreign
Commerce

ROUTING SLIP

TO THE FOLLOWING IN ORDER INDICATED

1.	NAME OR TITLE <u>Governor Hoegh, Room 103, EOB</u>	ORGANIZATION	BLDG. AND ROOM No.	INITIALS <i>CAH</i>
				DATE
2.	NAME OR TITLE <u>Mr. Patterson, Room 114, EOB</u>	ORGANIZATION	BLDG. AND ROOM No.	INITIALS <i>JP</i>
				DATE
3.	NAME OR TITLE <u>Mr. Price, Room 120, EOB</u>	ORGANIZATION	BLDG. AND ROOM No.	INITIALS
				DATE
4.	NAME OR TITLE <u>Mr. Alexander, Room 408 Winder</u>	ORGANIZATION	BLDG. AND ROOM No.	INITIALS
				DATE

- ☐ APPROVAL
☐ NECESSARY ACTION
☐ RECOMMENDATION
☐ RECOMMEND SIGNATURE

- ☐ PREPARE REPLY
☐ NOTE AND FILE
☐ NOTE AND RETURN
☐ INFORMATION

REMARKS:

Pages 1 through 4 for your information.

FROM

F. C. Alexander

(NAME AND ORGANIZATION)

(BUILDING AND ROOM NUMBER)

DATE

4/7/59

PHONE

Telecommunications Reports

1208-1216 National Press Building
Washington 4, D. C.
District 7-2654

ROLAND C. DAVIES, Editor
FRED W. HENCK, Executive Editor
THOMAS M. MALIA, News Editor

Weekly news service covering the telephone, telegraph and radio communications fields since 1934

VOLUME TWENTY-FIVE, NO. 23 NEWS INDEX

April 6, 1959

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REPORT OF SPECIAL ADVISORY COMMITTEE ON TELECOMMUNICATIONS TRANSMITTED TO VICE PRESIDENT AND HOUSE SPEAKER; GROUP'S RECOMMENDATIONS DIFFER IN MATERIAL RESPECTS FROM OCDM LEGISLATIVE PROPOSALS SENT TO CAPITOL HILL

Establishment of a National Telecommunications Board which would advise, assist, and act for the President in telecommunications matters was recommended by the Special Advisory Committee on Telecommunications in its report to Director Leo A. Hoegh of the Office of Civil & Defense Mobilization late last year.

Text of the report, and drafts of proposed legislation and an executive order prepared by the special committee, have been sent to Vice President Richard Nixon and House Speaker Sam Rayburn. It will be laid before the House and Senate as an "executive communication" when Congress reconvenes this week.

HIGHLIGHTS: Under proposal, new three-member National Telecommunications Board, appointed for six-year terms, would assume telecommunications responsibilities of OCDM, as well as others. . . Would be charged with study of entire frequency spectrum, in consultation with FCC, and to make recommendations on division of space between government and non-government uses within two years of appointment. . . . Another "special duty" would be study of government management of telecommunications, with recommendations on changes also to be made within two years.

The unanimous report of the special committee, headed by retired Board Chairman Victor E. Cooley of the Southwestern Bell Telephone Co., to some extent follows the line of earlier reports about its contents, but differs significantly from some previous indications that the group had merely proposed that another study group be set up.

Instead, under the proposal, the three-member National Telecommunications Board would assume present telecommunications responsibilities of OCDM, but with considerably strengthened authority.

The NTB would, under the proposed legislative draft, "act for (the President) in the discharge of his responsibilities arising from the Communications Act of 1934, as amended, for management of the federal government's use of the radio frequency spectrum"; "formulate telecommunication policies, plans, programs, and standards to assure efficient telecommunication management within the executive branch of the government"; "carry out such policy making, planning, and executive functions as are required for the discharge of the President's responsibilities arising from section 305 of the Communications Act. . . for the assignment of radio frequencies to government stations or classes of stations"; and "maintain continuing review of the national table of radio frequency allocations, coordinating with the (FCC), for the purpose of ensuring an appropriate division of spectrum space between the federal government and non-federal government users."

As a special duty, the board would "review the national table of radio frequency allocations being employed by federal government and non-federal government users. This review shall be done in consulta-

tion with the (FCC) to the end that a determination be made as to whether the current division of radio spectrum serves the national interest to an appropriate degree. The board shall make a report of findings to the President for transmission to Congress. The report shall contain, in addition to the findings resulting from the review and the comments of the (FCC) thereon, such recommendations as may be considered desirable and applicable. The report is to be made at the earliest date consistent with the task to be performed, but no later than two years from the appointment and qualification of the board members."

Another "special duty" of the NTB--in line with the earlier reports that a further study was proposed--would be to "(1) study the role of the federal government in the management of US telecommunications; (2) study the administrative organizations for discharging the government's responsibilities with particular reference to the division of responsibility under the Communications Act. . . and the terms of this act; and (3) not later than two years after the appointment and qualification of the board members, report to the President for transmission to the Congress the board's recommendations on what changes, if any, should be made in the existing administrative organization."

It is anticipated that release of the special advisory group's report will regenerate the questions, still unanswered, as to why the document was not transmitted earlier to Congress, not later than the time when Governor Hoegh sent up his own legislative recommendations. The latter differ in some material respects from those of the special advisory committee.

The special advisory committee recommended six-year terms for the members of the NTB. Initially, under the plan, the first members would have terms of two, four, and six years, so that subsequently one term would expire every two years. The President would appoint NTB members, subject to Senate confirmation, and they would draw the same pay as FCC Commissioners.

Differences between the legislation as transmitted to Congress by Governor Hoegh (TELECOMMUNICATIONS, March 9) and that recommended by the special advisory committee include the following:

The Hoegh draft would call the group to be formed the Commission on Telecommunication Management; does not mention anything about Senate confirmation of the appointees; limits the life of the group to one year; provides in effect for a part-time group, paid at \$75 per diem; and calls for five members instead of three.

Its most significant variations, however, are in the assignment given the group. As proposed by the administration, the commission merely would conduct a "thorough and comprehensive study" of the role of the federal government in telecommunications management; the administration organization for telecommunications responsibilities in the government; existing procedures for allocating frequencies between government and non-government users; and the table of frequency allocations, "with a view to determining" whether the current division between government and non-government serves the national interest and whether any frequency space should be reallocated and, if so, how much.

In its discussion of telecommunications, the special advisory committee emphasized the problems of "dual control over a single national resource"--the FCC's authority over non-government communications matters, coupled with the President's control of government, mobilization, and wartime communications activities. The report declared that "there is no individual, agency, or board invested with the responsibility for the effective use of the radio spectrum as a whole." Heretofore, it stated, most requests for allocation and assignment of radio frequencies have been satisfied "through piecemeal compromise."

The five-member special advisory committee commented that in reviewing the nation's communications structure it was "continuously struck by the absence of adequate provision for high-level consideration on the government side of a variety of matters of vital national importance in the area of telecommunications. The (FCC) provides a vehicle for adequate consideration in the non-government area.

"In sharp contrast. . . decisions in the area of government use or of conflict between government and non-government use are often made by compromises at the operational level by staff members, who though competent in their fields, do not necessarily have the total picture of national interest. There is also an unfortunate absence at present of anyone in the executive branch with adequate knowledge, experience, and stature to act for the President in these matters, and there is not available therein an organization adequate to accumulate the information and experience upon which to base sound action."

Disagreeing with any suggestion that the FCC be given additional authority in the management of government telecommunications matters, the board declared that the "duties needing attention, including the allocation of frequencies to government agencies, call for a different type of operation than is required in an agency concerned with the regulatory problems of non-governmental users. It would also seem inappropriate to give the FCC the power to act in matters affecting the executive agencies or responsibilities relating closely to national defense or foreign affairs. These are areas of decision which belong to the President and should be his prerogative to delegate."

It described the NTB as one which "would necessarily be privy to the plans of all agencies it serves, for both present and future use, under an assurance of complete security for all information which it receives. Its decisions would have a bearing upon war plans and upon the production of vast quantities of civilian and military equipment. It would introduce a positive planning factor into decisions which are now being made on the basis of insufficient information as to present plans and probable future developments, scientific and otherwise.

"The board should undertake studies of the kind and intensity of use of currently assigned frequencies; acquaint itself with the present state of both military and civilian operations and research which may have a bearing upon the future demand for frequencies; prepare itself to suggest areas in which additional research might be undertaken in the light of probable future requirements, both civilian and military; review the international telecommunications situation with a view to strengthening our international posture; and keep continually under examination the entire field of telecommunications in order to

advise the President of any actions which it thinks he should take to advance the public interest."

The type of organization proposed would have the following characteristics, under the board's recommendations: "(1) it would be established by Congress at the request of the President; (2) it would be established in the executive office of the President at a level to give it direct access to the President and to the heads of government agencies using telecommunications; (3) it would have its own staff to the extent necessary to assure both the objectivity of information upon which it acts and the unbiased character of recommendations based upon that information;

"(4) It would have the authority to require any government agency to produce any information within its field of interest and to provide any assistance which it believes necessary to a proper decision; (5) it would have continuity to facilitate the development of long-range policies; (6) it would be an agency with no responsibility for the operation of any telecommunications; (7) it would not disturb the present functions of the (FCC), including that of determining which applicants shall receive assignments within bands set aside for non-governmental use."

Also included with the committee report is a draft of an executive order under which, if issued, the NTB "shall assume the additional responsibilities for mobilization planning to control and regulate national telecommunications in an emergency," as well as its duties in advising and assisting the President.

Under the proposal, the Interdepartment Radio Advisory Committee would report to and assist the NTB. In its discussion of the present governmental setup, the special advisory committee commented that IRAC "is primarily a group of coequal users and as such is not an appropriate group to act, nor does it act, as a policy-making or authoritative body."

Regarding the OCDM organization, the committee noted that the office of Telecommunications Advisor to the President, set up after the 1951 report of President Truman's Telecommunications Advisory Board, was later "downgraded" in a reorganization. It added, "This important work is now assigned to a numerically inadequate staff--about 12 people--under the direction of the Deputy Assistant Director for Telecommunications, who reports to the Director of (OCDM) through the Assistant Director for Resources & Production. Thus it has no established source of high-level direction from executives knowledgeable in telecommunications."

Members of the special advisory committee, in addition to Mr. Cooley, were Dr. Irvin Stewart, retired President of West Virginia University and a former FCC Commissioner, who headed the group which made the 1951 report; Maj. Gen. W. Preston Corderman (USA, ret.), now Vice President of Litton Industries; William G. Thompson, retired Assistant Vice President of the American Telephone & Telegraph Co., and now a consultant to the Department of Defense; and Frank G. Kear, Washington consulting radio engineer.

The special advisory committee's report was transmitted to Governor Hoegh Dec. 29. Its transmission to Capitol Hill was the first time it was made public.

-End-

HEARINGS ON PERMISSIVE INTERNATIONAL TELEGRAPH MERGER LEGISLATION
TO RESUME APRIL 28-29 FOR STATEMENTS BY GOVERNMENT REPRESENTATIVES
AND COMPANY SPOKESMEN; FCC COMMISSIONER CROSS SUBMITS ADDED VIEWS

Hearings on permissive international telegraph merger will be resumed Tuesday and Wednesday, April 28-29, before the Senate Interstate & Foreign Commerce Committee, it was announced last week by Chairman Warren G. Magnuson (D., Wash.).

Representatives of the Department of Justice, State Department, Office of Civil & Defense Mobilization, American Cable & Radio Corp., RCA Communications, and Western Union Telegraph Co. are scheduled to appear at the two days of sessions.

Chairman Magnuson reported that "The schedule of other witnesses who have requested an opportunity to appear will be announced at a later date. All interested parties will be given the opportunity to appear during the hearings on this proposed legislation."

Meanwhile, FCC Commissioner John S. Cross has written to Chairman Magnuson, expressing continued support of the FCC position in favor of the permissive merger legislation, but pointing out "that the legislation under contemplation would, if enacted, still leave unanswered the question of how best to provide for integrated voice and record traffic."

The FCC member declared that "The need for such integrated traffic, for flexibility in data processing operations, is becoming more and more evident. Yet our present system of international communications is based on separate, competing telephone and telegraph services."

He continued, "Data processing will, in my opinion, continue to grow in volume and importance in overall United States (and world) communications. Moreover, as it grows, the demand for flexibility (integrated voice and record traffic) in its use will likewise increase. Accordingly, failure to provide satisfactorily for this growing segment of our international communications would leave a gap which could only redound to the disadvantage of the United States carriers in competition with foreign-owned communications systems.

"These foreign-owned communications systems, as you know, are mostly government-owned and therefore the element of competition between voice and record communications is not a factor. Officials of some of these foreign communications systems, particularly the officials of the United Kingdom, are placing considerable emphasis on the need for high-speed multiple purpose cables in order to meet today's requirements. Moreover, it appears reasonable to assume that one of their purposes in this effort is to enhance their competitive position in world markets."

Commissioner Cross asked that the letter be made a part of the record, along with the other material the committee has obtained regarding international merger legislation.

Overall views of the FCC were outlined to the Senate committee at a hearing March 20 (TELECOMMUNICATIONS, March 23).

-End-

Extract from BROADCASTING Magazine, April 6, 1959

MANAGING THE SPECTRUM

SPECIAL COMMITTEE REPORT AT LAST DISCLOSED

The rumor-surrounded report of an Administration ad hoc spectrum committee became officially available last Thursday (April 2).

Subject of controversy that ranged all the way from the Capital broadcast fraternity to the NAB convention in Chicago, the report emerged after three months of government review.

A five-man committee headed by Victor E. Cooley, retired board chairman of Southwestern Bell Telephone Co., submitted the report Dec. 29 to Leo A. Hoegh, director, Office of Civil & Defense Mobilization.

The advisory group proposed a study of spectrum management and use by a three-man board to be appointed by the President "by and with the advice and consent of the Senate."

Director Hoegh overruled his ad hoc committee in part last Feb. 5 by proposing the study be conducted by a five-man Presidential commission. The Hoegh proposal drew bi-partisan protests from Capitol Hill where legislators said membership of any spectrum commission should be chosen with Congressional participation. Proposed legislation (SJ Res. 76, HJ Res. 292) calling for Congressional authorization of a Presidential study is pending.

Other members of the Cooley committee, appointed Nov. 4, 1958, were Frank G. Kear, of the Kear & Kennedy consulting firm; William G. Thompson, retired assistant vice president of the American Telephone & Telegraph Co.; Maj. Gen. W. Preston Corderman (retired), vice president of Litton Industries, and Dr. Irvin Stewart, onetime member of the FCC and former president of the U. of West Virginia.

NEED FOR MORE SPACE--This reference was made in the report to the industry's problem: "Non-government users of the spectrum, for example the broadcasters, have indicated a need for additional channels in certain frequency ranges not now available."

The ad hoc committee noted the importance of telecommunication systems to national security and the vastly increased need for spectrum space. It spoke critically of the "numerically inadequate" staff of 12 telecommunications people at OGDm. This later drew from Director Hoegh a promise to increase the staff.

Copies to Messrs. Hoegh, Patterson, Price & Scott Moore (B-13).

Interdepartment Radio Advisory Committee (IRAC), giving technical guidance in assignment of frequencies to government agencies, was described as "primarily a group of co-equal users and as such is not an appropriate group to act, nor does it act, as a policy making or authoritative body." FCC, it was explained, has a staff of 1,000 people, with seven commissioners providing high-level direction.

Under the Communications Act of 1934 the President has the responsibility for assigning radio frequencies to federal agencies and the FCC to commercial and private users, including state and local governments. This sets up a dual control over a single resource, a point stressed by the report of the President's Communications Policy Board in 1951.

FCC IS EXPERT-- The ad hoc group was struck by the lack of high-level consideration by the government of many vital telecommunications matters whereas the FCC "provides a vehicle for adequate consideration in the non-government area." It added, "There is also an unfortunate absence at present of anyone in the Executive Branch with adequate knowledge, experience and stature to act for the President in these (government vs. non-government) matters and there is not available therein an organization adequate to accumulate the information and experience upon which to base sound action."

In its conclusions the ad hoc group felt the Executive Branch should strengthen its telecommunications management and opposed the vesting of additional powers in this area to the FCC.

The proposed three-man board would know plans of all agencies it serves and have a bearing on war plans and production of civilian and military gear.

The board, it was recommended, should study use of frequencies, become familiar with military and civilian operations and research, suggest areas of research, maintain continuing review of allocations, review international telecommunications and advise the President of developments in the field. Provisions for an adequate staff were set out, with the FCC not to be disturbed in its work. The board would have "no responsibility for the operation of any telecommunications." Procedure suggests the President ask for legislation and draft language was submitted.

* * * *

April 3, 1959

Mr. Philip F. Siling
Radio Corporation of America
1625 K Street, N. W.
Washington, D. C.

Dear Phil:

Attached is the report of the Special Advisory Committee
on Telecommunication which I promised you.

Sincerely,

F. C. Alexander
Deputy Assistant Director
for Telecommunications

Attachment

cc: Telecom Records
Reading

4/9/59 - Information Office
to send 12 copies to
Mr. Zapple, Senate
Interstate & Foreign
Commerce Committee per
his request

10 copies
to Mr. Hodge,
E & A, on 4/9/59.

Note: Copy of Special Committee Report also
sent to: Mr. Heberton, Western Union
Mr. Hartsough, AT&T
Mr. Zapple, Senate Commerce Committee

4/9/59
4 more copies
sent to Mr. Siling
4/9/59 - 2 more
copies to
Mr. Siling

April 3, 1959

POST MORTEM NO. 3

TO: Mr. Victor E. Cooley
Maj. Gen. W. Preston Corderman, USA (Ret.)
Dr. Frank G. Kear
Dr. Irvin Stewart
Mr. William G. Thompson

On March 27, 1959, the Director sent a copy of your report to the President of the Senate and the Speaker of the House of Representatives. A copy of each of these letters is attached. This, in effect, released the report but since Congress was not in session it was not released to the press until yesterday.

The draft legislation still has not been introduced in the House.

Sincerely,

F. C. Alexander
Deputy Assistant Director
for Telecommunications

Attachments

APR 1 1959

Mr. Ray Ward
Administrative Assistant
Government Operations Subcommittee
House of Representatives
Washington 25, D. C.

Dear Mr. Ward:

In response to your request to Mr. Robert Merriam, there is attached a copy of the report of the Special Advisory Committee on Telecommunications which the Director released on March 27, 1959, to the President of the Senate and the Speaker of the House of Representatives.

Sincerely,

SIGNED

John S. Patterson

Attachment

cc: Mr. Robert Merriam
The White House

660/FCAlexander/hrt/3271/3/31/59

cc: Records - 2

Telecom Records 408 Winder

Mr. Patterson - 2

Mr. Price

Reading

APR 1 1959

Honorable William G. Bray
House of Representatives
Washington 25, D. C.

Dear Mr. Bray:

This will refer to your letter of February 16, 1959,
and my interim reply relative to your request for
a copy of the report of the Special Advisory Committee
on Telecommunications.

You will find enclosed a copy of the report of the
Committee as presented at the close of their study.
If we can be of further assistance in this matter,
please let me know.

Sincerely,

SIGNED

Leo A. Hoegh

Enclosure

660 FCAlexander/hrt/3271

cc: Records - 2

Director

Mr. Patterson

Mr. Price

Telecom Records 408 Winder ✓

Reading File

ROUTING SLIP

TO THE FOLLOWING IN ORDER INDICATED

1.	NAME OR TITLE <i>Mr. Alexander</i>	ORGANIZATION	BLDG. AND ROOM No. <i>408-W</i>	INITIALS
				DATE
2.	NAME OR TITLE	ORGANIZATION	BLDG. AND ROOM No.	INITIALS
				DATE
3.	NAME OR TITLE	ORGANIZATION	BLDG. AND ROOM No.	INITIALS
				DATE
4.	NAME OR TITLE	ORGANIZATION	BLDG. AND ROOM No.	INITIALS
				DATE

- ☐ APPROVAL
☐ NECESSARY ACTION
☐ RECOMMENDATION
☐ RECOMMEND SIGNATURE

- ☐ PREPARE REPLY
☐ NOTE AND FILE
☐ NOTE AND RETURN
☐ INFORMATION

REMARKS:

Original to Mr. Tolson

FROM

Corn. Control
(NAME AND ORGANIZATION)

J. Burns
(BUILDING AND ROOM NUMBER)

DATE
APR 9 1959

PHONE

The Speaker's Rooms
House of Representatives, H. S.
Washington, D. C.

March 30, 1959

Honorable Leo A. Hoegh, Director
Office of Civil and Defense Mobilization
Executive Office of the President
Washington 25, D. C.

Dear Mr. Hoegh:

I have for acknowledgement the following communications
to the Congress:

Your letter of March 27, 1959, transmitting a draft of
Annex No. 3, Organization for Civil Defense and Defense Mobiliza-
tion, Legislative Branch;

Your letter of March 27, 1959, transmitting a copy of
the report of the Special Advisory Committee of Telecommunications
which has been transmitted to the President.

Your communications will be referred to the appropriate
committee of the House of Representatives at the end of the Recess.

Very truly yours,

/signed/ SAM RAYBURN

RECEIVED
MAR 31 1959
U.S. HOUSE OF REPRESENTATIVES
MAR 31 1959

The Secretary's Office
House of Representatives, H. R.
Washington, D. C.

Memorandum for Mr. [Name]
Subject: [Topic]

1. [Text]

2. [Text]

3. [Text]

4. [Text]

5. [Text]

6. [Text]

7. [Text]

8. [Text]

9. [Text]

10. [Text]

at med SAM RAYBURN

WASHINGTON 25, D.C.
O.C.D.M. MAIL ROOM
APR 9 9 33 AM 1959

Extract from BROADCASTING Magazine, March 30, 1959 (Editorials)

JOB FOR CONGRESS

The more we think of President Eisenhower's proposal for a five-man board of his selection to undertake a full-scale spectrum study, the less we like it. Such a commission would be investigating the administration's administration of frequency assignments. It would be investigating itself.

Last August the White House, through the Office of Civil Defense Mobilization, proposed an amendment to the Potter Bill that was so dangerous to the future of television and fm that it was killed virtually overnight. The new White House-OCDM proposal isn't quite as dangerous because it isn't directed at the use of "radio and television frequencies", but it still has all the earmarks of being slanted in favor of government.

Certainly, OCDM should not be as insistent as in the past, in the light of the expressed agreement of the Dept. of Defense to explore the prospects of a frequency exchange which might expand the vhf band. This announcement, made at the recent NAB convention in Chicago by FCC Comr. Frederick W. Ford was buttressed by the statement from the same platform by Lt. Gen. Arthur G. Trudeau, Army research-development chief, that the military has no designs on existing vhf tv channels.

These expressions, which followed the White House announcement of last August calling for the five-man presidentially appointed commission,

*Note. Copy of this extract sent to each of the following:
Messrs. Hough, Patterson, Price, Rendell, & Scott Moore.*

constitute an about-face for the military. Therefore, the military used the security curtain in countering efforts to assess its use of the spectrum. We have no doubt that the opposition of broadcasters, plus Congressional intercession in the spectrum controversy, brought about the change in the attitude of the military. Only QCDM seems to be holding out and that might be because it hasn't yet caught up with the changed attitude of the Dept. of Defense.

We are convinced that the best answer is in Congress creating a joint committee on spectrum utilization and allocation. This has been done for atomic energy and for space. It could function through an expert staff, not for one year as the President proposes, but permanently.

The spectrum is one of the greatest of natural resources. Its use is international, and, with the space age, is becoming interplanetary. The House has set up a subcommittee on spectrum utilization, which conflicts with the President's plan. The logical answer, then, is in the setting up of a joint Senate-House Committee, which, in the national interest, will determine what use should be made of precious spectrum space by military as well as civilian interests.

f B
MAR 27 1959

Honorable Sam Rayburn
Speaker, House of Representatives
Washington 25, D. C.

Dear Mr. Speaker:

You will find attached for your disposition a copy of the report of the Special Advisory Committee on Telecommunication which was transmitted to the President.

I am enclosing this report in the belief that it will assist in reaching a deeper understanding and early consideration of the President's recommendation in his letter of March 3, 1959. You will recall that he suggested that the Congress establish a five-member Commission on Telecommunication, the details of which I supplied in my March 3, 1959, letter to you on the subject.

It is my view that a study of Government organization, management methods, and the current allocation of the radio spectrum is a matter of some urgency and should be prosecuted in the very near future, particularly in view of the ever-increasing demands that are being made upon the radio spectrum.

Early action to further the President's recommendation, in view of the expressed urgency, is, in my view, both desirable and necessary to the future national use of the radio spectrum.

I have written a similar letter to the President of the Senate.

Sincerely,

[SIGNED]

Leo A. Hoegh

660:FCAlexander;u:3271:3/26/59
Rewritten (minor change)JSP:mif
cc: Records-2
✓ Telecom Records 408 Winder
Director-2
Mr. Patterson
Mr. Price Attachment
Reading

Note: Attachment not included; identical to attachment with letter to President of the Senate.

T P
MAR 27 1959

The President of the Senate
United States Senate
Washington 25, D. C.

Dear Mr. President:

You will find attached for your disposition a copy of the report of the Special Advisory Committee on Telecommunication which was transmitted to the President.

I am enclosing this report in the belief that it will assist in reaching a deeper understanding and early consideration of the President's recommendation in his letter of March 3, 1959. You will recall that he suggested that the Congress establish a five-member Commission on Telecommunication, the details of which I supplied in my March 3, 1959, letter to you on the subject.

It is my view that a study of Government organization, management methods, and the current allocation of the radio spectrum is a matter of some urgency and should be prosecuted in the very near future, particularly in view of the ever-increasing demands that are being made upon the radio spectrum.

Early action to further the President's recommendation, in view of the expressed urgency, is, in my view, both desirable and necessary to the future national use of the radio spectrum.

I have written a similar letter to the Speaker of the House of Representatives.

Sincerely,

(SIGNED)

Leo A. Hoegh

Attachment

660:FCAlexander:hrt:3271:3/26/59
Rewritten (Minor change) JSP:mf 3/27/59
cc: Records-2
Telecom Records 408 Winder ✓
Director-2
Mr. Patterson, Mr. Price, Reading

REPORT
OF
SPECIAL ADVISORY COMMITTEE ON TELECOMMUNICATION

December 29, 1958

CONTENTS

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LETTER OF TRANSMITTAL

December 29, 1958

Honorable Leo A. Hoegh
Director
Office of Civil and Defense Mobilization
Washington 25, D. C.

Dear Mr. Hoegh:

We have the honor of sending to you for transmittal to the President the report and recommendations of the Special Advisory Committee on Telecommunication as called for by your letter of November 4, 1958, creating the Committee and setting forth its mission.

Since the initial meeting of the Committee which you convened on November 18, we have reviewed the administrative organization and procedures currently in force dealing with day-to-day matters relating to telecommunications management within the Executive Branch and the growing demands for frequency assignments by both government and non-government applicants. We have also considered the broad over-all methods of allocation of the radio spectrum and the assignment of radio frequencies as well as the availability of desired frequencies. The results of our considerations are embodied in our report which you requested be completed and in your hands prior to January 1, 1959.

The Committee is unanimous in recommending to you the conclusions reached in its report.

Respectfully submitted,

W. Preston Corderman, Maj. Gen., USA (Ret.)

Frank G. Kear

Irvin Stewart

William G. Thompson

Victor E. Cooley, Chairman

INTRODUCTION

The telecommunication systems of the United States are essential to the national security, to the safety of life and property, to international relations, and to the business, social, educational, and political life of the country. As such they are one of the nation's most valuable assets in peace and provide vital and essential support in the prosecution of war.

The President in recognizing the importance of telecommunications declared in his letter to Speaker Rayburn dated July 28, 1958, that "changing technology along with changing needs in government and non-government areas present problems in the telecommunication field which require searching examination. The situation is becoming no less complicated by prospective developments in satellites and space vehicles as well as defense weapons systems. Thus it has seemed to me that a fresh examination of the role of the Federal Government in this field would be desirable."

The concern felt by the 85th Congress was indicated by the Senate's adoption of S. J. Res. 106 establishing a Commission to investigate the utilization of the radio and television frequencies. This resolution was approved with amendments by the House Committee on Interstate and Foreign Commerce but did not come to a vote in the House.

Industry's concern was evidenced more than a year ago and reaffirmed this year through the adoption of a resolution by the Electronic Industries Association calling for a study of the spectrum. Non-government users of the spectrum, for example the broadcasters, have indicated a need for additional channels in certain frequency ranges not now available.

While landline and submarine cable facilities are capable of expansion almost without limit, such is not the case with the radio spectrum. There is only one such spectrum, the usable band of which extends in the present state of the art to about 30,000 megacycles -- a frequency of about 30 billion cycles per second. This figure may give the impression of an inexhaustible supply, but unfortunately all parts of the spectrum are not equally usable. Different parts have different characteristics, many being very useful while others have little or no current application. In consequence, requests for frequencies having the most favorable characteristics are of sufficient volume often to cause an excess of demand over supply.

The importance of efficient use of the spectrum is emphasized from a national security standpoint by the expanding need of radio channels in the Department of Defense. Not only have all branches of the military become increasingly dependent upon spectrum use for communications, but the engineering design of space vehicles and many of our most modern weapons makes the use of radio channels essential to their operation and direction. Also urgent is the increased need of frequencies for modern airplane operation and other important services are equally demanding.

The demand for radio frequencies has been growing steadily since the early 1900's. At the time of the Berlin Radio Conference in 1906 the usable radio spectrum comprised about 500 kilocycles of space. Currently nearly 40 million kilocycles of space, or about 80 thousand times as much, is allocated in the United States, of which about 15 million kilocycles is used so intensively that it has become difficult to satisfy new requirements. The increase since the beginning of World War II is about 200 fold and since the Korean action began is about 4 fold. Thus it is vital to the welfare and security of the country that the radio spectrum be efficiently and effectively used.

With the foregoing in mind, and being aware of his responsibilities in this field, the Director of the Office of Civil and Defense Mobilization, on behalf of the President, created the Special Advisory Committee on Telecommunication to review the role of the Federal Government in the management of telecommunications. The text of the Director's letter is attached as Appendix A.

In view of the study given the subject in recent years, the results of which are available, the Committee felt it was not necessary to hold hearings to determine the existence, nature, and scope of the problem assigned to it. A review of past studies in light of the current situation was undertaken. The discussion and recommendations which follow are based on this review.

OUR CURRENT MECHANISM

The Government of the United States has from time to time established agencies to deal on a continuing basis with various aspects of telecommunication management which includes radio, landline, and submarine cables. As the use of telecommunications has grown, with the Government itself a major user, existing Government mechanisms have required and will continue to require adjustment and strengthening.

The Communications Act of 1934, as amended, gives to the President the responsibility for assigning radio frequencies to the Federal Government agencies, and to the Federal Communications Commission the responsibility for assigning frequencies to commercial and private users, including state and local governments. Thus the law establishes a dual control over a single national resource. Additionally, the Act vests in the President wartime authority over all telecommunications.

The necessity for a mechanism to supervise and administer the Government's needs and uses of telecommunications was stressed by the report of the President's Communications Policy Board in 1951.*

The mechanism which was subsequently established on a minimal basis consisted of a Telecommunications Advisor to the President and a small professional staff. Later reorganization resulted in a downgrading of the office. This important work is now assigned to a numerically inadequate staff -- about 12 people -- under the direction of the Deputy Assistant Director for Telecommunications who reports to the Director of the Office of Civil and Defense Mobilization through the Assistant Director for Resources and Production. Thus it has no established source of high-level direction from executives knowledgeable in telecommunications.

Assisting the Deputy Assistant Director for Telecommunications is the Interdepartment Radio Advisory Committee (IRAC), a committee of Federal agency experts which affords technical guidance in the assignment of radio frequencies to Government agencies. This committee reports to the Director of OCDM through the Deputy Assistant Director for Telecommunications. The IRAC is primarily a group of coequal users and as such is not an appropriate group to act, nor does it act, as a policy making or authoritative body.

*Telecommunications - A Program for Progress

The Federal Communications Commission which succeeded the Federal Radio Commission in 1934 regulates non-government telecommunications, including the assignment of radio frequencies, with a staff of about 1000 people. Administering the work of the Commission are seven Commissioners which give it a continuing source of high-level direction.

These various segments form our national regulatory and control mechanism of telecommunications.

CONSIDERATIONS LEADING TO A CONCLUSION

As inferred in the introductory paragraph of this report, the basic problem giving rise to the appointment of this Committee is the fact that in certain parts of the radio spectrum the demand for frequencies has become greater than the supply, and the further fact that the trend in volume of applications, both government and non-government, for frequencies in specific bands indicates that the situation will grow progressively worse.

Although it has been possible to date through piecemeal compromise on the allocations and assignments of radio frequencies to satisfy most requests in a workable manner, it is plainly of great importance to our national security and welfare that the mechanism of allotting and assigning frequencies, particularly in the government field, be reviewed and strengthened to the end of assuring the most effective use of a scarce but essential national resource.

A consideration disquieting to many is the fact, as mentioned earlier, that the law establishes a dual control over the radio frequency spectrum, the President having responsibility for government use and the Federal Communications Commission for non-government use. Thus there is no individual, agency, or board invested with the responsibility for the effective use of the radio spectrum as a whole.

In reviewing the structure as it has evolved the Committee was continuously struck by the absence of adequate provision for high-level consideration on the Government side of a variety of matters of vital national importance in the area of telecommunications. The Federal Communications Commission provides a vehicle for adequate consideration in the non-government area. In sharp contrast, as indicated earlier, decisions in the area of government use or of conflict between government and non-government use, are often made by compromises at the operational level by staff members, who though competent in their fields, do not necessarily have the total picture of national interest. There is also an unfortunate absence at present of anyone in the Executive Branch with adequate knowledge, experience, and stature to act for the President in these matters and there is not available therein an organization adequate to accumulate the information and experience upon which to base sound action.

CONCLUSION

In the opinion of the Committee any sweeping change in the regulation and control of telecommunications by the Government, and in the legislation therefor, should be considered only after extensive study and the development of a well-thought-out course of action. The Committee does feel, however, that in advance of such a study, certain immediate steps can and should be taken to strengthen the Executive Branch side of telecommunications management.

It has been suggested that additional powers in this area might be given to the Federal Communications Commission. To give such powers to the FCC would present a number of difficulties. That body is fully occupied with its regulatory and assignment functions in the non-government field. The duties needing attention, including the allocation of frequencies to Government agencies, call for a different type of operation than is required in an agency concerned with the regulatory problems of non-governmental users. It would also seem inappropriate to give the FCC the power to act in matters affecting the executive agencies or responsibilities relating closely to national defense or foreign affairs. These are areas of decision which belong to the President and should be his prerogative to delegate. Because of these considerations the Committee believes that these broad discretionary functions can best be discharged and the strengthening best be accomplished through creation of a board within the Executive Office of the President to act for and be answerable to the President in the carrying out of his responsibilities under the Communications Act.

The type of responsibility which is contemplated should, we feel, be vested in a board of three rather than in a single individual. A wisely constituted board can bring a variety of experience and points of view to the problems with which the United States is confronted in the area of telecommunications, and we believe that the desirable diversity of viewpoints can be achieved with three properly selected individuals.

The new Board would necessarily be privy to the plans of all agencies it serves, for both present and future use, under an assurance of complete security for all information which it receives. Its decisions would have a bearing upon war plans and upon the production of vast quantities of civilian and military equipment. It would introduce

a positive planning factor into decisions which are now being made on the basis of insufficient information as to present plans and probable future developments, scientific and otherwise.

The Board should undertake studies of the kind and intensity of use of currently assigned frequencies; acquaint itself with the present state of both military and civilian operations and research which may have a bearing upon the future demand for frequencies; prepare itself to suggest areas in which additional research might be undertaken in the light of probable future requirements, both civilian and military; review the international telecommunications situation with a view to strengthening our international posture; and keep continually under examination the entire field of telecommunications in order to advise the President of any actions which it thinks he should take to advance the public interest.

The type of organization we have in mind would have the following characteristics:

1. It would be established by Congress at the request of the President.
2. It would be established in the Executive Office of the President at a level to give it direct access to the President and to the heads of Government agencies using telecommunications.
3. It would have its own staff to the extent necessary to assure both the objectivity of the information upon which it acts and the unbiased character of recommendations based upon that information.
4. It would have the authority to require any Government agency to produce any information within its field of interest and to provide any assistance which it believes necessary to a proper decision.
5. It would have continuity to facilitate the development of long-range policies.
6. It would be an agency with no responsibility for the operation of any telecommunications.
7. It would not disturb the present functions of the Federal Communications Commission, including that of determining which applicants shall receive assignments within bands set aside for non-governmental use.

MEASURES RECOMMENDED

RECOMMENDATION IN SUMMARY

IT IS RECOMMENDED THAT a Board be established through legislation requested by the President in order to provide the President with the means of discharging his responsibilities in connection with national telecommunication resources, including the Government's use of the radio frequency spectrum.

A draft Bill designed to accomplish the foregoing recommendation by establishing a National Telecommunications Board is attached as Appendix B.

A draft Executive Order designed to establish mobilization planning responsibilities for the Board is also attached as Appendix C.

ESTABLISHMENT OF A NATIONAL TELECOMMUNICATIONS BOARD

There should be established in the Executive Office of the President a National Telecommunications Board which reports directly to the President. The Board should consist of three members to be appointed by the President, by and with the advice and consent of the Senate. The Chairman should be designated by the President. Board members should receive compensation in accordance with prevailing scales in comparable Government bodies. The Interdepartment Radio Advisory Committee (IRAC) should report to and assist the Board in the performance of the Board's functions as the Board may direct.

FUNCTIONS OF THE BOARD

The Board should assist and advise the President in the discharge of his responsibilities as President of the United States in connection with U. S. telecommunication resources to meet the changing demands of national security and welfare, and should act for him in the discharge of his responsibilities arising from the Communications Act of 1934, as amended, for management of the Federal Government's use of the radio frequency spectrum in such a way as to provide the optimum accommodation of present and foreseen future needs of national security, safety of life and property, international relations, and the economic, social, educational, and political life of the nation and the general welfare of its people.

The Board should formulate telecommunication policies, plans, programs, and standards designed to assure efficient telecommunication management within the Executive Branch of the Government with due regard for the maintenance of sound and healthy commercial telecommunication services both domestic and overseas. The Board should coordinate the formulation of U. S. policies and positions within the Executive Branch of the Government for international negotiation and should assist and advise the Secretary of State in the projection internationally of U. S. telecommunication policies and positions. The Board should provide policy guidance for and direct the implementation of U. S. international telecommunication treaty obligations by the several agencies in the Executive Branch of the Government.

The Board should carry out such policy making, planning, and executive functions as are required for the discharge of the President's responsibilities arising from Section 305 of the Communications Act of 1934, as amended, for the assignment of radio frequencies to Government stations or classes of stations. The Board should formulate policies, criteria, engineering standards, and procedures for the allocation and assignment of radio frequencies to the several agencies of the Executive Branch of the Government and for the use thereof. The Board should maintain or cause to be maintained suitable records of assignment of frequencies to Government users and the publication of lists of Government frequency assignments as appropriate.

The Board should, as a special duty, review the national table of radio frequency allocations being employed by federal government and non-federal government users. This review should be undertaken in consultation with the Federal Communications Commission to the end that a determination be made as to whether the current division of radio spectrum serves the national interest to an appropriate degree. The Board should make a report of findings to the President for transmission to Congress. The report should contain, in addition to the findings resulting from the review and the comments of the FCC thereon, such recommendations as may be considered desirable and applicable. The report should be made at the earliest date consistent with the task to be performed but no later than two years from the appointment and qualification of the Board members.

The Board should maintain continuing review of the national table of radio frequency allocations, coordinating with the Federal Communications Commission, for the purpose of ensuring an appropriate division of spectrum space between the federal government and non-federal government users. The Board should formulate, and coordinate with the FCC, the development of long-range plans for future use of the radio spectrum resource. The Board should encourage the operational application of new techniques, improved equipment and methods to promote a more effective use of the radio spectrum and to conserve radio frequencies.

The Board should, as a further special duty, (1) study the role of the Federal Government in the management of U. S. telecommunications; (2) study the administrative organizations for discharging the Government's responsibilities with particular reference to the division of responsibility under the Communications Act of 1934, as amended, and the terms of the proposed Bill; and (3) not later than two years of the appointment and qualification of the Board members, report to the President for transmission to the Congress the Board's recommendations on what changes, if any, should be made in the existing administrative organization.

The Board should carry out such other duties and responsibilities as may be directed by the President from time to time.

The Board should establish and maintain liaison as required with departments and agencies of the Federal Government and the telecommunication industry, including but not limited to the broadcasting, electronic, and communication services, with

particular reference to research and development and new manufacturing techniques and capabilities, for the purpose of improving telecommunication services, the conservation of the spectrum, and for increasing productivity of the total resource, The Board should encourage research and studies in those areas where the need exists.

The Board should, in the formulation and promulgation of policies, plans, programs, criteria, standards, and procedures of national import, consult as appropriate with the Federal Government agencies.

MOBILIZATION PLANNING RESPONSIBILITY

The Board should also:

1. Formulate national telecommunication policies, plans, and programs designed to assure maximum security to the United States in time of national emergency with a minimum interference to continuing non-governmental requirements;
2. Formulate plans for the adaption of non-defense telecommunication services and facilities to the requirements of defense in a national emergency or war;
3. Direct and coordinate the development by the several agencies of the Executive Branch of agency plans, programs, and actions designed to carry out approved national plans, programs, and actions in an emergency;
4. Formulate plans and directives to provide for the control of telecommunications in a national emergency;
5. Formulate plans for the conversion of defense telecommunication services and facilities no longer required for defense purposes after an emergency to the purposes of reconstruction, rehabilitation and peace.

In order to avoid duplication within legislation concerning the mobilization planning function which is already a legislated responsibility of the Office of Civil and Defense Mobilization, it appears preferable to exclude this function from the draft Bill and provide, in the form of an Executive Order, for Presidential delegation of this planning responsibility.

APPENDICES

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF CIVIL AND DEFENSE MOBILIZATION
Washington, D. C.

Office of the Director

November 4, 1958

Mr. Victor E. Cooley
Maj. Gen. W. Preston Corderman, USA (Ret.)
Dr. Frank G. Kear
Dr. Irvin Stewart
Mr. William G. Thompson

On behalf of President Eisenhower, I write to invite you to serve as member of a temporary Special Advisory Committee on Telecommunication to the President and me. This committee is created to review the role of the Federal Government in the management of telecommunication and, based on such review, to make recommendations to me which I may submit to the President, on actions essential to improve the allocation, management, and control of radio and television frequencies for government and non-government use. It is thought the Administration should be in a position to recommend to the Congress that a Commission be appointed to advance specific recommendations in this vital field. Other persons invited today to be members of the committee are as listed on the attachment to this letter.

Our economy and national defense today are highly dependent upon the smooth functioning of our national telecommunication services. The rapidly changing technology and changing needs in government and non-government areas are presenting increasingly difficult problems in telecommunication management. The situation is becoming no less complicated by developments in satellites and space vehicles as well as defense weapons systems.

It would be genuinely appreciated if you will accept this invitation and attend the initial meeting of the committee on November 18 and 19, 1958, at 10:00 A. M. on November 18, in my office, Room 100, Executive Office Building, 17th and Pennsylvania Avenue, N. W., Washington, D. C. It is my opinion this assignment will not be too arduous or require you to be away from your normal responsibilities an undue amount of time.

Because early action in the field is needed, it is my hope the committee will be able to complete its assignment and have its recommendations in my hands prior to January 1, 1959.

In the execution of your mission, you will receive the full cooperation and assistance of the Office of Civil and Defense Mobilization and other agencies of the Federal Government concerned.

You will be compensated for services rendered as a member of this committee as indicated on the attached transmittal sheet.

Your willingness to give us the benefit of your knowledge and experience by accepting this important assignment will be of great assistance in our effort to solve the many important problems in our communication service which is so vital to our Nation.

Sincerely yours,

(Signed)

Leo A. Hoegh

Attachments
(Not included)

DRAFT BILL

To provide the President with the means to discharge satisfactorily his responsibilities in connection with national telecommunication resources including the Government's use of the radio frequency spectrum.

1 Be it enacted by the Senate and House of Representatives of
2 the United States of America in Congress assembled.

3 NATIONAL TELECOMMUNICATIONS BOARD

4 Sec. 1. There is hereby established in the Executive Office
5 of the President the National Telecommunications Board, hereinafter
6 referred to as the "Board", which shall report directly to the
7 President. The Board shall consist of three members to be
8 appointed by the President, by and with the advice and consent of
9 the Senate. The Chairman shall be designated by the President and
10 shall receive compensation at the rate of \$20,500 per annum. The
11 other two Board members shall receive compensation at the rate of
12 \$20,000 per annum. All actions of the Board except those relating
13 to internal administrative matters shall be by affirmative vote of a
14 majority of its members. The Chairman shall be responsible for
15 the internal administrative direction of the Board and its staff.

16 FUNCTIONS OF THE BOARD

17 Sec. 2. (a) The Board shall assist and advise the President
18 in the discharge of his responsibilities as President of the United
19 States in connection with U. S. telecommunication resources to

1 meet the changing demands of national security and welfare and
2 shall act for him in the discharge of his responsibilities arising
3 from the Communications Act of 1934, as amended, for management
4 of the Federal Government's use of the radio frequency spectrum
5 in such a way as to provide the optimum accommodation of present
6 and foreseen future needs of national security, safety of life and
7 property, international relations, and the economic, social,
8 educational, and political life of the Nation and the general welfare
9 of its people.

10 (b) The Board shall formulate telecommunication policies,
11 plans, programs, and standards designed to assure efficient
12 telecommunication management within the Executive Branch of the
13 Government with due regard for the maintenance of sound and healthy
14 commercial telecommunication services both domestic and foreign.
15 The Board shall coordinate the formulation of U. S. policies and
16 positions within the Executive Branch of the Government for
17 international negotiation and shall assist and advise the Secretary
18 of State in the projection internationally of U. S. telecommunication
19 policies and positions. The Board shall provide policy guidance
20 for and direct the implementation of U. S. international tele-
21 communication treaty obligations by the several agencies in the
22 Executive Branch of the Government.

1 (c) The Board shall carry out such policy making, planning
2 and executive functions as are required for the discharge of the
3 President's responsibilities arising from Section 305 of the
4 Communications Act of 1934, as amended, for the assignment of
5 radio frequencies to Government stations or classes of stations.
6 The Board shall formulate policies, criteria, engineering standards,
7 and procedures for the allocation and assignment of radio frequencies
8 to the several agencies of the Executive Branch of the Government
9 and for the use thereof. The Board shall maintain or cause to be
10 maintained suitable records of assignment of frequencies to
11 Government users and the publication of lists of Government
12 frequency assignments as appropriate.

13 (d) The Board shall, as a special duty, review the national table
14 of radio frequency allocations being employed by Federal Government
15 and non-Federal Government users. This review shall be done in
16 consultation with the Federal Communications Commission to the
17 end that a determination be made as to whether the current division
18 of radio spectrum serves the National interest to an appropriate
19 degree. The Board shall make a report of findings to the President
20 for transmission to Congress. The report shall contain, in addition
21 to the findings resulting from the review and the comments of the
22 Federal Communications Commission thereon, such recommendations

1 as may be considered desirable and applicable. The report is to
2 be made at the earliest date consistent with the task to be performed
3 but no later than two years from the appointment and qualification
4 of the Board members.

5 (e) The Board shall maintain continuing review of the national
6 table of radio frequency allocations, coordinating with the Federal
7 Communications Commission, for the purpose of ensuring an
8 appropriate division of spectrum space between the Federal
9 Government and non-Federal Government users. The Board shall
10 formulate, and coordinate with the Federal Communications Commission,
11 the development of long-range plans for future use of the radio spectrum
12 resource. The Board shall encourage the operational application of
13 new techniques, improved equipment and methods to promote a more
14 effective use of the radio spectrum and to conserve radio frequencies.

15 (f) The Board shall, as a further special duty, (1) study the role
16 of the Federal Government in the management of U. S. telecommuni-
17 cations; (2) study the administrative organizations for discharging
18 the Government's responsibilities with particular reference to the
19 division of responsibility under the Communications Act of 1934,
20 as amended, and the terms of this Act; and (3) not later than two
21 years of the appointment and qualification of the Board members,
22 report to the President for transmission to the Congress the Board's

1 recommendations on what changes, if any, should be made in the
2 existing administrative organization.

3 (g) The Board shall carry out such other duties and responsibilities
4 as may be directed by the President from time to time.

5 (h) The Board shall establish and maintain liaison as required
6 with departments and agencies of the Federal Government and the
7 telecommunications industry, including but not limited to the
8 broadcasting, electronic, and communication services, with
9 particular reference to research and development and new manu-
10 facturing techniques and capabilities, for the purpose of improving
11 telecommunication services, the conservation of the spectrum, and
12 for increasing productivity of the total resource. The Board shall
13 encourage research and studies in those areas where the need exists.

14 (i) The Board shall, in the formulation and promulgation of
15 policies, plans, programs, criteria, standards, and procedures
16 of national import, consult as appropriate with the Federal
17 Government agencies.

18 (j) The Board is also authorized: (1) subject to the Civil Service
19 and classification laws, to select, employ, appoint, and fix the
20 compensation of such officers, employees, attorneys, and agents
21 as shall be necessary to carry out the provisions of this Act, and
22 to define their authority and duties; (2) to appoint such advisory

1 committees as shall be appropriate for the purpose of consultation
2 and advice to the Board in performance of its functions hereunder
3 and to obtain services as authorized by Section 15 of the Act of
4 August 2, 1946 (5 U.S.C. 55 (a)), at rates not to exceed \$100 per diem
5 for individuals; and (3) to place in grades 16, 17, and 18 of the General
6 Schedule established by the Classification Act of 1949, as amended,
7 not to exceed ten positions which shall be additional to the number
8 authorized by Section 505 of that Act.

9 ORGANIZATION OF NATIONAL TELECOMMUNICATIONS BOARD

10 Sec. 3. The term of office of each member of the Board shall
11 be six years, except that (1) any member appointed to fill a vacancy
12 occurring prior to the expiration of the term for which his predecessor
13 was appointed shall be appointed for the remainder of such term;
14 and (2) the terms of office of the members first taking office after
15 the date of enactment of this Act shall expire, as designated by the
16 President at the time of appointment, one at the end of two years,
17 one at the end of four years, and one at the end of six years.
18 Two members shall constitute a quorum of the Board. Each member
19 of the Board shall be a citizen of the United States.

20 ANNUAL REPORT

21 Sec. 4. The Board shall make an annual report to the President
22 for transmission on or before the 15th of March of each year to the

1 Congress, summarizing the activities of the Board for the previous
2 calendar year and making such recommendations as it may deem
3 appropriate.

4 TRANSFER OF RECORDS, PROPERTY, PERSONNEL, AND FUNDS

5 Sec. 5. The records, property, personnel and funds used, held,
6 employed, available, or to be made available, in connection with
7 the functions vested in the Director of the Office of Civil and Defense
8 Mobilization by Executive Order 10460 of June 16, 1953, and
9 Executive Order 10705 of April 17, 1957, shall be transferred,
10 consonant with law to the Board.

11 APPROPRIATIONS

12 Sec. 6. There are hereby authorized to be appropriated such
13 sums as may be necessary and appropriate for the carrying out
14 of the provisions and purposes of this Act.

15 Sec. 7. This Act may be cited as the National Telecommunications
16 Act of 1959.

DRAFT

EXECUTIVE ORDER

CONFERRING UPON THE NATIONAL TELECOMMUNICATIONS BOARD
THE RESPONSIBILITY FOR MOBILIZATION PLANNING TO CONTROL
AND REGULATE NATIONAL TELECOMMUNICATIONS IN AN EMERGENCY

By virtue of the authority vested in me by the Constitution and laws of the United States, including the Defense Production Act of 1950, as amended, (50 U.S.C. App. 2061, et. seq.), and as President of the United States and Commander-in-Chief of the Armed Forces of the United States, it is hereby ordered as follows:

Section 1. The National Telecommunications Board which is responsible for assisting and advising me pursuant to my responsibilities for the management of U. S. telecommunications, shall assume the additional responsibilities for mobilization planning to control and regulate national telecommunications in an emergency. These responsibilities shall include but not necessarily be limited to the following tasks:

(a) The Board shall formulate national telecommunication policies, plans, and programs designed to assure maximum security to the United States in time of national emergency with a minimum of interference to continuing non-governmental requirements.

(b) The Board shall formulate plans for the adaption of non-defense telecommunication services and facilities to the requirements of defense in a national emergency or war.

(c) The Board shall direct and coordinate the development by the several agencies of the Executive Branch of agency plans, programs, and actions designed to carry out approved national plans, programs, and actions in an emergency.

(d) The Board shall formulate plans and directives for an emergency telecommunications agency to direct the control and priority of use of U. S. telecommunications in a national emergency.

(e) The Board shall formulate plans for the conversion of defense telecommunication services and facilities no longer required for defense purposes to the purposes of reconstruction, rehabilitation, and peace.

Section 2. The Board, in the process of carrying out the foregoing responsibilities, will consult with the various Government agencies and commercial enterprises as necessary to produce effective planning at the national level in order that individual agency plans may become integral parts of the whole. It will form such committees and boards as are necessary to assist and advise it in discharging these additional responsibilities.

Section 3. The mobilization plans developed by the Board shall be consistent with the policy direction and program guidance established by the Director of the Office of Civil and Defense Mobilization.

DWIGHT D. EISENHOWER

THE WHITE HOUSE

Date

STATE OF THE UNION MESSAGE

Changing technology, along with changing needs in government and non-government areas, presents serious problems that require searching examination in the field of telecommunications, particularly as respects administration and use of the radio spectrum. These problems affect both the national security and the industrial and social welfare of the country. The present government mechanism is not adequate to meet these problems. To correct this situation I will send to the Congress a Bill requesting that a National Telecommunications Board consisting of three members be established in the Executive Office of the President whose primary mission will be to carry out the responsibilities imposed on the President by the Communications Act of 1934 in connection with national telecommunications resources, including management of the Government's use of the radio frequency spectrum, and of all telecommunications in time of emergency.

March 23, 1959

G. Lyle Belsley
Deputy Assistant Director for Resources and Production

F. C. Alexander
Deputy Assistant Director for Telecommunications

Cabinet Status Report

This is in response to your informal request for a Cabinet Status Report arising from Mr. Reutzel's memorandum to you dated March 19, 1959, concerning Item 3 of Cabinet Document RA 59-126 dated February 2, 1959.

In accordance with your request, there is attached the draft of a Cabinet Status Report which sets forth the actions taken since that date, together with a summary statement of reactions on the Hill to the proposal, as reported in the Trade Press.

F. C. Alexander

Attachment

660/Obermiller:lm x 3886
cc: Telecom. Records
Reading File
Mr. Price
Records

C O P Y

Record Copy in folder marked - "Policy-Cabinet Consideration of"

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

Office Memorandum • UNITED STATES GOVERNMENT

Rm 402
Mr. Steinmiller

TO : G. Lyle Belsley

DATE: March 19, 1959

FROM : Emil Reutzel

SUBJECT: Cabinet Status Report

The Cabinet Secretary has asked us to provide information for inclusion in a periodic "action status report" covering Cabinet matters in the OCDM area.

I am attaching thermafax copies of certain excerpts from the last status report dated October 3, 1958. Please let me have an up-to-date rewrite for each of these by Monday, March 23.

The report on thermafax item 9 should reflect action taken subsequent to the Cabinet meeting on January 30, 1959 (see RA 59-126, Item 3, attached). White House queries as to reception of our proposals on the Hill, whether hearings are scheduled and relationship to announced plans of the House Committee to make similar study on its own.

Please make sure that the record of action is returned to me.

Attachment:

RA 59-126 and thermafax excerpts

REC'D NOON
MAR 23, 1959

CABINET STATUS REPORT

1. The President, by letter of March 3, 1959, to Honorable Richard M. Nixon and Honorable Sam Rayburn, recommended that Congress establish a Special Commission on Telecommunications, to be composed of five members appointed by the President.
2. By letter of March 3, 1959, to Rayburn and Nixon, Governor Hoegh submitted a Draft Joint Resolution for "A Bill to establish a commission to study and report on the U. S. telecommunication resource with special attention to the radio spectrum."
3. On March 4, 1959, a response received from Honorable Sam Rayburn acknowledged receipt of Governor Hoegh's March 3rd letter and stated that the proposed Bill will be referred to the appropriate committee of the House of Representatives. Subsequently, Senator Magnuson, in his capacity as Chairman of the Senate Interstate and Foreign Commerce Committee, formally introduced the program and reportedly made no comment except to insert in the Congressional Record the Director's letter of March 3, 1959, addressed to Vice President Nixon.

4. At the OCDM Director's request, the Bureau of the Budget has authorized strengthening the Telecommunication Office through an increase of 10 staff personnel during this fiscal year, and an additional 11 in Fiscal Year 1960.
5. According to the Trade Press, Congressional attitudes toward proposed Bill were cool and, generally, unfavorable. One Congressman remarked that the proposal is a "full reversal" of the earlier views of the Executive Branch and that the study to be made by Representative Harris' House Interstate and Foreign Commerce Subcommittee on Communications and Power "is of more immediate value".

Two other studies involving this subject are under consideration:

(1) the aforementioned Subcommittee on Communications and Power for which a \$150,000 fund was reportedly approved on February 25, 1959, and (2) a study of the Federal Government's use of radio frequency space as proposed by Representative Bray in a Joint Resolution introduced on March 9, 1959.

As of this date, there is no indication as to whether any hearings are being scheduled on the Administration's Draft Joint Resolution, or how it would be handled in relation to other proposed studies now under consideration on the Hill.

9. The Need for a National Telecommunications Policy

(12/17/54, RA - 6, Item B; 5/3/57, RA - 57-73, Item 4;
8/15/58, RA - 58-115, Item 1)

- a. A panel of names for the membership of the advisory group has been submitted to the President.
- b. The terms of reference of the Committee are now under discussion among the affected agency and department heads. An agreed upon, final draft of the committee's responsibilities is to be forwarded to the President shortly.
- c. The Bureau of the Budget is to arrange funding for the six-month study and the Office of Civil and Defense Mobilization is to provide space for the staff of the Commission.

RA - 59-126

February 2, 1959

Record of Action

The following is the action taken on the items presented at the Cabinet meeting of Friday, January 30, 1959:

3. Legislative and Administrative Proposals
with Respect to Telecommunications

ACTION:

- a) The President approved the recommendations advanced by the Director of the Office of Civil and Defense Mobilization with respect to legislative and administrative steps, i.e.
 - i)) Strengthening the capacity of OCDM to carry out its presently assigned responsibilities in the field of telecommunications.
 - ii) Requesting the Congress to enact statutory authorization for a five-member commission (all members to be appointed by the President) with primary responsibility for making a year-long, comprehensive study of telecommunications policy and organizational problems and for making a report with recommendations to the President, and, within the limits of security, to the Congress.

SPECTRUM BATTLE--A Congressman and a high civil defense official fought the battle of the spectrum last week before an amazed broadcaster audience.

The winner: Rep. William G. Bray (R. Ill).

The loser: John S. Patterson, deputy director, Office of Civil & Defense Mobilization.

Caught in the middle: The broadcasting industry.

Both combatants agreed there ought to be a thorough investigation of the radio spectrum to find if it's efficiently used; if the military is hogging more channels than it needs, and if parts of the facility now assigned to broadcasting are in danger.

Rep. Bray flexed his Congressional muscles under Mr. Patterson's nose when the subject got around to the hiding of a secret report on what should be done about investigating the spectrum.

Mr. Patterson was in a bad spot as he stumbled away from direct answers to the Congressman. He tried to explain why the report of a temporary committee to the President was the most concealed document around Washington.

The platform battling became downright embarrassing to the broadcaster spectators when Rep. Bray charged that OCDM had given him the fastest run-around he could recall by concealing the report of the committee.

Persistently foiled by Mr. Patterson's bureaucratic dodging, Rep. Bray held up an article from BROADCASTING and read portions dealing with the still-secret contents. In a hopeless jam, Mr. Patterson said the matter is "under administrative review." He said if the President wants it kept secret, he was satisfied this was the thing to do.

The two went into the problem of setting up a committee to make a thorough study of the spectrum, as advised in the secret report. Mr. Patterson explained the President's request for legislation (SJRoe 76) to set up a five-man, one-year commission to be named by the President.

Note: Copies of this extract sent to Messrs. Hoegh, Patterson, Kendall, Price, and Scott Moore, also, Mr. Reitzel.

Rep. Bray chided him for letting an important matter of this type become susceptible to the charge of White House or military domination, explaining the people through Congress should have a voice in naming the members.

Mr. Patterson suggested it would be hard to get experts to give away a year of their lives for \$75 a day. He startled the audience by adding that he didn't see what business it was of this broadcaster meeting to discuss this subject.

The two disagreed again on the need for FCC's continuing investigation of the 25-890 mc band. Rep. Bray thought it should be held up while the whole spectrum study matter is being discussed. Mr. Patterson saw no reason to defer the FCC study. Asked for comment from the floor, Comr. Robert T. Bartley, of the FCC, said the 25-890 study is a paper hearing now but added that it has many purposes. One of these is to provide material for the international radio conference scheduled later this year.

Rep. Bray pointed out in his prepared talk that no major agency has ever reviewed or evaluated the needs or uses of the government frequency assignments. He noted the "vast amounts of equipment" acquired by the military, adding, "I am certain that if all the equipment were turned on at once there would be so much interference between various pieces of equipment that jamming by the enemy might be unnecessary."

He reminded that much equipment has been produced for use in emergency on parts of the spectrum assigned non-government users on the theory these users would cease operating in war. "No agency has made a comparative analysis to determine whether even in wartime some of the civilian uses might not be more important than the military uses which are planned," he said.

Rep. Bray argued the allocation of spectrum use is the business of Congress, stating an impartial investigation "would slay the ghost of any suspicion or concern over hoarding or unnecessary demands for frequency space by the military." At least some of the members of a spectrum study group should be named by Congress, he said, so the project isn't subject to charges of being slanted toward the military or White House.

Mr. Patterson reassured broadcasters there is no desire to appropriate non-government frequency space for government or military use. He said the White House-OCDFM plan for a spectrum study is designed to learn if national management of the spectrum can be improved.

Asked during the question-answer exchange if the lower half of the vhf television band is coveted by the government or military, Mr. Patterson said, "I have never heard any military demand for these channels, I would know if requests were made."

He called broadcasting one of the nation's best assets in time of armed attack. "The key to recovery and personal survival is communications," he said.

Extract from TELECOMMUNICATIONS REPORTS, Volume Twenty-Five,
No. 21, March 23, 1959

**DEFENSE DEPARTMENT DOES NOT SEEK TO EXPAND MILITARY
RADIO FREQUENCY BANDS BY DISCUSSIONS WITH FCC ON TV
ALLOCATIONS PROBLEMS; REP. BRAY SAYS INEFFICIENT USE
OR HOARDING OF SPACE CANNOT LONGER BE AFFORDED**

The Department of Defense does not "seek to expand military (radio frequency) bands" by discussions with the FCC on possible solutions to the problem of providing a competitive nationwide television system, Lt. Gen. Arthur G. Trudeau, Chief of Army Research & Development, declared in a luncheon address Wednesday, March 18, before the National Association of Broadcasters' annual convention in Chicago.

General Trudeau reported that the military has been approached by the Commission regarding "six different solutions" to television allocations problems, and has been asked to comment "as to military impact." He said that "complete information" on military operations will be provided to the Commission.

HIGHLIGHTS: Bray says study of utilization could serve many worthwhile purposes. . . Patterson reviews Eisenhower administration recommendation for frequency management study. . . Trudeau tells press conference he does not believe military will have to ask for more channels than it now has. . . Electronics uses have increased tenfold since World War II, he declares.

In an address two days earlier, Rep. William Bray (R., Ind.) declared that "with the tremendously expanded use" of radio frequencies "both in the broadcast and in the non-broadcast field," the US has "undoubtedly reached the point where inefficient use or wasteful hoarding of the spectrum can no longer be afforded." He declared that "a study of utilization could serve many worthwhile purposes and could provide some objective and impartial facts which could easily be referred to to justify any further decisions which might have to be made."

Appearing with Rep. Bray on the program at the opening of NAB's 37th annual convention was John S. Patterson, Deputy Director of the Office of Civil & Defense Mobilization, who reviewed the recent recommendation of the Eisenhower administration for a five-man commission to study all uses and government management of the spectrum.

Note: Copies of this extract sent to Messrs. Hoagh, Patterson, Price, Reutzell, Kendall, & Scott Moore

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Rep. Bray, who two years ago, along with then-Senator Charles E. Potter (R., Mich.) sponsored legislation looking toward a spectrum study which died in the House after expressed opposition by the broadcast industry, described his joint resolution introduced to the present Congress which would create a commission to study usage of government frequencies.

Discussing the plans of House Interstate & Foreign Commerce Committee Chairman Oren Harris (D., Ark.) for a subcommittee study of spectrum use, Rep. Bray stated that "it is a very worthwhile effort," and "the only reason my legislation in the past has not suggested that this study be conducted by the Congress has been that I feared that the committee might not have the time to devote to it."

The Indiana Congressman discussed the administration's proposal for a commission of five members to be appointed by the President to make an overall study of frequency management and use, and said he has "reintroduced" his proposal "for these reasons: I believe that a study of utilization should come first. An impartial investigation of government use would, when completed, slay the ghost of any suspicion concerning hoarding or unnecessary demands for frequency space by the military. Secondly, I feel that any commission should have some of its members appointed at the direction of the legislative branch so that it will not be subject to any charges of being loaded or slanted in behalf of the military or the executive branch."

Rep. Bray stated that "with regard to the use of the spectrum by non-government users under the licensing provisions of the FCC, some scrutiny and evaluation of the need for their use has taken place at intervals under the provisions set up by the Commission and Congress. However, no agency has been given the basic responsibility either to evaluate or to periodically review the needs or the use of the assignments within the government.

"In addition, one of the largest users of government frequency assignments has been the Defense Department and the three services contained therein. Vast amounts of equipment have been produced and made available for that day in which it might be needed. I am certain that if all of the equipment were turned on at once there would be so much interference between various pieces of equipment, that jamming by the enemy might actually be unnecessary," he declared.

Rep. Bray said that he is "not saying that I know and can prove that government users are wasting spectrum space or even have sufficient frequencies to carry out the tasks allocated to them. I am certain they do not think so. There has never been a time when any military commander believed he had sufficient men, sufficient equipment, sufficient supplies or sufficient communications. . .

"My reasons for skepticism about military control," he went on, "are based on factual considerations gained from a lifetime of military associations. The fact that I am skeptical of the military being allowed to use all of the spectrum space which they desire does not imply that I am critical of the fine job they have done through the years in successfully defending our country."

During his talk, Mr. Patterson pointed out that articles have been written stating that government and military leaders want to take over more frequencies at the expense of commercial users of the spectrum, but that "an impartial review of the language" of the administration's recommendations to Congress shows it is a directive to see if management of spectrum uses can be improved upon.

* * * *

March 19, 1959

POST MORTEM NO. 2

TO: Mr. Victor E. Cooley
Maj. Gen. W. Preston Corderman, USA (Ret.)
Dr. Frank G. Kear
Dr. Irvin Stewart
Mr. William G. Thompson

The material enclosed will be of interest and is self-explanatory. The draft legislation was introduced in the Senate by Senator Magnuson on March 10, 1959 (S. J. Res. 76). It has not yet been introduced in the House.

The Chairman of the House Interstate and Foreign Commerce Committee, Representative Oren Harris, has announced he will conduct his own spectrum study and has an initial \$150,000 with which to do it. Mr. Bray has introduced H. J. Res. 292 which is identical to the Potter-Bray resolution (S.J. 106) of last year.

I had hoped the report itself would be released. At one point we had word it would be made public simultaneously with the transmittal of the President's letters to Congress--but we were since advised to await further instructions.

When anything further develops, I will let you know.

Sincerely,

F. C. Alexander
Deputy Assistant Director
for Telecommunications

Enclosures

White House Press Release
OCDM Press Release
S. J. Res. 76

IMMEDIATE RELEASE

March 3, 1959

James C. Hagerty, Press Secretary to the President

THE WHITE HOUSE

THE WHITE HOUSE TODAY MADE PUBLIC
THE FOLLOWING LETTER FROM THE
PRESIDENT TO THE HONORABLE RICHARD
M. NIXON, THE PRESIDENT OF THE SENATE,
AND THE HONORABLE SAM RAYBURN, THE
SPEAKER OF THE HOUSE OF REPRESENTATIVES

Dear _____:

The telecommunication systems of the United States are essential to the national security, to the safety of life and property, to international relations, to a better-informed public, and to the business, social, educational, religious and political life of the country. They are one of the Nation's most valuable assets.

Changing technology along with changing needs in Government and non-Government areas present problems in the telecommunication field which require searching examination. The situation is becoming no less complicated by prospective developments in satellites and space vehicles, as well as in defense weapons systems.

The Director of the Office of Civil and Defense Mobilization, on my behalf, convened a Special Advisory Committee on Telecommunication November 18, 1958, to review the role of the Federal Government in the management of telecommunications. The report of that Committee is now under study within the Administration.

It was not possible for the Special Advisory Committee during its brief existence to undertake a thorough and comprehensive study of the Government's role or to make detailed studies of such problems as radio frequency usage.

In order that such a study can be made, I recommend that the Congress establish a Special Commission on Telecommunications, to be composed of five members appointed by the President.

I have asked the Director of the Office of Civil and Defense Mobilization to transmit to you a draft of suggested legislation to carry out this recommendation, and to convey to you the details involved in the suggested studies, as recommended in the report of the Special Advisory Committee.

Sincerely,

DWIGHT D. EISENHOWER

The Honorable Richard M. Nixon
The President of the Senate
Washington, D. C.

The Honorable Sam Rayburn
The Speaker of the House of Representatives
Washington, D. C.

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF CIVIL AND DEFENSE MOBILIZATION
Washington 25, D. C.

FOR RELEASE 7:00 P.M., EST
TUESDAY, MARCH 3, 1959

NO. 666

Leo A. Hoegh, Director of the Office of Civil and Defense Mobilization, today announced, on behalf of the President, the transmittal to Congress of recommendations that Congress establish a five-man Commission on Telecommunication Management to study and report on the U. S. telecommunication resources, with special attention to the radio spectrum.

Members of the Commission would be appointed by the President.

The studies to be undertaken were recommended by a Special Advisory Committee on Telecommunication which was appointed last November by Mr. Hoegh, on behalf of the President, to review the role of the Federal Government in the management of U. S. telecommunications, including the allocation of the radio spectrum.

The proposed Commission on Telecommunication Management would conduct a thorough and comprehensive study and investigation of:

(1) the role of the Federal Government in the management of U. S. telecommunication resources,

(more)

(2) the administrative organization for discharging the Government's responsibilities, with particular reference to the division of responsibility under the Communications Act of 1934, as amended, with a view to determining what changes, if any, should be made in the existing administrative organizations or statutes to improve the management of that resource,

(3) the existing methods and procedures for allocating radio frequencies and bands of radio frequencies as between federal government and non-federal government users, with a view to determining what changes, if any, should be made to ensure, insofar as practicable, that allocated frequencies may be utilized to the maximum degree in the national interest, and to facilitate planning to take advantage of technological change in achieving maximum return from the use of the radio spectrum, and

(4) the existing table of radio frequency allocations with respect to the apportionment of the various parts of the radio frequency spectrum as between government and non-government users, with a view to determining whether the current division of the spectrum serves the national interest to an appropriate degree and whether any frequency space (and if so, how much of such space) may, in the public interest, be reallocated to other uses.

(more)

The Commission would submit to the President for transmission to the Congress, within one year after the appointment and qualification of its members, a report of the results of these studies and investigations together with such recommendations as the Commission might deem desirable and applicable.

Upon submitting the report to the President, the Commission would cease to exist.

Mr. Hoegh said that establishment of the Commission would be a major step toward the formulation of long-range solutions to complex problems considered by the Special Advisory Committee. He again commended the Special Advisory Committee for its work.

Members of the Special Advisory Committee were: Victor E. Cooley, Chairman, former Chairman of the Board of the Southwestern Bell Telephone Company and Deputy Director of the Office of Defense Mobilization from 1953 to 1958; Irvin Stewart, past President of West Virginia University and Chairman of the President's Communications Policy Board in 1951; Frank Gregg Kear, a consulting radio engineer with the firm of Kear and Kennedy; William Glasgow Thompson, retired Assistant Vice President of the American Telephone and Telegraph Company; and W. Preston Corderman, Major General, USA (Ret.), Vice President of Litton Industries, Inc.

#

86TH CONGRESS
1ST SESSION

S. J. RES. 76

IN THE SENATE OF THE UNITED STATES

MARCH 10 (legislative day, MARCH 9), 1959

MR. MAGNUSON introduced the following joint resolution; which was read twice
and referred to the Committee on Interstate and Foreign Commerce

JOINT RESOLUTION

To establish a commission to study and report on the United States telecommunication resource with special attention to the radio spectrum.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*
3 That (a) there is hereby established a Commission on Tele-
4 communication Management (hereinafter referred to as the
5 "Commission").

6 (b) The Commission shall be composed of five members
7 as follows:

8 (1) The members shall be appointed by the President
9 of the United States.

1 (2) One member shall be designated by the President
2 at the time of appointment as Chairman of the Commission.

3 (c) The members of the Commission shall be citizens of
4 the United States who are not officers or employees of the
5 Federal Government, and shall include persons who, by
6 reason of training or experience, or both, are experts in the
7 field of telecommunication.

8 (d) The Commission shall establish rules for its pro-
9 cedures.

10 (e) Any vacancy in the Commission shall not affect its
11 powers, but shall be filled in the same manner in which the
12 original appointment was made.

13 (f) The members of the Commission shall each receive
14 \$75 per diem when engaged in the actual performance of
15 duties vested in the Commission, plus travel and allowances
16 in lieu of subsistence expenses while away from their homes
17 or regular places of business in accordance with the Travel
18 Expense Act of 1949, as amended, and the Standardized
19 Government Travel Regulations.

20 SEC. 2. (a) It shall be the duty of the Commission to
21 conduct a thorough and comprehensive study and investiga-
22 tion of (1) the role of the Federal Government in the man-
23 agement of the United States telecommunication resource,
24 (2) the administrative organization for discharging the
25 Government's responsibilities, with particular reference to

1 the division of responsibility under the Communications Act
2 of 1934, as amended, with a view to determining what
3 changes, if any, should be made in the existing administra-
4 tive organizations or statutes to improve the management of
5 that resource, (3) the existing methods and procedures for
6 allocating radiofrequencies and bands of radiofrequencies as
7 between Federal Government and non-Federal Government
8 users, with a view to determining what changes, if any,
9 should be made to insure, insofar as practicable, that allo-
10 cated frequencies may be utilized to the maximum degree
11 in the national interest, and to facilitate planning to take ad-
12 vantage of technological change in achieving maximum
13 return from the use of the radio spectrum, and (4) the exist-
14 ing table of radiofrequency allocations with respect to the
15 apportionment of the various parts of the radiofrequency
16 spectrum as between Government and non-Government
17 users, with a view to determining whether the current
18 division of the spectrum serves the national interest to an
19 appropriate degree and whether any frequency space (and
20 if so, how much of such space) may, in the public interest,
21 be reallocated to other uses.

22 (b) The Commission shall submit to the President for
23 transmission to the Congress within one year after the ap-
24 pointment and qualification of its members a report of the
25 results of the study and investigation provided for in subsec-

1 tion (a) together with such recommendations as the Com-
2 mission deems desirable and applicable. Upon submitting
3 the report provided for by this subsection, the Commission
4 shall cease to exist.

5 SEC. 3. (a) The Commission shall have power to ap-
6 point and fix the compensation of such personnel as it deems
7 advisable, without regard to the provisions of the civil service
8 laws and the Classification Act of 1949, as amended: *Pro-*
9 *vided, however,* That no employee (other than technical
10 personnel) whose position would be subject to the Classifi-
11 cation Act of 1949, as amended, if such Act were applicable
12 to such position, shall be paid a salary at a rate in excess
13 of the rate payable under such Act for positions of equivalent
14 difficulty or responsibility.

15 (b) The Commission may procure, without regard to
16 the civil service laws and the Classification Act of 1949, as
17 amended, temporary and intermittent services as authorized
18 for the departments by section 15 of the Act of August 2,
19 1946 (60 Stat. 810), but at rates not to exceed \$75 per
20 diem for individuals.

21 SEC. 4. (a) The Commission is authorized to receive
22 from any department, agency, or independent instrumentality
23 of the Federal Government any information deemed necessary
24 or desirable to enable it to carry out its functions under this
25 joint resolution; and each such department, agency, and in-

1 strumentality is authorized to furnish such information to the
2 Commission, upon request made by the Chairman of the
3 Commission.

4 (b) The Commission may authorize the Chairman to
5 make the expenditures herein authorized and such other
6 expenditures as may be necessary to carry out the duties
7 of the Commission. When the Commission ceases its activi-
8 ties it shall prepare a statement of its financial transactions
9 and the General Accounting Office shall, in connection with
10 the audit of the Commission's financial transactions required
11 by other law, audit said statement and report thereon to the
12 appropriate committees of the Senate and the House of Rep-
13 resentatives.

14 SEC. 5. There are hereby authorized to be appropriated
15 such sums as may be necessary to carry out the provisions of
16 this joint resolution. Funds appropriated under the heading
17 "Emergency Fund for the President, National Defense" in
18 the General Government Matters Appropriation Act, 1959
19 and 1960, shall be available to carry out the provisions of
20 this joint resolution.

86TH CONGRESS
1ST Session

S. J. RES. 76

JOINT RESOLUTION

To establish a commission to study and report on the United States telecommunication resource with special attention to the radio spectrum.

By Mr. MAGNUSON

MARCH 10 (legislative day, MARCH 9), 1959
Read twice and referred to the Committee on
Interstate and Foreign Commerce

REMARKS BY MR. JOHN S. PATTERSON, DEPUTY DIRECTOR, OFFICE OF CIVIL AND DEFENSE MOBILIZATION, EXECUTIVE OFFICE OF THE PRESIDENT, WASHINGTON, D. C., BEFORE THE 37TH ANNUAL CONVENTION OF THE NATIONAL ASSOCIATION OF BROADCASTERS, CONRAD HILTON HOTEL, CHICAGO, ILLINOIS, MARCH 16, 1959.

For the opportunity to be here, for your generous hospitality, and for your warm and cordial welcome, I am deeply grateful. It is good to be back in the midwest -- in Chicagoland -- and in Illinois, my homeland.

As your Chairman previously told you, it was impossible for Governor Leo Hoegh, former Governor of Iowa and now the Director and my associate in the Office of Civil and Defense Mobilization, to keep his date with you here today. The Governor requested me to express his keen regret for his being unable to be here for the 37th Annual Convention of the National Association of Broadcasters. He was anxious to attend this meeting -- had made all plans to be present because he is fully cognizant of the vital contribution you men and women associated with telecommunications are contributing and will contribute to keeping America strong, and preparing for the very difficult job of surviving a nuclear attack, however, a very urgent and important matter keeps him in Washington today. In fact, at this hour I expect that the Governor is before the Appropriations Committee of the Congress reviewing with it the need for money to be appropriated for the Director to do the job expected of him. Just before I left Washington, the Governor told me that he tried the impossible -- and that was to have the Appropriations Committee postpone its hearing in order that he could keep his date with you.

COPY

Since it was necessary for the Governor on quick notice to change his schedule, the pleasure of being here is mine, and as much as I welcome this opportunity of joining you, let me assure you at the outset of my remarks, that I do not come before you today as an expert nor a specialist on subjects telecommunication.

So, for the sake of your honored profession -- my mission here -- and my responsibility to our Federal Government, I should like very simply to express to you something of the urgent problems which each of us faces in the telecommunications field as we live in this age of continuing and accelerating change.

Before advancing any specific items concerning our telecommunications problems, I express to you of the National Association of Broadcasters my genuine appreciation for your understanding, cooperation, and willingness to assist your Government in its quest for solutions to the problems relating to telecommunications. You are a part of a great industry which I know to be one of the nation's most valuable assets in peace and war. My appreciation of your business is best summed up in the following words which the Director of OCDM has conveyed to many in the communications industry when he said:

"The key to our personal survival -- and to the survival and recovery of the nation in the event of attack -- is communications. We depend on Government communications for early warning and on private communications facilities for public warnings of impending attack. In the post-attack period, communications are a bed-rock necessity if we are to maintain contact with our people, to direct their efforts toward recovery and issue instructions necessary for their survival. We in OGDM are indebted to the communication industry generally and to broadcasting in particular for their whole-hearted support of our defense efforts and to the thousands of radio "hams" who give unstintingly of their time and equipment in supporting the vast communications network in time of disaster. Communications, private and governmental, are a keystone upon which we build a stronger defense and a stronger America."

Although I am not a telecommunications man nor a member of the broadcasters' community, I feel at home today at this gathering, for the nature of your concern with broadcasting problems as Mr. Thad Brown, your Vice President for TV, reviewed some of them with me last Friday, parallels my concern with some of the major government telecommunications problems we face today. So at this point, let us turn to a brief examination of factors which I hope will, in capsule form, bring into focus the following:

First, responsibility of OCDM in telecommunications as delegated by the President of the United States; and

Second, why the Director of OCDM, on behalf of the President, has requested, through S. J. Res. 76, that the Congress establish a 5-man commission on telecommunication management, to be appointed by the President, to study and report on the U. S. telecommunication resources, with special attention to the radio spectrum.

The Director of the Office of Civil and Defense Mobilization is charged ~~with~~ by Executive Order with:

1. Assisting and advising the President with respect to his telecommunication functions;
2. Planning for the mobilization of national telecommunications in a war emergency; and
3. carrying out, in a war emergency, certain of the President's wartime authority over non-government telecommunications.

Under the first of these, the Director, OCDM, is responsible for coordinating the development of policies and standards applying to the Executive Branch of the Government; for assuring high standards of management within the Executive Branch; and for assigning radio frequencies to government agencies, including the establishment of policies and procedures governing such assignments and their continued use.

Under the second, the Director is responsible for coordinating the development by the Government agencies of plans and programs designed to assure maximum security to the United States with a minimum interference to continuing non-governmental requirements, and for planning for the exercise of the President's wartime authority in an emergency.

Under the third, he is responsible during a war emergency for assigning frequencies to government agencies; for regulating non-government use of frequencies; for establishing precedences for essential communications; for establishing priorities for the resumption of disrupted services; for the control of electromagnetic radiation (CONELRAD); and for the allocation and use of non-government wire and radio facilities as necessary to the national security and welfare.

These items, taken together, constitute a responsibility of some magnitude in an extremely complex and rapidly changing science.

On March 3, the President transmitted to the Honorable Richard M. Nixon, President of the Senate, and the Honorable Sam Rayburn, Speaker of the House of Representatives, the following recommendation -- listen to the President of the United States -- I quote --

"The telecommunication systems of the United States are essential to the national security, to the safety of life and property, to international relations, to a better-informed public, and to the business, social, educational, religious and political life of the country. They are one of the nation's most valuable assets.

"Changing technology, along with changing needs in government and non-government areas present problems in the telecommunications field which require searching examination. The situation is becoming no less complicated by prospective developments in satellites and space vehicles, as well as in defense weapons systems.

"The Director of the Office of Civil and Defense Mobilization, on my behalf, convened a Special Advisory Committee on Telecommunication November 18, 1958, to review the role of the Federal Government in the management of telecommunications. The report of that committee is now under study within the administration.

"It was not possible for the Special Advisory Committee during its brief existence to undertake a thorough and comprehensive study of the Government's role or to make detailed studies of such problems as radio frequency usage.

"In order that such a study can be made, I recommend that the Congress establish a special commission on telecommunications, to be composed of five members appointed by the President.

"I have asked the Director of the Office of Civil and Defense Mobilization to transmit to you a draft of suggested legislation to carry out this recommendation, and to convey to you the details involved in the suggested studies, as recommended in the report of the Special Advisory Committee."

In recognition of the grave responsibility to assist and advise the President in relation to national telecommunication matters, the Director of OGDm has requested, through S. J. Res. 76, that a thorough study be made of the organization for management of the national telecommunication resource.

This fundamental study will entail findings relative to:

- A. The present administrative organization and how it can be improved or strengthened;
- B. The existing method of allocating (or dividing) the radio spectrum between government and non-government users; and

C. The results of the existing allocation methods -- or in other words -- does the division of space between government and non-government use serve the national interest?

This, to us, is a fundamental need which transcends any other considerations and seeks to determine whether our methods of dealing with the radio spectrum can, for the good of the United States, be improved upon.

Now, there have been a number of articles and statements that have suggested or intimated that the government is desirous of reviewing non-government use of radio frequencies in the United States to the end that the government, and in particular our military services, may pre-empt some additional frequencies. The basis which apparently inspired articles and statements was first, the effort by the government to urge Senator Potter that his bill S. J. Res. 106, which advocated a study of the use of the Federal Government in making of radio and television frequencies, be amended to study the over-all United States allocation of frequencies, and second, the recent joint resolution submitted by Governor Hoegh to the Congress which similarly advocated an over-all study.

The Joint Resolution submitted by Governor Hoegh does not point a finger at any specific service that makes use of the radio spectrum. It does, however, suggest that a basic study be made of the role of the Federal Government in the management of the telecommunication resource.

Let me sum up this way -- an impartial review of the language which spells out the duties of the suggested commission clearly indicates that the objectives, without exception, are directed toward learning whether the national management can be improved upon.

Now a final observation -- we in the OCDM are doing our best in the national interest to cope with the problems in telecommunications and to meet our responsibilities in getting our every-day jobs done in an equitable manner, and with maximum dispatch and at minimum expense. We welcome your help, your counsel, and your advice, and it is my hope that our paths will cross frequently in our quest for solutions to current and future problems in telecommunications. I believe you share this hope -- no one could ask for more.

Representative Bray's Remarks to the National Association of Broadcasters
Chicago, Monday, March 16, 1959

I am appreciative of this opportunity to be here with you --

I might say at the outset that I am reminded of a recent cartoon in the New Yorker magazine. It was one of those "doctor's office" type cartoons, which showed a man discussing his problems with his doctor -- apparently a psychiatrist. He said, "Of course, Doctor, I worry like everyone else does--about Russia, the hydrogen bomb, China, Egypt, Berlin, juvenile delinquency, national debt, and a lot of other things. That's not why I'm here, however. I'm here because one day last week I thought I had found the solution of all those problems." (PAUSE)

Well, of course, none of us has all the solutions to those problems or to the problems that we are here to talk about today. I am certainly not here to suggest that I have the solutions to the many problems that confront us in trying to allocate--fairly and in the public interest--the limited radio facilities which are available due to the limitations of the frequency spectrum.

Thirty years ago, when President Hoover first established the National Radio Commission, there was no idea that the amount of space in the spectrum could be used in as many ways as it is being used today, nor that there would be any real demand for that space for those uses. Primarily, this group set here in Chicago represents one of the primary uses of spectrum space and one of the uses which is closest to the public commercial broadcasting.

It is in your interest to see that spectrum allocations are provided to the fullest possible extent for commercial broadcasting, subject of course to the national interest and the needs of our military and civilian defense establishments. You must compete for space, not only with the defense needs of the nation, but with many other broadcasting uses, some of which are remote from consumers, but which have a direct consumer or public benefit.

No, I come not to present all of the answers to spectrum problems, but only to suggest in one or two ways how I feel the questions should be asked, for we obviously will not get correct answers if we persist in asking wrong questions.

We seem on the threshold of realizing two study groups for investigations of spectrum problems. First, Chairman Owen Harris of the House Interstate and Foreign Commerce Committee has proposed that a subcommittee of his committee should study present and future uses of the radio spectrum by military and other Governmental agencies and by private parties, and legislation needed to assure a fair distribution of available frequencies among all these users. Secondly, the President, through the Director of the Office of Civilian and Defense Mobilization, has requested legislative authority for a five-man Commission, which he would appoint, which would study the entire field of frequency allocation, the methods for making allocations, and would propose changes in the management of spectrum problems.

these.

There are in addition to a continuing study by the FCC of the entire band of frequencies from 45 to 890 megacycles.

This seems a rather remarkable change to me since the situation years ago, when I first sponsored legislation proposing such a study.

At that time, the Administration, through the Department of Defense and the Office of Civilian and Defense Mobilization, expressed opposition to such a study. Let me say that the bill which I introduced in 1957 called merely for a commission to study the utilization of those areas of the radio spectrum which are assigned for use to agencies and instrumentalities of the Federal Government. The appropriate committees of the House and Senate also showed a lack of interest in this legislation at that time.

Perhaps I should explain that my interest in this subject was first generated by a constituent of mine. A gentleman very learned in this field wrote me about the possibility of increased spectrum space being demanded for military uses and that this demand might lead to a great foreshortening of the channels available for commercial television. Upon looking into this subject in a summary way, I became increasingly interested. I found that it went far beyond the question of providing adequate space for television channels, but involved our entire field of radio communications.

In both the Radio Act of 1927 and the Communications Act of 1934, Congress provided for a divided responsibility over the radio spectrum without making any provision for any realistic division of the spectrum.

between Government and non-Government users. A comprehensive licensing system with procedural safeguards was set up with respect to use of the spectrum by non-Government users. The assignment of radio spectrum to Government users on the other hand was left to the discretion of the President.

Although both the President and the Federal Communications Commission could legally have operated without regard to the other, a negotiated division of the spectrum was achieved. Small portions of the spectrum were allocated for joint use.

With regard to the use of the spectrum by non-Government users under the licensing provisions of the FCC, some scrutiny and evaluation of the need for their use has taken place at intervals under the provisions set up by the Commission and Congress. However, no agency has been given the basic responsibility either to evaluate or to periodically review the needs or the use of the assignments within the Government. In addition, one of the largest users of Government frequency assignments has been the Defense Department and the Three Services contained therein. Vast amounts of equipment have been produced and made available for that day in which they might be needed. It is feared that, if all the equipment were turned on at once, there would be so much interference between various pieces of equipment, that jamming by the enemy might actually be unnecessary.

Equipment has been produced to be used, if and when necessary, in portions of the radio spectrum presently assigned to non-Government users on the theory that non-Government use in these areas would cease during wartime. Naturally, in times of emergency, our military requirements must come first. No agency, however, has made a comparative analysis to determine whether even in wartime some of the civilian uses might not be more important than the military uses which are planned for this portion of the spectrum. With the tremendously expanded use both in the broadcast and in the non-broadcast field, we have undoubtedly reached the point where inefficient use or wasteful hoarding of the spectrum can no longer be afforded.

I am not saying that I know and can prove that Government users are wasting spectrum space or even have sufficient frequencies to carry out the tasks allocated to them. I am certain they do not think so. There has never been a time when any military commander believed he had sufficient men, sufficient equipment, sufficient supplies, or sufficient communications.

It seems that one of the first assignments every young Second Lieutenant is given is that of being Supply Officer. Or, even if he is not assigned as Supply, he soon finds a shortage in his accounts for which he is held responsible. I believe this accounts for the great development of "packratism" among military officers: they soon acquire the habit of putting aside everything they can find and always have an excess of reserve where possible against it.

day when they might happen to need this item.

I do sincerely feel that a study of utilization could serve many worthwhile purposes and could provide some objective and impartial facts which could easily be referred to to justify any future decisions which might have to be made. I have introduced a Joint Resolution which would create a commission to study the utilization of those areas of the radio frequency spectrum which are assigned to the Federal Government.

I sponsored similar legislation in the 85th Congress and a companion bill in the Senate was introduced by Senator Potter of Michigan. The initial reaction of the Administration, through the Office of Civilian and Defense Mobilization, was that such a study would be practically impossible to effect and would be perhaps useless if it were accomplished. Then in 1958, the OGDMD reported that it favored the creation of such a commission, but wanted its field expanded to include non-Government as well as Government use and the entire field of frequency allocation and control. These suggestions were incorporated into the bill before the House, which had been approved by the Senate, but it failed to receive final House action.

Now this year, Chairman Owen Harris of the Committee on Interstate and Foreign Commerce has proposed that a subcommittee of that group study the utilization of those areas of the spectrum which are assigned to the Government. I believe this is a very worthwhile effort. The only reason my legislation in the past has not suggested that this study be conducted by the Congress has been that I feared the committee might not have the time to devote to a study of this kind.

Also, this year, the Director of OCBM has proposed to Congress the creation of a commission, all five members of which would be appointed by the President, to study the entire field of frequency allocation, the methods for making allocation, utilization of allocations, and the management and control of spectrum problems.

I have re-introduced my proposal for this reason: I believe that a study of utilization should come first. An impartial investigation of Government use would, when completed, lay the ghost of any suspicion concerning the hoarding or unnecessary demands for frequency space by the Military. Secondly, I feel that any commission should have some of its members appointed at the direction of the Legislative Branch so that it will not be subject to any charges of being loaded or slanted in behalf of the Military or the Executive Branch.

I am certainly pleased to see the increasing awareness and interest in this problem, which is evidenced in both the Executive and Legislative Branches. Without a detailed and impartial study, only a prejudiced mind could state either the best use of the radio spectrum or the mechanics of a continuing utilization review. I think the time has come when every user of this precious commodity--the radio spectrum--should welcome and cooperate in this study on how to more efficiently and purposely utilize this very limited natural resource which belongs to the people of this great nation.

March 13, 1959

REMARKS BY MR. JOHN S. PATTERSON
DEPUTY DIRECTOR, OFFICE OF CIVIL AND DEFENSE MOBILIZATION

There have been a number of articles and statements that have suggested or intimated that the Government is desirous of reviewing non-government use of radio frequencies in the United States to the end that the Government, and in particular our military services, may pre-empt some additional frequencies. The basis which apparently inspired these articles and statements was first, the effort made by the Government to urge Senator Potter that his bill, S. J. Res. 106, which advocated a study of the use the Federal Government is making of radio and television frequencies, be amended to study the over-all United States allocation of frequencies; and second, the recent joint resolution submitted by Governor Hoegh to the Congress which similarly advocated an over-all study.

I would like to say with regard to the first action that we have never fully understood the intent of the original Potter resolution (S. J. 106) because

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of the title of the bill. It undertook "to establish a commission to investigate the utilization of the radio and television frequencies allocated to the agencies and instrumentalities of the Federal Government." If radio and television frequencies means radio and television broadcasting frequencies, such a study becomes meaningless because there are none of these bands of frequencies allocated to the Federal Government. I believe that Representative Bray's bill has the same title as the original Potter bill (S. J. 106).

In the second instance--in the joint resolution submitted by Governor Hoegh to the Congress--we have attempted to provide for a basic consideration.

The bill submitted by Governor Hoegh does not point a finger at any specific service that makes use of the radio spectrum. It does, however, suggest that a basic study be made of the role of the Federal Government in the management of the telecommunication resource.

This fundamental study will entail findings relative to:

- a. The present administrative organization and how it can be improved or strengthened;
- b. The existing method of allocating (or dividing) the use of the radio spectrum between government and non-government users; and
- c. The results of the existing allocation methods--or in other words-- does the division of space between government and non-government use serve the national interest?

This, to us, is a fundamental need which transcends any political considerations and seeks to determine whether our methods of dealing with the radio spectrum can, for the good of the United States, be improved upon.

The Director, OCDM, is charged by Executive Order with:

1. Assisting and advising the President with respect to his telecommunication functions;

2. Planning for the mobilization of national telecommunications in a war emergency; and
3. Carrying out, in a war emergency, certain of the President's wartime authority over non-government telecommunications.

Under the first of these, the Director, OCDM, is responsible for coordinating the development of policies and standards applying to the Executive Branch of the Government; for assuring high standards of management within the Executive Branch; and for assigning radio frequencies to Government agencies, including the establishment of policies and procedures governing such assignments and their continued use.

Under the second, the Director is responsible for coordinating the development by the Government agencies of plans and programs designed to assure maximum security to the United States with a minimum interference to continuing non-governmental requirements; and for planning for the exercise of the

President's wartime authority in an emergency. Under the third, he is responsible during a war emergency for assigning frequencies to Government agencies; for regulating non-government use of frequencies; for establishing precedences for essential communications; for establishing priorities for the resumption of disrupted services; for the control of electromagnetic radiations (CONELRAD); and for the allocation and use of non-government wire and radio facilities as necessary to the national security and welfare.

These items, taken together, constitute a responsibility of some magnitude in an extremely complex and rapidly changing science.

In recognition of the grave responsibility to assist and advise the President in relation to national telecommunication matters, the Director of OCDM has requested, through S. J. Res. 76, that a thorough study be made of the organization for management of the national telecommunication resource.

An impartial review of the language which spells out the duties of the suggested commission clearly indicates that the objectives, without exception, are directed toward learning whether the national management can be improved upon.

March 12, 1959

MEMORANDUM FOR MR. PATTERSON

SUBJECT: Material for OCDM Appearance on NAB Program
in Chicago, March 16, 1959

Pursuant to your instructions we have prepared some material for the forthcoming discussion with Representative Bray on the NAB program, Monday P.M., March 16, 1959, in Chicago.

As the discussion can and will go any way that it is guided by questions from the floor, it is obviously impossible to use any prepared texts. Accordingly, we have anticipated, as well as we are able, the questions that will be presented and have gathered some material that should be absorbed in advance.

You will find attached the list of questions and suggested answers. You will also find attached a completed folder, brought up-to-date showing the telecommunication responsibilities of this office and the pertinent papers relative to Spectrum Study from the introduction of S. J. Res. 106, June 18, 1957, to the transmission of OCDM letters to Messrs. Nixon and Rayburn urging the establishment of a five man commission.

F. C. Alexander
Deputy Assistant Director
for Telecommunications

Attachments

March 12, 1959

QUESTIONS LIKELY TO BE PUT TO GOVERNOR HUGH AT THE NATIONAL ASSOCIATION
OF BROADCASTERS CONVENTION, MONDAY, MARCH 16, 1959, CHICAGO, ILLINOIS

Q. 1 What authority and responsibilities do you have with respect to telecommunications?

A. 1 The Director, OCEM, is charged by Executive Order with (1) assisting and advising the President with respect to his telecommunication functions, (2) planning for the mobilization of national telecommunications in a war emergency, and (3) carrying out, in a war emergency, certain of the President's wartime authority over non-government telecommunications.

Under the first of these, as Director, OCEM, I am responsible for coordinating the development of policies and standards applying to the executive branch of the Government; for assuring high standards of management within the Executive Branch; and for assigning radio frequencies to Government agencies, including the establishment of policies and procedures governing such assignments and their continued use.

Under the second, I am responsible for coordinating the development by the Government agencies of plans and programs designed to assure maximum security to the United States with a minimum interference to continuing nongovernmental requirements; and for planning for the exercise of the President's wartime authority in an emergency.

Under the third, I am responsible during a war emergency for assigning frequencies to Government agencies; for regulating non-government use of frequencies; for establishing precedences for essential

communications; for establishing priorities for the resumption of disrupted services; for the control of electromagnetic radiations (CONELRAD); and for the allocation and use of non-government wire and radio facilities as necessary to the national security and welfare.

Q. 2 Do you have any responsibility with respect to broadcasting, either AM radio or television?

A. 2 Only indirectly, and then only if the national interest were not being served or would not be served in a national emergency.

Q. 3 Do you think that the military services have too much of the radio spectrum and could give up some of that space?

A. 3 This question involves problems which are too complex for a simple yes or no answer.

The Government, mostly the military services for national defense and the Federal Airways for aeronautical service to the public, does have a large part of the spectrum above 25 megacycles, but not so large as many think. For example, the 950 megacycles between 50 and 1,000 megacycles would be divided, under the U. S. proposals for the 1959 Radio Conference, to allocate about 61% to non-government users, about 29% to Government users, and about 10% shared Government and nongovernment use. Of these 950 megacycles, 51% or 512 megacycles is set aside for broadcasting. Has too much space been allocated to broadcasting? I do not know. It depends to a considerable extent upon the national interest.

The appropriate test of whether the military services, or any service, has too much spectrum space is a determination that the space allocated is out of proportion to the responsibilities to be carried out. The responsibility placed upon the military services is great. Today, while we are not at war, a high degree of defense readiness is vital to the national security. To achieve that state of readiness, the Nation, for the past several years, has expended over four billion dollars annually for electronic equipments. Industry has estimated that this represents more than 50% of the total electronic production in the United States. There can be no doubt why the demand upon the spectrum is great.

Certain intangible factors must be evaluated in determining whether one service should have preference over another in the allocation of frequencies. A fire engine may remain in the firehouse for days without being called to a fire. Similarly, our defenses may never be called into action. We would not willingly dispense with either. The fire engines must always be available. Our defenses must be instantly ready, including the essential spectrum space.

Q. 4 What uses do the military services make of the spectrum immediately above TV channel No. 13?

A. 4 A detailed answer to that question would involve classified information. It can be stated generally that the military frequency bands between Channel No. 13 and 1,000 megacycles are used for military air traffic control, air-ground-air, land and sea mobile, and tactical communication, air defense systems,

telemetry, aeronautical radionavigation (common system glide slope), and for other purposes.

Q. 5 Does your recommendation to the Congress for the establishment of a five-man study commission on telecommunications indicate that the military services are renewing their efforts to acquire TV channels 2 through 6?

A. 5 That question presupposes that the military have been trying to acquire channels 2 through 6. I know of no effort, past or present, by the military services to get TV channels 2 through 6. Specifically, the answer to your question is "no". The establishment of the commission was recommended to seek long-range improvements in telecommunication management and to assure that the greatest good will be obtained from the use of the radio spectrum.

Q. 6 Is the Government properly policing its use of the radio spectrum?

A. 6 Speaking only for my office, no. The OCDM has neither the facilities nor sufficient staff to examine into the Government's use of the spectrum. As was announced February 4, action has been taken to strengthen the Telecommunications Department of OCDM to equip it to discharge its responsibilities more effectively.

Q. 7 How would your recent recommendation to the Congress for the establishment of a study commission improve the telecommunication situation?

A. 7 Thorough study of the role of the Federal Government in the management of the telecommunication resources and the organizations and procedures for exercising that management should lead to distinct improvements. Study of the methods and procedures for division of the spectrum between Government and nongovernment should reveal areas wherein there could be improvement. Study of the present division of the spectrum should reveal what changes, if any, should be made in the national interest. The conduct of such a study by qualified, unbiased, persons should go a long way to point the way to practical applications of improvement.

Q. 8 When are you going to release the report of your Special Advisory Committee on Telecommunications?

A. 8 The decision on release of the report will be made after the Executive Branch completes its study of the report.

Q. 9 Why did you not accept the recommendation of the Special Advisory Committee on the establishment of a three-man board?

A. 9 There are no other boards in the Executive Office of the President. It was felt that it would be inappropriate to establish such a board for telecommunications particularly before a searching long-range study, which has been recommended, has been completed.

Q. 10 Are you doing anything to improve the management of telecommunication and Government's use of the spectrum, pending congressional consideration of your recommendation for a study commission?

A. 10 Yes. Action has been taken to strengthen the Telecommunications Department within the OGDH. Also, long-range planning for future United States use of the radio frequency spectrum was started in the executive branch in late 1955. Considerable preliminary basic work has been completed. Agreement in principle has been reached with the Federal Communications Commission for a joint undertaking. Initial terms of reference for the planning groups have about been agreed upon. Now that the bulk of the preparatory work for the 1959 Conference is out of the way, we are going ahead with planning for the period 10 to 15 years hence.

Q. 11 Will the long-range planning for the use of the spectrum include consideration of providing a single block of channels for television?

A. 11 The long-range planning will consider all uses of the spectrum.

Q. 12 There is some difference between the resolution submitted by you to Congress and the Potter Resolution S. J. 106 considered last year. Notably the Potter Resolution called for a full scale study of frequency usage by the Government, whereas your submission does not. Why did you exclude such language from your recommended resolution?

A. 12 The Potter Resolution proposed an examination of the details of only one part of the total problem. You cannot compare two things and make a determination in the national interest unless both things are examined. Also, the Potter Resolution would have diverted sorely needed manpower from the work of preparing for the 1959 Radio Conference and keeping the Nation's defenses ready. Further, a study of the depth proposed by the Potter Resolution would be obsolete before it was finished because of the rapidly changing situation. My recommendation envisages a broad, quick study of the whole problem, including management, methods and procedures, with provision for study of the details wherever the commission deems such detailed study necessary.

Q. 13 Your office indicated, in a letter to Senator Magnuson dated July 30, 1957, that a review of the frequency spectrum was unnecessary. Your recent letters of March 3, 1959, to Messrs. Nixon and Rayburn, however, advocated that a commission be formed to study this matter. How do you reconcile these two divergent points of view?

A. 13 The letter to Senator Magnuson did indicate that the proposed legislation (S.J. 106) was duplicative of current efforts of the Federal Government. However, the legislation (S.J. 106) suggested a study of the radio and television frequencies used by the Federal Government. This was unclear as the Federal Government to my knowledge has no television frequencies allocated to it.

The letter, in the last paragraph, indicated that it was not practicable to study only the Government use of the spectrum and that if the Congress insisted upon an examination, it would only be profitable if all uses were examined.

To further answer the question, the recent report of the Special Advisory Committee for Telecommunication, in its report two years after the letter was written to Senator Magnuson, recommended that the matter of frequency allocations be carefully reviewed. It was on the basis of this recommendation that our recent letters to the Congress were written.

Excerpt from BROADCASTING Magazine -- March 9, 1959

Now, now - Effort to calm fears of broadcasters that White House-originated move to conduct one-year spectrum study was based on military pressure will be made opening day of NAB Chicago convention by Leo A. Hoegh, director, Office of Civil & Defense Mobilization. Mr. Hoegh will address Monday afternoon tv session, along with Rep. William G. Bray (R-Ind.), who says military demands for spectrum space are excessive. OCDM is thinking in terms of best needs of whole country, its director will tell broadcasters. He will deny military pressure moved OCDM to ask spectrum study by five-man Presidentially named committee instead of by three-man Congressionally named group as suggested by advisory committee (Broadcasting, Feb. 9).

Excerpt from BROADCASTING Magazine -- March 9, 1959

FLAREUP IN SPECTRUM ISSUE

Ike's Letter, Hoegh Resolution Draw Fire

The radio spectrum is getting another kicking-around between Capitol Hill and the White House.

Plans to find better ways of dividing the airwaves among the military, government, industrial and broadcasting services became involved in pressure politics last week. A move by the White House, aimed at a professional study of the spectrum by a Presidential body, stirred up fast bipartisan opposition in Congress.

At the weekend the situation looked like this:

Chairman Oren Harris (D-Ark.), of the House Commerce Committee, has \$150,000 in his desk to conduct a subcommittee spectrum study and wants to get it started.

Rep. William G. Bray (R-Ind.), wants a Congressional study of the way the Pentagon uses the spectrum. He is a member of the Armed Services Committee.

President Eisenhower and his communications chief, Director Leo A. Hoegh of the Office of Civil & Defense Mobilization, released their own plan to study the spectrum.

Both Chairman Harris and Rep. Bray deem this plan an Administration boondoggle and an effort to keep large hunks of the spectrum in the Pentagon's pockets. They are afraid the public will lose some of its frequencies to the generals and admirals.

In a letter to Speaker Sam Rayburn (D-Tex.) and Vice President Richard M. Nixon, President Eisenhower termed telecommunication systems "essential to the national security, to the safety of life and property, to international relations, to a better-informed public, and to the business, social, education, religious and political life of the country." He called them "one of the nation's most valuable assets."

The President said technical advances and changing government and non-government needs offer problems that require searching study. Topping the confusion is the arrival of the space age, with satellites, space vehicles and defense systems.

Last autumn's preliminary study by an OCMD advisory committee is being reviewed by the Administration. The committee proposed creation of a three-man spectrum committee to be named by Congress (Broadcasting Feb. 9). President Eisenhower said this group did not have time to make detailed studies of radio frequency usage. Its job was to review the government's role in telecommunication management.

Hoegh Makes Move -- Immediately after the President sent his letter to Capitol Hill, Mr. Hoegh announced he was sending up a resolution calling for creation of the five-man commission to be named by the President. He included this key provision, presumably because of Capitol Hill opposition to his Feb. 4 announcement of the advisory group's report: The commission would be set up by a joint Senate and House resolution.

At this point Mr. Hoegh was endeavoring to let Congress (1) give its blessing to a Presidential study and (2) provide the funds and authority for a complete investigation. One problem that has escaped Congressional scrutiny is the way federal and Pentagon agencies utilize the vast spectrum areas they enjoy. Ex-Sen. Charles Potter (R-Mich.) proposed a federal-use spectrum study at the last session of Congress. It passed the Senate and went through the House Commerce Committee but was lost in the confusion of Congress' adjournment (Broadcasting, Aug. 11, 1958) and some fancy political maneuvering and lobbying.

Mr. Hoegh said creation of the Presidential commission with the support of Congress would be a "major step toward the formulation of long-range solutions to complex problems considered by the special advisory committee." He again commended the advisory group for its work though his Feb. 4 announcement of its report deviated sharply from the committee recommendations.

The White House-Capitol Hill differences may come to a head at the NAB Chicago convention March 16 when Mr. Hoegh and Rep. Bray meet on the same platform to discuss the spectrum (Broadcasting, March 2).

Mr. Hoegh, as defense-mobilization director, is vested by the President with authority over government use of the spectrum. FCC regulates non-government use. He said demands for spectrum space are heavy. Recently he completed hearings on requests of Federal Aviation Agency, the Pentagon and other government offices for the same band. He told Broadcasting there is unusually heavy demand within the government for the 100-150 mc band.

No political or military interests would control the proposed commission study of the spectrum, he said.

Congressional Comments -- Capitol Hill comment on the White House-OCDM study proposal came quickly last week. Here are samples:

Rep. Bray -- "This is further evidence the President wants to try a new approach to solve the spectrum problem. Some of the commission's members should be named by the legislative branch." He plans to re-introduce his spectrum probe legislation of the last Congress (similar to Potter plan) and said the Harris approach is the proper one.

Chairman Harris -- "They've had since last fall to make the proposal but waited until we started with our own plan." He said there was no basis to charges he had "jumped the gun" on the White House because he had been trying to get a spectrum study since last July.

Rep. J. J. Flynt (D-Ga.) -- "It's an unwarranted attempt to prevent a Congressional committee from carrying out its announced intention to make such a study."

Speaker Rayburn -- No comment on the merits of the Administration request. He surmised the White House would conduct the study "if it got the authority."

Five-Man Commission -- The Hoegh recommendation calls for a five-man commission to be appointed by the President, with each member receiving \$75 per day on duty plus travel and allowances. It would conduct a thorough study into:

The government's role in management of the telecommunications resource; administrative organizational review to decide if this management should be changed; methods used in allocating frequencies among government and non-government users, reviewing technological advances to find if frequencies are efficiently utilized; apportionment of the spectrum to find if changes should be made.

Recommendations of the commission, to be made within a year, would be submitted to the President for transmission to Congress. The commission then would die.

Routine language gives the commission operating powers outside civil service laws, including the right to hire personnel and consult experts. It would have the right to obtain information from any government agency.

An important clause would provide operating funds. A commission designated by the President without Congressional sanction would face the problem of financing out of White House funds plus the usual political repercussions on Capitol Hill.

The Potter resolution was buried last August under an avalanche of Democratic Congressional pressure after the White House and OCDM proposed to change the plan by including the entire spectrum instead of just government frequencies. The Administration ideas were adopted by the House Commerce Committee but the whole idea perished before it could reach the House floor.

Extract from the CONGRESSIONAL RECORD--APPENDIX, Page A1942
March 9, 1959

Extension of Remarks of HON. WILLIAM G. BRAY of Indiana in the
House of Representatives, Monday, March 9, 1959

Mr. Bray. Mr. Speaker, I have today introduced a joint resolution which proposes the creation of a Commission to study the utilization of those areas of the radio frequency spectrum which are assigned to the Federal Government.

I sponsored similar legislation in the 85th Congress, and a companion bill in the Senate was introduced by Senator Potter. The Potter bill was reported by the Senate Committee on Interstate and Foreign Commerce, passed by the Senate and then reported by the House committee in the last days of the 1958 session. It appeared for a while that this Commission would become a reality before adjournment last year, but a variety of circumstances contrived to defeat it.

Essentially my purpose remains unchanged. I would establish a Commission composed of experts in the communications field, but men who are not employees of the Federal Government. The idea is to allow persons outside of the Federal Government, but competent in the field, to see how well the frequencies reserved for Government use are being used. The Commission, in addition, might make some assessment about the future requirements for Government use of radio frequencies.

When the bill was introduced 2 years ago the Bureau of the Budget reported adversely on it and endorsed the views set forth in a letter from the Director of the Office of Defense Mobilization to the chairman of the Senate Committee on Interstate and Foreign Commerce. The Director of Defense Mobilization stated that such an undertaking would require the work of many experts over an extended period of time, and pointed out that a study of only a portion of the spectrum required the efforts of more than 50 experts for an estimated equivalent of 2-1/2 man-years. At that time the reaction of the executive department was that such a report would be impossible to achieve and, if achieved, unnecessary.

A year later the Director of OCDM reported to the House Committee on Interstate and Foreign Commerce, when it was considering the Senate-approved resolution, that he favored the establishment of the Commission but wished to see it encompass a thorough study of the problems concerning

frequency allocation and of the utilization of spectrum space, not only by the Federal Government but by all private users as well. These suggestions were incorporated into the bill as it was reported by the House Committee on Interstate and Foreign Commerce.

Now, in 1959 the chairman of the Committee on Interstate and Foreign Commerce has proposed that a subcommittee of that group study the utilization of those areas of the radio frequency spectrum which are assigned to the Federal Government. I believe this is a worthwhile endeavor and I hope that the subcommittee will make such an investigation. I believe this study can logically be carried on by the legislative branch; my only hesitancy has been would they have the time and opportunity to give to such a large-scale undertaking in addition to their many other duties.

The President, through the Director of OCDM, has suggested a new proposal to establish a Commission. The administration proposal requests legislative authority for a five-man Commission, appointed by the President, which would study the entire field of frequency allocations, the methods for making allocations, utilization of allocations, and would propose sweeping changes in the management and control of spectrum problems. This seems to me a full reversal of the opinions held by the executive branch 2 years ago, when I first sponsored legislation on this subject.

I still feel that a study is necessary. My central interest has been and still is utilization. I would like to see a thorough and impartial study of spectrum utilization before attempts are made to change the entire structure of spectrum allocation and control. I believe that the proposal of Representative Harris for a subcommittee study is of more immediate value than the Commission proposal as it was delivered to Congress. Or, if the Commission proposal were amended back to the form of the Potter-Bray resolution which was before us last year, which provided for legislative selection of some commissioners and which directed a study of the utilization of the spectrum reserved for Government use, then I would support it wholeheartedly. To have this proposal before the Committee on Interstate and Foreign Commerce I have introduced this measure again.

It provides that a Commission of five members, not officers or employees of the Federal Government, be established to investigate the utilization of the radio and television frequencies allocated to the agencies and

instrumentalities of the Federal Government. Two of the Commissioners would be appointed by the President, one by the President of the Senate, one by the Speaker, and one by the Chairman of the Federal Communications Commission.

I am pleased to see the increasing interest in this problem evinced in both the executive and legislative branch. Whereas 2 years ago it was difficult to get support for a study commission, it now appears we might have both a legislative and an executive study of spectrum use. Spectrum problems are likely to become more acute as time goes on. The minimum requirements for solving these problems is understanding and impartial knowledge and analysis. To the extent that these studies can contribute in laying such a foundation, these are eminently worthwhile.

* * *

1. Q Referencing Section 2, Page 2, of your Draft Joint Resolution, would you further clarify what is meant by "the role of the Federal Government in the management of the United States Telecommunications resources."

A. The role of the Federal Government in the management of the U. S. telecommunication resources embraces (a) the administrative organization for dealing with all phases of telecommunications in the U. S. which of course includes both the FCC's organization and that existing in the Federal Government to assist and advise the President; (b) it deals with existing methods of allocating the spectrum between Government and non-Government users; and (c) concerns the results achieved by the aforementioned organization thus far with regard to the apportionment of the spectrum between Government and non-Government and whether that apportionment is in the public interest.

To this end, the role of the Federal Government encompasses the establishment of policies, procedures, rules, regulations and standards, the application of which would contribute to the use of the telecommunication resource in the national interest.

2. Q. Would you care to comment upon the differences between your resolution and that of Congressman Bray, as well as with procedures adopted by the House Interstate and Foreign Commerce Committee?

A. See answer to Question 42 on other sheet.

3. Q. Why not constitute the present FCC as the body to conduct the one-year investigation?

A. Because it would then be placed in the position of investigating itself.

4. Q. Do you believe that the FCC should hold in abeyance its 25 to 890 megacycle procedure pending the results of your investigation?

A. I do not feel that I am qualified to respond for the FCC in this matter.

5. Q. Would you care to comment on the size and composition of your staff requirements for the study?

A. I assume that you mean by this question the staff requirements for study envisaged in S. J. Res. 76 submitted by Senator Magnuson. Based upon the tasks outlined by the language in the Resolution submitted by Governor Hoegh, I would judge between 30 and 40 people would meet the staff requirements. However, this could well be augmented by the ability to employ the services of outside engineering organizations.

6. Q. Do you consider the joint resolution to be a directive (if passed) to all interested agencies to furnish information to the Commission?

A. Yes.

7 Q. Why would the Executive Office not proceed with the appointment of the Commission on its own without going to Congress?

A. Because the Executive Office considered in view of the previous submissions of bills in this area that the Congress had an interest in the matter and that it felt that in presenting it to the Congress it gave Congress and the FCC full opportunity to participate in the prosecution of the studies envisaged within the bill.

8 Q. Why did Governor Hoegh ignore the most important recommendation of Cooley committee -- namely, that Commission be a permanent body?

A. The permanence of the body was a part of the recommendations that was ignored by Governor Hoegh. The fact that the body recommended would be a committee within the Executive Office of the President was not considered to be a desirable approach by the Executive Office, and further to cause such a commission to again investigate itself within the period of a year was considered an unworkable task.

9 Q. It is said that right now there is no communications man with direct access to the President. True or False? If true, should there be such a man?

A. I do not believe that this statement is correct. Certainly no one could say that people like James Killian, the Science Adviser to the President, has no knowledge of communications and if there were a question in communications that was so important that it merited the attention of the President personally certainly

it could be presented with full understanding by Mr. Killian.

10 Q. Why didn't the President appoint his own commission to do the job he thinks needs to be done, without going to the Congress for its blessing?

A. (See answer to #7 above)

11 Q. Should broadcasters have any fear that they will not be treated fairly as compared with the military, because the 5 commission members are to be appointed by the President?

A. The question seems to ask more properly "Have you any confidence in the President?" Certainly the broadcasters would be treated as fairly by the 5 commission members appointed by the President as they would be by the President himself.

12 Q. It has been said that the OGDM plan is an Administration boondoggle and an effort to keep large hunks of the spectrum in the Pentagon's pockets and that the public will lose some of its frequencies to the generals and admirals. Is there any basis for such allegations?

A. In my estimation nothing could be a boondoggle that you are going to put into the hands of objective individuals with full freedom to make their own recommendations. Furthermore, if there are large hunks of the spectrum in the Pentagon's pockets they are there for the purpose of assisting the military to discharge their responsibilities in the defense of this nation. If the hunks are considered to be too big then it would be the duty of any commission appointed to review this matter and make appropriate recommendations.

13 Q Would any political or military interests control the proposed commission study of the spectrum, as recommended by OCDM?

A. No.

14 Q. Did pressure from the military move OCDM to ask spectrum study by five-man, Presidentially named committee instead of three-man Congressionally named group as suggested by Cooley advisory committee?

A. There has been no pressure from the military regarding the spectrum study. I am not familiar with the recommendation that your question implies was made by the Cooley advisory committee.

15 Q. Would OCDM, in an effort to dispel any worries concerning partisanship in the appointment of a 5-man commission, be willing to allow those selected by the President to be confirmed by the Senate?

A. I am unable to speak for the President in this matter. However, I am sure that if the Congress saw fit to amend the bill in this respect that this office would not object.

16 Q/ Will the Cooley Report to the President be released to the public? If the answer is yes, when will it be released? If the answer is no, why won't it be released?

A. (See answer to Question 8 in the list)

17 Q. Why did Governor Hoegh recommend to Congress that a 5-member commission be established and appointed by the President when the Cooley committee recommended the establishment of a 3-man board? Why should the President appoint all five members of the Commission?

A. (See answer to Question 14 in the list)

18 Q. Congressman Bray has introduced a joint resolution which proposes a commission to study the utilization of those areas of the radio frequency spectrum which are assigned to the Federal Government. It provides for a commission of 5 members - 2 appointed by the President, 1 by the President of the Senate, 1 by the Speaker of the House, and 1 by the Chairman, FCC. Will OCDM support this resolution? If no, why not?

A. It is my understanding from reading Congressman Bray's Resolution that it did not read that way. It reads -- "radio and television frequencies allocated to the various agencies and instrumentalities of the Federal Government." It is our view that the organization for management, the methods employed by that organization, and the results obtained are presented by the division of spectrum space between Government and non-Government are things that need examination here, not merely one segment of one service such as broadcasting.

6. Do you consider the joint resolution to be a directive (if passed) to all interested agencies to furnish information to the Commission?
7. Why would the Executive Office not proceed with the appointment of the Commission on its own without going to Congress?
8. Why did Governor Hoegh ignore the most important recommendation of Cooley committee -- namely, that Commission be a permanent body?
9. It is said that right now there is no communications man with direct access to the President. True or False? If true, should there be such a man?
10. Why didn't the President appoint his own Commission to do the job he thinks needs to be done, without going to the Congress for its blessing?
11. Should broadcasters have any fear that they will not be treated fairly, as compared with the military, because the 5- commission members are to be appointed by the President?

1. Referencing Section 2, Page 2, of your Draft Joint Resolution, would you further clarify what is meant by "the role of the Federal Government in the management of the United States Telecommunications resources."

2. Would you care to comment upon the differences between your resolution and that of Congressman Bray, as well as with procedures adopted by the House Interstate and Foreign Commerce Committee?

(see answer to Q42 in other sheet)

3. Why not constitute the present FCC as the body to conduct the one-year investigation?

4. Do you believe that the FCC should hold in abeyance its 25 to 890 megacycle procedure pending the results of your investigation?

5. Would you care to comment on the size and composition of your staff requirements for the study?

12. It has been said that the OCDM plan is an Administration boondoggle and an effort to keep large hunks of the spectrum in the Pentagon's pockets and that the public will lose some of its frequencies to the generals and admirals. Is there any basis for such allegations?
13. Would any political or military interests control the proposed Commission study of the spectrum, as recommended by OCDM?
14. Did pressure from the military move OCDM to ask spectrum study by five-man, Presidentially-named committee instead of three-man, Congressionally-named group as suggested by Cooley advisory committee?
15. Would OCDM, in an effort to dispel any worries concerning partisanship in the appointment of a 5-man commission, be willing to allow those selected by the President to be confirmed by the Senate?
16. Will the Cooley Report to the President be released to the public? If the answer is yes, when will it be released? If the answer is no, why won't it be released?
17. Why did Governor Hoegh recommend to Congress that a 5-member commission be established and appointed by the President when the Cooley committee recommended the establishment of a 3-man board? Why should the President appoint all five members of the Commission?

18. Congressman Bray has introduced a joint resolution which proposes a commission to study the utilization of those areas of the radio frequency spectrum which are assigned to the Federal Government. It provides for a commission of 5 members - 2 appointed by the President, 1 by the President of the Senate, 1 by the Speaker of the House, and 1 by the Chairman, FCC. Will OCDM support this resolution? If no, why not?

86TH CONGRESS
1ST SESSION

S. J. RES. 76

IN THE SENATE OF THE UNITED STATES

MARCH 10 (legislative day, MARCH 9), 1959

Mr. MAGNUSON introduced the following joint resolution; which was read twice
and referred to the Committee on Interstate and Foreign Commerce

JOINT RESOLUTION

To establish a commission to study and report on the United States telecommunication resource with special attention to the radio spectrum.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*
3 That (a) there is hereby established a Commission on Tele-
4 communication Management (hereinafter referred to as the
5 "Commission").

6 (b) The Commission shall be composed of five members
7 as follows:

8 (1) The members shall be appointed by the President
9 of the United States.

I—O

Note: Identical to draft joint resolution transmitted to Congress on March 3, 1959, by Sen. Hargh.

1 (2) One member shall be designated by the President
2 at the time of appointment as Chairman of the Commission.

3 (c) The members of the Commission shall be citizens of
4 the United States who are not officers or employees of the
5 Federal Government, and shall include persons who, by
6 reason of training or experience, or both, are experts in the
7 field of telecommunication.

8 (d) The Commission shall establish rules for its pro-
9 cedures.

10 (e) Any vacancy in the Commission shall not affect its
11 powers, but shall be filled in the same manner in which the
12 original appointment was made.

13 (f) The members of the Commission shall each receive
14 \$75 per diem when engaged in the actual performance of
15 duties vested in the Commission, plus travel and allowances
16 in lieu of subsistence expenses while away from their homes
17 or regular places of business in accordance with the Travel
18 Expense Act of 1949, as amended, and the Standardized
19 Government Travel Regulations.

20 SEC. 2. (a) It shall be the duty of the Commission to
21 conduct a thorough and comprehensive study and investiga-
22 tion of (1) the role of the Federal Government in the man-
23 agement of the United States telecommunication resource,
24 (2) the administrative organization for discharging the
25 Government's responsibilities, with particular reference to

1 the division of responsibility under the Communications Act
2 of 1934, as amended, with a view to determining what
3 changes, if any, should be made in the existing administra-
4 tive organizations or statutes to improve the management of
5 that resource, (3) the existing methods and procedures for
6 allocating radiofrequencies and bands of radiofrequencies as
7 between Federal Government and non-Federal Government
8 users, with a view to determining what changes, if any,
9 should be made to insure, insofar as practicable, that allo-
10 cated frequencies may be utilized to the maximum degree
11 in the national interest, and to facilitate planning to take ad-
12 vantage of technological change in achieving maximum
13 return from the use of the radio spectrum, and (4) the exist-
14 ing table of radiofrequency allocations with respect to the
15 apportionment of the various parts of the radiofrequency
16 spectrum as between Government and non-Government
17 users, with a view to determining whether the current
18 division of the spectrum serves the national interest to an
19 appropriate degree and whether any frequency space (and
20 if so, how much of such space) may, in the public interest,
21 be reallocated to other uses.

22 (b) The Commission shall submit to the President for
23 transmission to the Congress within one year after the ap-
24 pointment and qualification of its members a report of the
25 results of the study and investigation provided for in subsec-

1 tion (a) together with such recommendations as the Com-
2 mission deems desirable and applicable. Upon submitting
3 the report provided for by this subsection, the Commission
4 shall cease to exist.

5 SEC. 3. (a) The Commission shall have power to ap-
6 point and fix the compensation of such personnel as it deems
7 advisable, without regard to the provisions of the civil service
8 laws and the Classification Act of 1949, as amended: *Pro-*
9 *vided, however,* That no employee (other than technical
10 personnel) whose position would be subject to the Classifi-
11 cation Act of 1949, as amended, if such Act were applicable
12 to such position, shall be paid a salary at a rate in excess
13 of the rate payable under such Act for positions of equivalent
14 difficulty or responsibility.

15 (b) The Commission may procure, without regard to
16 the civil service laws and the Classification Act of 1949, as
17 amended, temporary and intermittent services as authorized
18 for the departments by section 15 of the Act of August 2,
19 1946 (60 Stat. 810), but at rates not to exceed \$75 per
20 diem for individuals.

21 SEC. 4. (a) The Commission is authorized to receive
22 from any department, agency, or independent instrumentality
23 of the Federal Government any information deemed necessary
24 or desirable to enable it to carry out its functions under this
25 joint resolution; and each such department, agency, and in-

1 strumentality is authorized to furnish such information to the
2 Commission, upon request made by the Chairman of the
3 Commission.

4 (b) The Commission may authorize the Chairman to
5 make the expenditures herein authorized and such other
6 expenditures as may be necessary to carry out the duties
7 of the Commission. When the Commission ceases its activi-
8 ties it shall prepare a statement of its financial transactions
9 and the General Accounting Office shall, in connection with
10 the audit of the Commission's financial transactions required
11 by other law, audit said statement and report thereon to the
12 appropriate committees of the Senate and the House of Rep-
13 resentatives.

14 SEC. 5. There are hereby authorized to be appropriated
15 such sums as may be necessary to carry out the provisions of
16 this joint resolution. Funds appropriated under the heading
17 "Emergency Fund for the President, National Defense" in
18 the General Government Matters Appropriation Act, 1959
19 and 1960, shall be available to carry out the provisions of
20 this joint resolution.

86TH CONGRESS
1ST SESSION

S. J. RES. 76

JOINT RESOLUTION

To establish a commission to study and report on the United States telecommunication resource with special attention to the radio spectrum.

By Mr. MAGNUSON

MARCH 10 (legislative day, MARCH 9), 1959

Read twice and referred to the Committee on Interstate and Foreign Commerce

SAM RAYBURN
4TH DISTRICT, TEXAS

The Speaker's Rooms
House of Representatives U. S.
Washington, D. C.

File
of

March 4, 1959

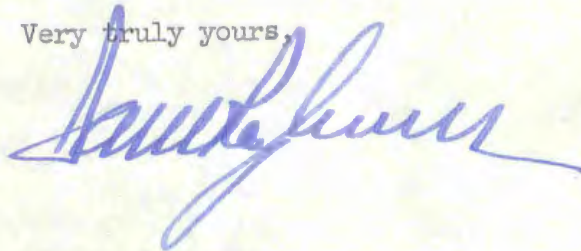
Honorable Leo A. Hoegh
The Director
Office of Civil and Defense Mobilization
Washington 25, D. C.

Dear Mr. Hoegh:

I have for acknowledgement your letter of March 3, 1959, transmitting to the Congress a proposed bill entitled "A bill to establish a commission to study and report on the U. S. telecommunication resource with special attention to the radio spectrum."

Your communication will be referred to the appropriate committee of the House of Representatives.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Sam Rayburn", written in a cursive style.

EXECUTIVE OFFICE OF
THE PRESIDENT

1959 MAR 6 AM 8 57

O.C.D.M. MAIL ROOM
WASHINGTON 25, D.C.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF CIVIL AND DEFENSE MOBILIZATION
Washington 25, D. C.

FOR RELEASE 7:00 P.M., EST
TUESDAY, MARCH 3, 1959

NO. 666

Leo A. Hoegh, Director of the Office of Civil and Defense Mobilization, today announced, on behalf of the President, the transmittal to Congress of recommendations that Congress establish a five-man Commission on Telecommunication Management to study and report on the U. S. telecommunication resources, with special attention to the radio spectrum.

Members of the Commission would be appointed by the President.

The studies to be undertaken were recommended by a Special Advisory Committee on Telecommunication which was appointed last November by Mr. Hoegh, on behalf of the President, to review the role of the Federal Government in the management of U. S. telecommunications, including the allocation of the radio spectrum.

The proposed Commission on Telecommunication Management would conduct a thorough and comprehensive study and investigation of:

(1) the role of the Federal Government in the management of U. S. telecommunication resources,

(more)

(2) the administrative organization for discharging the Government's responsibilities, with particular reference to the division of responsibility under the Communications Act of 1934, as amended, with a view to determining what changes, if any, should be made in the existing administrative organizations or statutes to improve the management of that resource,

(3) the existing methods and procedures for allocating radio frequencies and bands of radio frequencies as between federal government and non-federal government users, with a view to determining what changes, if any, should be made to ensure, insofar as practicable, that allocated frequencies may be utilized to the maximum degree in the national interest, and to facilitate planning to take advantage of technological change in achieving maximum return from the use of the radio spectrum, and

(4) the existing table of radio frequency allocations with respect to the apportionment of the various parts of the radio frequency spectrum as between government and non-government users, with a view to determining whether the current division of the spectrum serves the national interest to an appropriate degree and whether any frequency space (and if so, how much of such space) may, in the public interest, be reallocated to other uses.

(more)

The Commission would submit to the President for transmission to the Congress, within one year after the appointment and qualification of its members, a report of the results of these studies and investigations together with such recommendations as the Commission might deem desirable and applicable.

Upon submitting the report to the President, the Commission would cease to exist.

Mr. Hoegh said that establishment of the Commission would be a major step toward the formulation of long-range solutions to complex problems considered by the Special Advisory Committee. He again commended the Special Advisory Committee for its work.

Members of the Special Advisory Committee were: Victor E. Cooley, Chairman, former Chairman of the Board of the Southwestern Bell Telephone Company and Deputy Director of the Office of Defense Mobilization from 1953 to 1958; Irvin Stewart, past President of West Virginia University and Chairman of the President's Communications Policy Board in 1951; Frank Gregg Kear, a consulting radio engineer with the firm of Kear and Kennedy; William Glasgow Thompson, retired Assistant Vice President of the American Telephone and Telegraph Company; and W. Preston Corderman, Major General, USA (Ret.), Vice President of Litton Industries, Inc.

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF CIVIL AND DEFENSE MOBILIZATION
Washington 25, D. C.

FOR IMMEDIATE RELEASE

NO. _____

_____, March ___, 1959

Leo A. Hoegh, Director of the Office of Civil and Defense Mobilization, today announced, on behalf of the President, the transmittal to the Congress of recommendations for the establishment of a five-man Commission on Telecommunication Management to investigate the allocation, management, control, and utilization of the radio frequency spectrum resource with respect to both government and non-government entities.

Such studies were recommended to the OCDM Director and the President by the Special Advisory Committee on Telecommunication in a report made public today. The Committee was established by Mr. Hoegh to review the role of the Federal Government in the management of U. S. telecommunications, including the allocation of the radio spectrum.

The proposed Commission on Telecommunication Management would conduct a thorough and comprehensive study and investigation of (1) the role of the Federal Government in the management of the U. S. telecommunication resource, (2) the administrative organization for discharging the Government's responsibilities, with particular reference

*Our proposal for Press Release No. 666,
issued 3/3/59.*

to the division of responsibility under the Communications Act of 1934, as amended, with a view to determining what changes, if any, should be made in the existing administrative organizations or statutes to improve the management of that resource, (3) the existing methods and procedures for allocating radio frequencies and bands of radio frequencies as between federal government and non-federal government users, with a view to determining what changes, if any, should be made to ensure, insofar as practicable, that allocated frequencies may be utilized to the maximum degree in the national interest, and to facilitate planning to take advantage of technological change in achieving maximum return from the use of the radio spectrum, and (4) the existing table of radio frequency allocations with respect to the apportionment of the various parts of the radio frequency spectrum as between government and non-government users, with a view to determining whether the current division of the spectrum serves the national interest to an appropriate degree and whether any frequency space (and if so, how much of such space) may, in the public interest, be reallocated to other uses.

The Commission would submit to the President for transmission to the Congress within one year after the appointment and qualification of its members a report of the results of these studies and investigations together with such recommendations as the Commission might deem desirable and applicable.

Upon submitting the report to the President, the Commission would cease to exist.

The Special Advisory Committee on Telecommunication had recommended the establishment of a three-man board, which would report to the President, as the means for effecting improvements in the management of the U. S. telecommunication resource and for performing suggested studies. However, Mr. Hoegh announced on February 4, 1959, that instead of the three-man board as suggested, he was recommending that the Congress be asked to establish a commission of five members to conduct studies proposed in the Committee report.

Mr. Hoegh said that establishment of the Commission on Telecommunication would be a major step toward the formulation of long-range solutions to complex problems considered by the Special Advisory Committee. He again commended the Committee for its excellent presentation and for the full recognition given to these problem areas.

"The Committee's considerations, conclusions, and recommendations," he said, "should be of material assistance to any Commission established by the Congress to undertake detailed studies considered necessary for improving the management of the U. S. telecommunication resource."

Members of the Special Advisory Committee on Telecommunication were: Victor E. Cooley, Chairman, former Chairman of the Board of the Southwestern Bell Telephone Company and Deputy Director of the Office of Defense Mobilization from 1953 to 1958; Irvin Stewart, past President of West Virginia University and Chairman of the President's Communications Policy Board in 1951; Frank Gregg Kear, a consulting radio engineer with the firm of Kear and Kennedy; William Glasgow Thompson, retired Assistant Vice President of the American Telephone and Telegraph Company; and W. Preston Corderman, Major General, USA (Ret.), Vice President of Litton Industries, Inc.

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100X - 5 1253

The Honorable Richard M. Nixon
The President of the Senate
Washington 25, D. C.

Dear Mr. President:

The President, in his letter of March 3, 1959, recommended that the Congress establish a five-member commission on telecommunication to conduct a thorough and comprehensive study of certain problem areas of telecommunication management and allocation of radio frequencies which could not be examined by the Special Advisory Committee in the time available.

I believe that the President's purpose could be accomplished by the establishment of the recommended commission with the duty to conduct a thorough and comprehensive study of:

1. The role of the Federal Government in the management of the U. S. telecommunication resource;
2. The administrative organization for discharging the Government's responsibilities, with particular reference to the division of responsibility under the Communications Act of 1934, as amended, with a view to determining what changes, if any, should be made in the existing administrative organizations or statutes to improve the management of that resource;
3. The existing methods and procedures for allocating (apportioning) radio frequencies and bands of radio frequencies as between Federal Government and non-Federal Government users, with a view to determining what changes, if any, should be made to ensure, insofar as practicable, that allocated frequencies may be utilized to the maximum degree possible, and to facilitate planning to take advantage of technological change in achieving maximum return from the use of the radio spectrum;

4. The existing national table of radio frequency allocations with respect to the apportionment of the various parts of the radio frequency spectrum as between Government and non-Government users, with a view to determining whether the current division of the spectrum serves the national interest to an appropriate degree and whether any frequency space (and if so, how much of such space) may, in the public interest, be reallocated to other uses.

The commission should be required to submit to the President for transmission to Congress within twelve months after the appointment and qualification of its members a report of the results of the study, together with such recommendations as the commission may deem desirable and applicable. There is attached for your consideration a Draft Joint Resolution designed to accomplish the foregoing.

I am addressing a similar letter to the Speaker of the House of Representatives.

Sincerely,


Leo A. Hoegh

Attachment

660/FCAlexander

cc: Records-2

Director

Mr. Patterson

Mr. Price

Telecom Records 408 Winder

Scott Moore

Reading File

DRAFT JOINT RESOLUTION

A bill to establish a commission to study and report on the U. S. telecommunication resource with special attention to the radio spectrum.

1 Resolved by the Senate and House of Representatives of the
2 United States of America in Congress assembled.

3 That (a) there is hereby established a Commission on Telecommunication
4 Management (hereinafter referred to as the "Commission").

5 (b) The Commission shall be composed of five members as follows:

6 (1) The members shall be appointed by the President of the
7 United States.

8 (2) One member shall be designated by the President at the time
9 of appointment as Chairman of the Commission.

10 (c) The members of the Commission shall be citizens of the
11 United States who are not officers or employees of the Federal
12 Government, and shall include persons who, by reason of training or
13 experience, or both, are experts in the field of telecommunication.

14 (d) The Commission shall establish rules for its procedures.

15 (e) Any vacancy in the Commission shall not affect its powers,
16 but shall be filled in the same manner in which the original appointment
17 was made.

18 (f) The members of the Commission shall each receive \$75 per
19 diem when engaged in the actual performance of duties vested in the
20 Commission, plus travel and allowances in lieu of subsistence expenses

1 while away from their homes or regular places of business in
2 accordance with the Travel Expense Act of 1949, as amended, and
3 the Standardized Government Travel Regulations.

4 Sec. 2 (a) It shall be the duty of the Commission to conduct a
5 thorough and comprehensive study and investigation of (1) the role of
6 the Federal Government in the management of the U. S. telecommuni-
7 cation resource, (2) the administrative organization for discharging the
8 Government's responsibilities, with particular reference to the division
9 of responsibility under the Communications Act of 1934, as amended,
10 with a view to determining what changes, if any, should be made in the
11 existing administrative organizations or statutes to improve the
12 management of that resource, (3) the existing methods and procedures
13 for allocating radio frequencies and bands of radio frequencies as
14 between Federal Government and non-Federal Government users, with
15 a view to determining what changes, if any, should be made to ensure,
16 insofar as practicable, that allocated frequencies may be utilized to
17 the maximum degree in the national interest, and to facilitate planning
18 to take advantage of technological change in achieving maximum return
19 from the use of the radio spectrum and (4) the existing table of radio
20 frequency allocations with respect to the apportionment of the various
21 parts of the radio frequency spectrum as between Government and
22 non-Government users, with a view to determining whether the current

1 division of the spectrum serves the national interest to an appropriate
2 degree and whether any frequency space (and if so, how much of such
3 space) may, in the public interest, be reallocated to other uses.

4 (b) The Commission shall submit to the President for transmission
5 to the Congress within one year after the appointment and qualification
6 of its members a report of the results of the study and investigation
7 provided for in subsection (a) together with such recommendations as
8 the Commission deems desirable and applicable. Upon submitting the
9 report provided for by this subsection, the Commission shall cease
10 to exist.

11 Sec. 3 (a) The Commission shall have power to appoint and fix
12 the compensation of such personnel as it deems advisable, without
13 regard to the provisions of the civil service laws and the Classification
14 Act of 1949, as amended; Provided, however, that no employee (other
15 than technical personnel) whose position would be subject to the
16 Classification Act of 1949, as amended, if such Act were applicable
17 to such position, shall be paid a salary at a rate in excess of the rate
18 payable under such Act for positions of equivalent difficulty or
19 responsibility.

20 (b) The Commission may procure, without regard to the civil
21 service laws and the Classification Act of 1949, as amended, temporary
22 and intermittent services as authorized for the departments by

1 section 15 of the Act of August 2, 1946 (60 Stat. 810) but at rates
2 not to exceed \$75 per diem for individuals.

3 Sec. 4 (a) The Commission is authorized to receive from any
4 department, agency, or independent instrumentality of the Federal
5 Government any information deemed necessary or desirable to enable
6 it to carry out its functions under this joint resolution; and each such
7 department, agency, and instrumentality is authorized to furnish such
8 information to the Commission, upon request made by the Chairman
9 of the Commission.

10 (b) The Commission may authorize the Chairman to make the
11 expenditures herein authorized and such other expenditures as may be
12 necessary to carry out the duties of the Commission. When the
13 Commission ceases its activities it shall prepare a statement of its
14 financial transactions and the General Accounting Office shall, in
15 connection with the audit of the Commission's financial transactions
16 required by other law, audit said statement and report thereon to the
17 appropriate committees of the Senate and the House of Representatives.

18 Sec. 5 There are hereby authorized to be appropriated such
19 sums as may be necessary to carry out the provisions of this joint
20 resolution. Funds appropriated under the heading "Emergency Fund
21 for the President, National Defense" in the General Government Matters
22 Appropriation Act, 1959 and 1960, shall be available to carry out the
23 provisions of this joint resolution.

MAR 3 1959

The Honorable Sam Rayburn
Speaker of the House of Representatives
Washington 25, D. C.

Dear Mr. Speaker:

The President, in his letter of March 3, 1959, recommended that the Congress establish a five-member commission on telecommunication to conduct a thorough and comprehensive study of certain problem areas of telecommunication management and allocation of radio frequencies which could not be examined by the Special Advisory Committee in the time available.

I believe that the President's purpose could be accomplished by the establishment of the recommended commission with the duty to conduct a thorough and comprehensive study of:

1. The role of the Federal Government in the management of the U.S. telecommunication resource;
2. The administrative organization for discharging the Government's responsibilities, with particular reference to the division of responsibility under the Communications Act of 1934, as amended, with a view to determining what changes, if any, should be made in the existing administrative organizations or statutes to improve the management of that resource;
3. The existing methods and procedures for allocating (apportioning) radio frequencies and bands of radio frequencies as between Federal Government and non-Federal Government users, with a view to determining what changes, if any, should be made to ensure, insofar as practicable, that allocated frequencies may be utilized to the maximum degree possible, and to facilitate planning to take advantage of technological change in achieving maximum return from the use of the radio spectrum;

4. The existing national table of radio frequency allocations with respect to the apportionment of the various parts of the radio frequency spectrum as between Government and non-Government users, with a view to determining whether the current division of the spectrum serves the national interest to an appropriate degree and whether any frequency space (and if so, how much of such space) may, in the public interest, be reallocated to other uses.

The commission should be required to submit to the President for transmission to Congress within twelve months after the appointment and qualification of its members a report of the results of the study, together with such recommendations as the commission may deem desirable and applicable. There is attached for your consideration a Draft Joint Resolution designed to accomplish the foregoing.

I am addressing a similar letter to the President of the Senate.

Sincerely,



Leo A. Hoegh

Attachment

660/ FCAlexander

cc: Records - 2

Director

Mr. Patterson

Mr. Price

Telecom Records - Room 408 Winder

Scott Moore

Reading File

March 3, 1959

James C. Hagerty, Press Secretary to the President

THE WHITE HOUSE

THE WHITE HOUSE TODAY MADE PUBLIC
THE FOLLOWING LETTER FROM THE
PRESIDENT TO THE HONORABLE RICHARD
M. NIXON, THE PRESIDENT OF THE SENATE,
AND THE HONORABLE SAM RAYBURN, THE
SPEAKER OF THE HOUSE OF REPRESENTATIVES

Dear _____:

The telecommunication systems of the United States are essential to the national security, to the safety of life and property, to international relations, to a better-informed public, and to the business, social, educational, religious and political life of the country. They are one of the Nation's most valuable assets.

Changing technology along with changing needs in Government and non-Government areas present problems in the telecommunication field which require searching examination. The situation is becoming no less complicated by prospective developments in satellites and space vehicles, as well as in defense weapons systems.

The Director of the Office of Civil and Defense Mobilization, on my behalf, convened a Special Advisory Committee on Telecommunication November 18, 1958, to review the role of the Federal Government in the management of telecommunications. The report of that Committee is now under study within the Administration.

It was not possible for the Special Advisory Committee during its brief existence to undertake a thorough and comprehensive study of the Government's role or to make detailed studies of such problems as radio frequency usage.

In order that such a study can be made, I recommend that the Congress establish a Special Commission on Telecommunications, to be composed of five members appointed by the President.

I have asked the Director of the Office of Civil and Defense Mobilization to transmit to you a draft of suggested legislation to carry out this recommendation, and to convey to you the details involved in the suggested studies, as recommended in the report of the Special Advisory Committee.

Sincerely,

DWIGHT D. EISENHOWER

The Honorable Richard M. Nixon
The President of the Senate
Washington, D. C.

The Honorable Sam Rayburn
The Speaker of the House of Representatives
Washington, D. C.

#

HEAVY LEGISLATIVE PROGRAM IMPENDS ON CAPITOL HILL IN COMMUNICATIONS FIELD, BUT ONLY CONCRETE DEVELOPMENTS SO FAR ARE MONEY ENDORSEMENT FOR HOUSE GROUP'S SPECTRUM STUDY, OFFERING OF 51 EXCISE TAX BILLS

A heavy program of legislative matters of interest to the communications industry has developed on Congressional committee calendars in the first two months of the current session, but by the end of last week about the only development of a concrete nature had been the House approval Wednesday, Feb. 25, of \$150,000 to the Interstate & Foreign Commerce Committee, to conduct a study of frequency allocations and government telecommunications management.

Meanwhile, in line with the announcement by Office of Civil & Defense Mobilization Director Leo A. Hoegh (TELECOMMUNICATIONS, Feb. 9) that he would recommend legislation to authorize a five-member commission to study allocations and management procedures, it was understood last week that interested government agencies had been asked by the Bureau of the Budget to comment by the middle of this week on the OCDM legislative proposal.

Barring some unforeseen contingency, Mr. Hoegh's proposal could be sent to Congress by the end of this week or in the immediate future thereafter. At that time, it is believed, the full text of the report of the committee headed by former Southwestern Bell Telephone Co. Board Chairman, Victor E. Cooley, recommending that the study be made, will be made public.

In connection with this general subject, Chairman Oren Harris (D., Ark.) of the House Interstate Commerce group told a luncheon meeting of the Federal Communications Bar Association Thursday, Feb. 26, that "we shall seek to retain an expert staff to make this study (of allocations and management)."

Rep. Harris declared that "at present there is divided responsibility between the President and the FCC for the allocation of frequencies for governmental and non-governmental purposes. The demand for spectrum space has grown to such an extent and is expected to grow still further at such speed that it is dubious whether the divided responsibility can bring about an efficient utilization of the spectrum. The spectrum situation may be analagous to the situation which did exist with respect to the use of the air space by military, commercial, and private planes, and which led during the last Congress to the creation of the unified Federal Aviation Agency."

Note: Copies of this extract sent to Messrs Hoegh, Patterson, Price, and Scott Moore. 3/3/59

Of principal interest on Capitol Hill, in addition to the spectrum study matters, has been the tide of communications excise tax reduction and repeal bills, which now have passed the 50 mark. The latest count of bills which would repeal or reduce all communications excises, or the local telephone tax alone, or apply a termination date to the levies, had reached 51 as of Feb. 25. Forty-six Congressmen and Senators have offered the measures, with some introducing more than one bill.

A summary showed that 29 Democrats and 17 Republicans have introduced the measures. They come from 19 states in all sections of the country. Forty-two of the bills call for outright repeal of all communications taxes; one would repeal the local telephone excise only; six would reduce the taxes by 50%; and two would impose a termination date of June 30, 1960.

Despite the outpouring of bills, there appeared virtually no prospect of a communications excise bill coming out of the House Ways & Means Committee this year as individual legislation. When the first tax bill reaches the Senate, however--and at least one, the extension of present corporation income and excise taxes, is certain to get there-- there appears a strong likelihood that amendments will be offered to take off the communications tax, as well as the levy on the transportation of persons.

Other topics of interest to the communications industry, in one stage or another, on Capitol Hill, include: the House Interstate Commerce legislative oversight subcommittee's activities, and pending legislation to carry out its previous recommendations; a prospective international telegraph merger bill; the program of the Federal-State Action Committee to transfer some telephone excise revenue to the states, now considered all but dead; the long-awaited report of the House Judiciary Committee on the last year's telephone antitrust consent decree hearings; labor legislation, including minimum wage; the proposed sale of the government-owned communications facilities in Alaska; possible legislation to give the Rural Electrification Administration more freedom of action; antigambling legislation; wiretapping legislation or further hearings; and, possibly further consideration of the sale of administrative telephone systems of the armed services to private companies.

Speculation continued last week about the plans of the new House Interstate Commerce legislative oversight subcommittee, following the approval by the House, of \$350,000 in new funds, including \$200,000 for the oversight subcommittee's work.

Chairman Harris answered few of the questions in his talk before the FCC bar group, but he did comment that "Obviously, we have not had time as yet to get together a staff, since the funds were obtained only yesterday. I want to make perfectly clear, however, that the committee will use the greatest precaution in obtaining the kind of a staff that is needed and which will carry out the plans and policies of the committee for a forthright, fearless, fair, and objective study and investigation. We have not had an opportunity to formulate specific plans and a program, but the pattern is fairly well established in our recommendations contained in the report filed Jan. 3."

After voicing severe criticism of former oversight subcommittee counsel Bernard Schwartz, and his recently published book, Chairman Harris declared in language closely similar to this publication, in the Jan. 12 story on the subcommittee report, that "the most important task of the legislative oversight subcommittee, namely a thorough study of the functioning or malfunctioning of the independent regulatory agencies, beyond improper conduct, and of the causes of and the possible remedies for such malfunctioning, still lies ahead of us."

Pointing out that the House group will seek views on the legislation introduced to carry out the subcommittee's report (TELECOMMUNICATIONS, Feb. 23), Chairman Harris asked the bar association to study the matter. FCBA President Leonard Marks replied that it is already under study by the appropriate committees.

Discussing the bill, Rep. Harris said he wished to call particular attention to the subsection "which has the effect of making applicable to certain rulemaking proceedings the prohibition against off-the-record communications and the requirement that all communications made concerning such rulemaking proceeding be placed in the public files of such proceeding. The rulemaking proceedings to which this prohibition and this requirement apply, however, are only those in which the Commission actually undertakes an 'on-the-record-only' proceeding, and where a notice of proposed rulemaking to this effect has been issued.

"It seems to us that in those cases of rulemaking, the Commission holds out to the participants and to the public generally that only on-the-record communication will be taken into consideration by the Commission, and therefore there is no room for any other communications. I realize that this may be an innovation, and may go beyond the provisions of the Administrative Procedure Act. However, I believe it is desirable to make this change."

The House approved the \$350,000 fund for the committee with little discussion, although Rep. Clare Hoffman (R., Mich.) inquired if anything has been done to prevent a recurrence of last year's incident in which subcommittee files were taken to the apartment of Senator Wayne Morse (D. Ore.) by two newspapermen. Rep. Harris said the subcommittee has reported to the Justice Department its view that the action violated criminal laws, and "we are urging the department to act."

A letter by the Senate Interstate & Foreign Commerce Committee to the Senate Rules Committee, outlining its program for the coming year and detailing its reasons for seeking \$225,000 in special funds to carry on the work for the year ended Jan 31, 1960, was released Friday afternoon, Feb. 27, with the Rules Committee report approving the expenditure, but shed little light on the Interstate Commerce group's plans on international merger legislation.

The document stated that "We anticipate hearings on legislation concerning communications common carriers in the domestic and international fields. Over 16 years ago, Congress issued a mandate requiring Western Union to divest itself of its international operations. For a variety of reasons, this company has not been able to accomplish this divestiture. Legislation may be necessary which will entail exhaustive hearings."

It was understood last week that the Justice Department had been, or would be in the immediate future, asked to submit its views on last year's international telegraph merger bill promptly. Other agencies' comments, including those of the FCC, presumably still were in the hands of the Bureau of the Budget--at least nothing had been received by the Senate committee by late last week.

Authorization by the Senate to Interstate Commerce for the investigative funds was anticipated Monday, March 2. Neither the Senate nor the House was in session February 27. Meanwhile, continuing development of the Senate committee's program--also on the Senate calendar is a resolution to give the committee \$290,000 for a study of transportation policies--raised further questions about prompt hearings on telegraph merger when the bill is reintroduced.

Senate Interstate's letter, under the communications heading, listed only broadcast and television matters other than the previously quoted paragraph, except to say that "In the summer of this year, an international conference on international frequency allocations will be held. No change has been made in these allocations since 1947. This committee will be heavily involved in this proceeding."

The American Communications Association, most vigorous opponent of merger legislation, announced last week that it had set up a Washington office to press its fight against the merger. President Joseph P. Selly, Vice President William Bender, Executive Board Member Ray Schaeffer, and Publicity Director Charles L. Silberman will work out of the office in contacting members of Congress and the federal government agencies, ACA reported.

February 27, 1959

MEMORANDUM FOR MR. PATTERSON

SUBJECT: OCDM Draft Resolution to Establish a Commission
on Telecommunication Management

Attached is a copy of the Draft Resolution that is being coordinated by the Bureau of the Budget with all other interested agencies. It is essentially the same as the Resolution we prepared. In trying to trace this down, I find that the memo to Mr. Merriam merely requested that he take care of policy considerations and Congressional liaison in the matter.

The method of transmitting the Draft Resolution to the White House is not known at this time. It is known, however, that on January 28, 1959, we rewrote and hand carried to the Director's office six copies of the Resolution, presumably for attachment to the letter to the President which transmitted the Special Committee's report and which was dispatched on January 30, 1959. Since this letter was prepared in final form by the Director's office, Miss Lemley is now trying to find out whether the Resolution was transmitted with the report or whether it went by hand--perhaps hand carried by the Governor.

The fact remains, however, that an original and three copies of the same version of the Resolution that was delivered to the Director were transmitted by the White House to the Bureau of the Budget. These were received in the mail by Mr. Sam Hughes (Extension 425). Mr. Hughes is reluctant to impart any further information.

F. C. Alexander
Deputy Assistant Director
for Telecommunications

Attachment

cc: Miss Lemley

Per telephone
call from
Mary Zojac,
copy of
this Draft
Resolution
were handed
to Gov.
Goodpastor
by Gov.
Hughes
after Cabinet
Meeting on
Feb. 6, 1959.
HRT
2/27/59

FEB 25 1959

DRAFT JOINT RESOLUTION

To establish a commission to investigate the allocation, management, control, and utilization of the radio frequency spectrum resource with respect to both Government and non-Government entities.

1 Resolved by the Senate and House of Representatives of the
2 United States of America in Congress assembled.

3 That (a) there is hereby established a Commission on Telecommunication
4 Management (hereinafter referred to as the "Commission").

5 (b) The Commission shall be composed of five members as follows:

6 (1) The members shall be appointed by the President of the
7 United States.

8 (2) One member shall be designated by the President at the time
9 of appointment as Chairman of the Commission.

10 (c) The members of the Commission shall be citizens of the
11 United States who are not officers or employees of the Federal
12 Government, and shall include persons who, by reason of training or
13 experience, or both, are experts in the field of telecommunication.

14 (d) The Commission shall establish rules for its procedures.

15 (e) Any vacancy in the Commission shall not affect its powers,
16 but shall be filled in the same manner in which the original appoint-
17 ment was made.

18 (f) The members of the Commission shall each receive \$75 per
19 diem when engaged in the actual performance of duties vested in the
20 Commission, plus travel and allowances in lieu of subsistence expenses
21 while away from their homes or regular places of business in

1 accordance with the Travel Expense Act of 1949, as amended, and the
2 Standardized Government Travel Regulations.

3 Sec. 2. (a) It shall be the duty of the Commission to conduct a
4 thorough and comprehensive study and investigation of (1) the role of
5 the Federal Government in the management of the U. S. telecommunication
6 resource, (2) the administrative organization for discharging the Govern-
7 ment's responsibilities, with particular reference to the division of
8 responsibility under the Communications Act of 1934, as amended, with
9 a view to determining what changes, if any, should be made in the
10 existing administrative organizations or statutes to improve the
11 management of that resource, (3) the existing methods and procedures
12 for allocating radio frequencies and bands of radio frequencies as
13 between Federal Government and non-Federal Government users, with a
14 view to determining what changes, if any, should be made to ensure,
15 insofar as practicable, that allocated frequencies may be utilized
16 to the maximum degree in the national interest, and to facilitate
17 planning to take advantage of technological change in achieving
18 maximum return from the use of the radio spectrum and (4) the existing
19 table of radio frequency allocations with respect to the apportionment
20 of the various parts of the radio frequency spectrum as between Govern-
21 ment and non-Government users, with a view to determining whether the
22 current division of the spectrum serves the national interest to an

1 appropriate degree and whether any frequency space (and if so, how
2 much of such space) may, in the public interest, be reallocated to
3 other uses.

4 (b) The Commission shall submit to the President for trans-
5 mission to the Congress within one year after the appointment and
6 qualification of its members a report of the results of the study
7 and investigation provided for in subsection (a) together with such
8 recommendations as the Commission deems desirable and applicable.
9 Upon submitting the report provided for by this subsection, the
10 Commission shall cease to exist.

11 Sec. 3. (a) The Commission shall have power to appoint and
12 fix the compensation of such personnel as it deems advisable, without
13 regard to the provisions of the civil service laws and the Classification
14 Act of 1949, as amended; Provided, however, That no employee (other than
15 technical personnel) whose position would be subject to the Classifi-
16 cation Act of 1949, as amended, if such Act were applicable to such
17 position, shall be paid a salary at a rate in excess of the rate
18 payable under such Act for positions of equivalent difficulty or
19 responsibility.

20 (b) The Commission may procure, without regard to the civil
21 service laws and the Classification Act of 1949, as amended, temporary
22 and intermittent services to the same extent as is authorized for the

1 departments by section 15 of the Act of August 2, 1946 (60 Stat. 810),
2 but at rates not to exceed \$75 per diem for individuals.

3 Sec. 4. (a) The Commission is authorized to receive from any
4 department, agency, or independent instrumentality of the Federal
5 Government any information deemed necessary or desirable to enable
6 it to carry out its functions under this joint resolution; and
7 each such department, agency, and instrumentality is authorized
8 to furnish such information to the Commission, upon request made
9 by the Chairman of the Commission.

10 (b) The Commission may authorize the Chairman to make the
11 expenditures herein authorized and such other expenditures as may
12 be necessary to carry out the duties of the Commission. When the
13 Commission ceases its activities it shall prepare a statement of its
14 financial transactions and the General Accounting Office shall, in
15 connection with the audit of the Commission's financial transactions
16 required by other law, audit said statement and report thereon to the
17 appropriate committees of the Senate and the House of Representatives.

18 Sec. 5. There are hereby authorized to be appropriated such
19 sums as may be necessary to carry out the provisions of this joint
20 resolution. Funds appropriated under the heading "Emergency Fund
21 for the President, National Defense" in the General Government
22 Matters Appropriation Act, 1959 and 1960, shall be available to
23 carry out the provisions of this joint resolution.

1/28/59

Original and five copies given to
Virginia Lemley this date as attachments
to letter to the President--in the event
there are no further changes as a result
of discussion between Gov. Hoegh and
Jack Anderson of the White House.

HRT

After Cabinet Meeting
on Feb. 6, 1959, Gov. Hoegh
handed copies of this
Draft Resolution to
Sen. Goodpastor.
Per Mary Zajac from Gov. Hoegh.

HRT

DRAFT JOINT RESOLUTION

To establish a commission to investigate the allocation, management, control, and utilization of the radio frequency spectrum resource with respect to both Government and non-Government entities.

1 Resolved by the Senate and House of Representatives of the
2 United States of America in Congress assembled,

3 That (a) there is hereby established a Commission on Telecommunication
4 Management (hereinafter referred to as the "Commission").

5 (b) The Commission shall be composed of five members as follows:

6 (1) The members shall be appointed by the President of the
7 United States,

8 (2) One member shall be designated by the President at the time
9 of appointment as Chairman of the Commission.

10 (c) The members of the Commission shall include citizens of
11 the United States who (1) are not officers or employees of the
12 Federal Government, and (2) by reason of training or experience,
13 or both, are experts in the field of telecommunication.

14 (d) The Commission shall establish rules for its procedures.

15 (e) Any vacancy in the Commission shall not affect its powers,
16 but shall be filled in the same manner in which the original appoint-
17 ment was made.

18 (f) The members of the Commission shall each receive \$75 per
19 diem when engaged in the actual performance of duties vested in the
20 Commission, plus travel and subsistence expenses while away from their
21 homes or regular places of business in accordance with the Travel

1 Expense Act of 1949, as amended, and the Standardized Government
2 Travel Regulations.

3 Sec. 2. (a) It shall be the duty of the Commission to conduct a
4 thorough and comprehensive study and investigation of (1) the role of
5 the Federal Government in the management of the U. S. telecommunication
6 resource, (2) the administrative organization for discharging the Govern-
7 ment's responsibilities, with particular reference to the division of
8 responsibility under the Communications Act of 1934, as amended, with
9 a view to determining what changes, if any, should be made in the
10 existing administrative organizations or statutes to improve the
11 management of that resource, (3) the existing methods and procedures
12 for allocating radio frequencies and bands of radio frequencies as
13 between Federal Government and non-Federal Government users, with a
14 view to determining what changes, if any, should be made to ensure,
15 insofar as practicable, that allocated frequencies may be utilized
16 to the maximum degree in the national interest, and to facilitate
17 planning to take advantage of technological change in achieving
18 maximum return from the use of the radio spectrum and (4) the existing
19 table of radio frequency allocations with respect to the apportionment
20 of the various parts of the radio frequency spectrum as between Govern-
21 ment and non-Government users, with a view to determining whether the
22 current division of the spectrum serves the national interest to an

1 appropriate degree and whether any frequency space (and if so, how
2 much of such space) may, in the public interest, be reallocated to
3 other uses.

4 (b) The Commission shall submit to the President within one
5 year after the appointment and qualification of its members a full
6 and complete report of the results of the study and investigation
7 provided for in subsection (a) together with such recommendations as
8 the Commission deems desirable and applicable. The Commission shall
9 also submit, at such time, to the President for transmission to the
10 Congress an identical report except that there shall be omitted from
11 the report submitted for transmission to the Congress any information
12 which has been classified for security purposes. Upon submitting the
13 reports provided for by this subsection, the Commission shall cease
14 to exist.

15 Sec. 3. (a) The Commission shall have power to appoint and fix
16 the compensation of such personnel as it deems advisable, without regard
17 to the provisions of the civil service laws and the Classification Act
18 of 1949, as amended; Provided, however, That no employee (other than
19 technical personnel) whose position would be subject to the Classifi-
20 cation Act of 1949, as amended, if such Act were applicable to such
21 position, shall be paid a salary at a rate in excess of the rate payable
22 under such Act for positions of equivalent difficulty or responsibility.

1 (b) The Commission may procure, without regard to the civil
2 service laws and the Classification Act of 1949, as amended, temporary
3 and intermittent services to the same extent as is authorized for the
4 departments by section 15 of the Act of August 2, 1946 (60 Stat. 810),
5 but at rates not to exceed \$75 per diem for individuals.

6 Sec. 4. (a) The Commission is authorized to secure from any
7 department, agency, or independent instrumentality of the Federal
8 Government, any information it deems necessary or desirable to
9 enable it to carry out its functions under this joint resolution; and
10 each such department, agency, and instrumentality is authorized and
11 directed to furnish such information to the Commission, upon request
12 made by the Chairman of the Commission. The Commission shall safeguard
13 classified information which comes into its possession in accordance
14 with the security standards of the Executive Office of the President.

15 (b) The Commission may authorize the Chairman to make the
16 expenditures herein authorized and such other expenditures as may be
17 necessary to carry out the duties of the Commission. When the
18 Commission ceases its activities it shall prepare a statement of its
19 financial transactions and the General Accounting Office shall, in
20 connection with the audit of the Commission's financial transactions
21 required by other law, audit said statement and report thereon to the
22 appropriate committees of the Senate and the House of Representatives.

1 Sec. 5 There are hereby authorized to be appropriated such sums
2 as may be necessary to carry out the provisions of this joint
3 resolution. Funds appropriated under the heading "Emergency Fund
4 for the President, National Defense" in the General Government
5 Matters Appropriation Act, 1959 and 1960, shall be available to
6 carry out the provisions of this joint resolution.

Copies of the extracts attached were sent to Messrs. Hoegh, Patterson, Price, and Scott Moore on February 25, 1959.

Extract from BROADCASTING MAGAZINE, February 23, 1959, Issue

SPECTRUM STUDY

House Group Bucks White House Proposal

Rep. Oren Harris (D-Ark.) last week took a positive step in deciding the future of the radio spectrum.

In the face of a White House proposal for a Presidentially-appointed commission to investigate frequency allocations, Rep. Harris announced that his Communications Subcommittee of the House Commerce Committee would undertake such an investigation.

The House will be asked to appropriate \$100,000 for the study. "We think it will be one of the most important projects this committee has undertaken in a long time," Rep. Harris said. He acknowledged that members of the committee are not qualified personally to conduct a spectrum inquiry and said that experts in the field will be asked for help.

Specialists in spectrum allocations will be hired both on a permanent and consultancy basis, Rep. Harris said.

RAYBURN CONSULTED - The investigation will cover the entire spectrum, both government and private allocations, Rep. Harris stressed, with emphasis on present and future requirements of all space users. He said he discussed the proposed investigation with "lots of people," including House speaker Sam Rayburn (D-Tex.), before deciding on the announced course.

Rep. Harris saw no difficulty in getting information from the military on its assigned space and how it is being utilized. This has been a major stumbling block in past efforts to re-evaluate spectrum allocations. Military assignments are made by the President and how this space is used is a highly-guarded secret. The FCC makes all non-government assignments on an open basis.

Speaking of the White House recommendation, Rep. Harris said, "I do not know what action the President will take." The President appointed his own advisory committee late last year. It recommended a spectrum

study by a three-man commission to be appointed by Congress. Leo A. Hoegh, Civil & Defense Mobilization director, proposed instead an investigation by a five-man Presidentially-appointed body. Legislation was to have been submitted to Congress to carry out the Hoegh-White House proposal.

STILL TO BE HEARD - The actual report by the White House Advisory Committee, headed by former AT&T board chairman, Victor E. Cooley, has not been made public.

Ex-Sen. Charles Potter (R-Mich.) and Rep. William Bray (R-Ind.) both introduced bills in the 85th Congress calling for a spectrum study. The Potter bill passed the Senate but died in the House, in the face of strong industry opposition, after it was amended by the White House.

Rep. Bray, who attacked the Hoegh action three weeks ago, gave his unqualified endorsement to an investigation by the Harris committee. "I think it's a very fine plan," he said. "There is no conflict between our thinking. . . . We want to get the facts."

One result of the investigation could be a "more desirable and advantageous allocation" and use of the UHF band, Rep. Harris said, with a fair distribution of all available frequencies among all users.

MAJOR PROBLEM - Rep. Harris said the major problem would be "trying to see whether there can be a more advantageous allocation for both military and civilian use." Commercial broadcasters and the military long have been casting covetous eyes at space assigned each other. Eighteen months ago, fears of broadcasters were realized when the government in an OCDM letter to the Senate said its shortage was "critical."

Last spring, Comr. T.A.M. Craven proposed that chs. 2-6 be swapped to the military in exchange for enough space to gain 25 contiguous VHF channels for broadcasters. A month later, the Senate Commerce Committee urged the government to make every effort to release VHF space for broadcast use. "Why haven't we called the military up here and asked them what they will do about it?" Sen. Warren Magnuson (D-Wash.), committee head, asked in open session.

So far as is known, no progress has been made with the military and the Senate Commerce Committee has not "asked them what they will do about it."

HOUSE INTERSTATE & FOREIGN COMMERCE COMMUNICATIONS SUB-COMMITTEE CALLS FOR FULL-SCALE STUDY OF RADIO SPECTRUM AND GOVERNMENTAL PROCEDURES IN FIELD; ASK \$150,000; TO ATTEMPT TO OBTAIN EXPERIENCED TECHNICAL STAFF

A full-scale study of the radio frequency spectrum by a staff of technical people drawn from all areas of radio frequency use, was announced by House Interstate & Foreign Commerce Committee Chairman Oren Harris (D., Ark.) Thursday, Feb. 19.

Chairman Harris has been indicating for some time that he would move toward a spectrum study, particularly since vigorous objections last year killed in the House a Senate-passed resolution calling for a survey of the government's use of radio frequencies.

The study will be conducted by the newly formed Interstate Commerce communications and power Subcommittee, also headed by Mr. Harris. He declared that the investigation will take the form of a technical staff study, with the possibility of "some" public hearings later. Stating that the survey will start as soon as it can be organized, he declined to forecast how long it might take to complete the job.

Pointing out that he does not know what action President Eisenhower will take on recommendations by Office of Civil & Defense Mobilization Director Lee A. Hoegh that a commission be established to study improvements in government telecommunications management (TELECOMMUNICATIONS, Feb. 9), Chairman Harris said that the study will be one "of the most important undertakings of this committee in a long time." Conceding that the committee does not have the technical knowledge or time to do the job itself, he said it intends to "supervise" the work of the technical staff.

Chairman Harris added that he was introducing a resolution seeking House approval of a \$150,000 fund for the spectrum analysis.

Formal announcement of the subcommittee's plans stated that "The study will include present and future uses by military and other governmental agencies, radio and television stations, and other private parties, of the radio spectrum, and legislation needed to establish proper governmental machinery and procedures to assure a fair distribution of available frequencies among all these users."

A question immediately arose as to the availability of well-grounded, experienced technical personnel of the caliber needed to make such a study. One possibility would be that some communications experts who have retired relatively recently might be called upon for the assignments. There was no immediate indication as to whether the committee might seek to obtain the services of some personnel on loan from government agencies or the military.

Despite considerable interest in the subject, the text of the report of the special advisory committee headed by retired Southwestern Bell Telephone Co. Board Chairman Victor E. Cooley was not made available last week by the White House or OCDM. Hope was expressed, in the light of widespread interest and the expectation that the new House technical staff will be closely concerned with the document, that it would be made available in the near future.

FEB 20 1959

Memorandum for General Goodpaster:

I have had a request from Representative Bray for a copy of the recent report of the Special Advisory Committee on Telecommunications, which you will recall, I submitted to the President on January 30, 1959.

There have also been a number of requests from the weekly publications for the report.

I see no objection to making a copy of the report available to Mr. Bray, and at the same time, releasing it to the public. If you see no objection to this procedure, I will make the publication available Thursday, February 26.

SIGNED

Leo A. Hoegh

Attachment

REWRITTEN:EWReutzel:dc-2/20/59
FCAlexander/hrt/
Director
Mr. Patterson
Mr. Price
Mr. Downs
Telecom. Records 408 Winder
ReadingFile
Records

Committee on Armed Services

CONGRESS OF THE UNITED STATES
House of Representatives
Washington, D. C.

February 16, 1959

Honorable Leo A. Hoegh, Director
Office of Civil and Defense Mobilization
Washington 25, D. C.

Dear Governor Hoegh:

Problems in the telecommunication field have been of continuing interest to me. Consequently I followed the developments relating to the Special Advisory Committee on telecommunications which you established last November on behalf of The President.

Inasmuch as the Committee has now submitted its report to you, I would greatly appreciate an opportunity to see the report in entirety.

I would appreciate your forwarding a copy to my office. Thank you.

Sincerely,

/s/

WILLIAM G. BRAY, M. C.

COPY

MEMORANDUM FOR GENERAL GOODPASTER:

I have had a request from Representative Bray for a copy of the recent report of the Special Advisory Committee on Telecommunications, which you will recall, I submitted to the President on January 30, 1959.

There have also been a number of requests from the weekly publications for the report.

I have referred Mr. Bray to the White House and am attaching copies of the correspondence.

I see no objection to making a copy of the report available to Mr. Bray, and at the same time, releasing it to the public.

Leo A. Hoegh

Attachment

Telecommunications
FCAlexander/hrt/2/19/59/3271
cc: Records - 2
Director
Mr. Patterson
Mr. Price
Telecom. Records 408 Winder
Mr. Downs

*Re-written
by Mr. Reutzel*

February 20, 1959

Honorable William G. Bray
House of Representatives
Washington 25, D. C.

Dear Mr. Bray:

This will refer to your letter of February 16, 1959,
in which you have requested a copy of the report of
the Special Advisory Committee on Telecommunications.

Inasmuch as I had previously transmitted the report to
the President, I have referred your request to the White
House and will communicate with you again regarding
the matter in the near future.

Sincerely,

signed

Leo A. Hoegh

Telecommunications
FCAlexander/hrt/2-19-59/3271
Records - 2
Director
Mr. Patterson
Mr. Price
Mr. Downes
✓ Telecom. Records 408 Winder
Reading File
General Goodpaster, White House

Committee on Armed Services

CONGRESS OF THE UNITED STATES
House of Representatives
Washington, D. C.

February 16, 1959

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Dear Governor Hoegh:

Problems in the telecommunication field have been of continuing interest to me. Consequently I followed the developments relating to the Special Advisory Committee on telecommunications which you established last November on behalf of The President.

Inasmuch as the Committee has now submitted its report to you, I would greatly appreciate an opportunity to see the report in entirety.

I would appreciate your forwarding a copy to my office. Thank you.

Sincerely,

/s/

WILLIAM G. BRAY, M. C.

COPY

Helena
Feb 20, 1959
R. C. G. A. I.
for M.

Dear Alex.

Thanks for post-mortem No. 1. After seeing how our 1951 report was quietly laid to rest, I am not too much surprised at the reception of the later one. I hope that reports numbers 3-6 will be made - with action on No. 6 about 1965 - by which time things should be so thoroughly messed up that even the guardian angel of Presidents will realize that somebody, sometime must take some action.

It will be interesting to see whether our report is published in full.

Next week we leave here very reluctantly. After visiting universities in the S. F. and L.A. areas we shall go to Austin, Texas. From March 12 to March 21 my address will be % Mr. and Mrs. E. M. Degeudorf, 1211 Marshall Lane, Austin, Tex. After that (or before that for anything urgent) my former secy in the Presidents Office at W. Va Univ. (Miss Mary McDaniel) will know how to reach me.

Good luck

Ervin

February 18, 1959

Mr. James C. Kinkaid
Editorial Director
Military Electronics
2775 S. Moreland Boulevard
Cleveland 20, Ohio

Dear Mr. Kinkaid:

Your letter of February 12, 1959, to the Director, about the activities of the Special Advisory Committee on Telecommunications, has been referred to me for reply.

Your views about the possibility of establishing a National Advisory Committee for Electronics are appreciated and will be given appropriate consideration.

It would not be proper for this office to comment on the views which you put forth until the commission which has been recommended has completed its work.

Thank you for your interest in the subject of telecommunications. I am enclosing a copy of the February 4 release about the report of the Special Committee.

Sincerely yours,

F. C. Alexander
Deputy Assistant Director
for Telecommunications

WEP
Enclosure

WEPlummer:mef
cc: Telecom Records ✓
Reading File
Mr. Price
Records



PUBLISHERS TO THE
ELECTRONICS INDUSTRY
FOR OVER 20 YEARS

Published by Electronic Periodicals, Inc.

2775 S. Moreland Blvd.
Cleveland 20, Ohio

WESTERN UNION ADDRESS
FAX GQ, CLEVELAND, OHIO
TELEPHONE: WYOMING 1-1565

February 12, 1959

Gov. Leo A. Hoegh
Civil & Defense Mobilization Director
Office of Defense Mobilization
Washington 25, D. C.

Dear Governor Hoegh:

I've followed with interest the activity of the Special Advisory Committee on Telecommunications. I am particularly impressed by the fact that the Committee has recommended establishment of a group to conduct studies into the administration of available radio frequencies.

If I have any personal reservations about this recommendation, they would resolve around my thinking that it does not go far enough at a time when it seems some central direction of electronics activities is becoming an increasing need. My own thoughts are that the time is nearing when a national advisory group, patterned perhaps after the National Advisory Committee for Aeronautics, will be necessary to administer the nation's electronic activities. A National Advisory Committee for Electronics may very well be the answer. As I visualize this group, it would absorb the work now being done by special advisory groups. It would also take over from the Federal Communications Commission the administration of all Government, nonbroadcast, and noncommon-carrier services in which radiation of power is a requirement. The FCC would retain jurisdiction over broadcast-band radio, commercial f-m and tv and such educational services as share the various broadcast bands. It would also continue jurisdiction over all public telephone, telegraph, and other common-carrier services.

If you would care to comment on the above views either on or off the record, I would be deeply appreciative, since I am currently considering an editorial campaign calling for action of some sort along the lines to which your committee's recommendations point. It may be that a National Advisory Committee for Electronics is necessary. I'd like the views, however, of someone with a broader view than my own before I make a final commitment publicly. Your reactions, in any event, will be cordially received and attentively considered.

Cordially,

MILITARY ELECTRONICS

James C. Kinkaid
James C. Kinkaid,
Editorial Director

JCK/ah

MILITARY
ELECTRONICS

EXECUTIVE OFFICE OF
THE PRESIDENT

1959 FEB 16 AM 9 24

O.C.U.M. MAIL ROOM
WASHINGTON 25.D.C.

TO: THE PRESIDENT
FROM: [illegible]
SUBJECT: [illegible]

[The following text is extremely faint and largely illegible, appearing to be a memorandum or letter body.]

[The following text is extremely faint and largely illegible, appearing to be a memorandum or letter body.]

[The following text is extremely faint and largely illegible, appearing to be a memorandum or letter body.]

[The following text is extremely faint and largely illegible, appearing to be a memorandum or letter body.]

For Memorandum for the Director, February 13, 1959,
on the subject of Reorganization and Staff Increase Goals
for the Telecommunications Area, with its attached
Manning Table, Organization Chart, and Budget Presentation--
see Organization--Staffing file.

For Memorandum for Mr. Patterson, February 16, 1959,
on the subject of Reorganization and Staff Increase Goals
for the Telecommunications Area--see Organization--Staffing
file.

Governor Hoegh

For your information, attached are extracts from the trade magazines--Telecommunications Reports, Broadcasting, Electronic Industries--which resulted from the press release on the recommendations of the Special Advisory Committee on Telecommunications.

cc: Mr. Patterson
Mr. Price
Mr. Scott Moore

F. C. Alexander

Feb. 13, 1959

February 11, 1959

MORTEM
POST-MEMO NO. 1

TO FORMER MEMBERS OF THE PRESIDENT'S SPECIAL
ADVISORY COMMITTEE ON TELECOMMUNICATIONS:

Mr. Victor E. Cooley
Maj. Gen. W. Preston Corderman, USA (Ret.)
Dr. Frank G. Kear
Dr. Irvin Stewart
Mr. William G. Thompson

Enclosed is a copy of the press release issued by Governor Hoegh on February 4, 1959, in regard to the Committee's work; also, extracts from "Telecommunications Reports", "Broadcasting" magazine, and "Electronic Industries." I know this material will be of interest to you and at the same time raise questions which I will not be able to answer!

Governor Hoegh has forwarded your report to the President, but so far we have no authority to release the letter or the report. To my knowledge, there has not been a reply from the White House. We have not been "strengthened" yet, nor do we know what increase in personnel will be authorized. This has to be cleared through the Bureau of the Budget.

When I have further definite information, I will write you again. In the meantime, my best wishes to all of you.

Sincerely,

F. C. Alexander
Deputy Assistant Director
for Telecommunications

Enclosures

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF CIVIL AND DEFENSE MOBILIZATION
Washington 25, D. C.

FOR IMMEDIATE RELEASE
WEDNESDAY, FEBRUARY 4, 1959

NO. 662

Leo A. Hoegh, Director of the Office of Civil and Defense Mobilization, announced today the recommendations and conclusions reached by the Special Advisory Committee on Telecommunications which he established on November 18, 1958, on behalf of the President, to review the role of the Federal Government in the management of U. S. Telecommunications, including the allocation of the radio spectrum. (OCDM Press Release No. 655)

The Committee, under the Chairmanship of Victor E. Cooley, former Chairman of the Board of Southwestern Bell Telephone Company and Deputy Director of the Office of Defense Mobilization from 1953 to 1958 said:

"Since the initial meeting of the Committee which you convened on November 18, we have reviewed the administrative organization and procedures currently in force dealing with day-to-day matters relating to telecommunications management within the Executive Branch and the growing demands for frequency assignments by both government and non-government applicants. We have also considered the broad over-all methods of allocation of the radio spectrum and the assignment of radio frequencies as well as the availability of desired frequencies."

The report, submitted to Mr. Hoegh on December 29, 1958, stated that there is immediate need for strengthening of the telecommunications organization.

It further stated that the Government's entire administrative organization for managing telecommunications be studied in order to ascertain whether

(more)

improvements can be effected. It advocated that the national table of radio frequency allocations be reviewed in order to determine whether the current division of radio frequency space as between government and non-government users properly serves the national interest.

The Committee recommended the establishment of a three-man board, which would report to the President, as the means for effecting these improvements and for performing the suggested studies.

After studying the Committee's report, Mr. Hoegh said that he has taken action for the immediate strengthening of the telecommunications office of OCDM.

Instead of the three-man board as suggested, Mr. Hoegh said he is recommending that the Congress be asked to establish a commission of five members charged with the responsibility for conducting studies proposed in the Committee report regarding management procedures and allocations of radio frequencies -- the members to be appointed by the President.

Mr. Hoegh declared that the foregoing action and recommendation would permit the Executive Branch of the Government to strengthen without delay its telecommunication management capability while long-range solutions are being sought by the five-man Commission. Moreover, these approaches, he said, would provide that the entire Government control mechanism for managing telecommunications will receive careful scrutiny before a workable solution is presented to the Congress.

The OCDM Director commended the Committee for its excellent presentation and for the full recognition given to the problem areas in telecommunications.

(more)

"I am impressed," he said, "by the fact that this is the second time since 1951 that a group of knowledgeable individuals has pointed to the need for reappraising the organization to deal on a continuing basis with telecommunications policies, management and problems within the Executive Branch."

In addition to Mr. Cooley, members of the Special Advisory Committee on Telecommunications were: Irvin Stewart, past President of West Virginia University and Chairman of the President's Communications Policy Board in 1951; Frank Gregg Kear, a consulting radio engineer with the firm of Kear and Kennedy; William Glasgow Thompson, retired Assistant Vice President of the American Telephone and Telegraph Company; and W. Preston Corderman, Major General, U.S.A. (Ret.), Vice President of Litton Industries, Inc.

#

**ODM TO 'STRENGTHEN' TELECOMMUNICATIONS STAFF IN LINE WITH
REPORT OF PRESIDENT'S SPECIAL ADVISORY COMMITTEE; HOEGH TO
ASK CONGRESS FOR FIVE-MAN COMMISSION TO REVIEW DIVISION OF
FREQUENCY SPECTRUM**

The first results from recommendations of the Special Advisory Committee on Telecommunications, established by Office of Civil & Defense Mobilization Director Leo A. Hoegh on behalf of the President last November to review the government's role in the management of United States telecommunications, are expected to be the appointment of a part-time consultant on telecommunications, and the hiring of 20 additional communications "experts" by OCDM, it was learned last week following announcement of the committee's recommendations by OCDM.

In addition, Governor Hoegh is expected to ask Congress within 30 days for the establishment of a five-man commission to study "the government's entire administrative organization for managing telecommunications" in order to "ascertain whether improvements can be effected," as recommended by the advisory group.

HIGHLIGHTS: Hoegh request for five-man commission differs from advisory group's suggestion for three-man board . . . Members would be appointed by President . . . Any release of full recommendations would be made by White House . . . Study of "entire government control mechanism for managing telecommunications" posed.

It was not known as of late last week whether the proposed changes in the OCDM organization would affect the activities of Fred G. Alexander, Deputy Assistant Director of OCDM for Telecommunications, who now reports to OCDM Assistant Director J. R. Price for resources and Production.

Recommendations of the committee which were announced last week called for a "review of the national table of frequency allocations "in order to determine whether the current division of radio frequency space as between government and non-government users properly serves the national interest," and for a "strengthening of the telecommunications organization" of the government.

The five-man special advisory committee, which submitted its report to Governor Hoegh on Dec. 29 for submission to the President, had been headed by Victor E. Cooley, former Chairman of the Board of the Southwestern Bell Telephone Co. and Deputy Director of the Office of Defense Mobilization from 1953 to 1958.

Other members were Dr. Irvin Stewart, past President of West Virginia University and Chairman of the President's Communications Policy Board in 1951; Frank G. Kear, consulting radio engineer with the firm of Kear & Kennedy;

William G. Thompson, retired Assistant Vice President of the American Telephone & Telegraph Co. Long Lines Department, who is currently serving as a consultant to the Defense Department; and Maj. Gen. W. Preston Corderman (USA, ret.), Vice President of Litton Industries, Inc., and a former Deputy Chief Signal Officer.

According to the OCDM announcement last week, the committee recommended the establishment of a three-man board, "which would report to the President, as the means for effecting (the recommended) improvements and for performing the suggested studies."

Governor Hoegh said that after studying the committee's report, he has "taken action for the immediate strengthening of the telecommunications office of OCDM," including planning for the new consultant to report directly to him and for the added experts on the OCDM staff.

Instead of the three-man board as suggested by the committee, the OCDM Director said, he is "recommending that the Congress be asked to establish a commission of five members charged with the responsibility for conducting studies proposed in the committee report regarding management procedures and allocations of radio frequencies--the members to be appointed by the President."

Governor Hoegh declared that his plans "would permit the executive branch of the government to strengthen without delay its telecommunication management capability while long-range solutions are being sought by the five-man commission.

"Moreover," he said, it would "provide that the entire government control mechanism for managing telecommunications will receive careful scrutiny before a workable solution is presented to Congress."

He commended the advisory committee for "its excellent presentation and for the full recognition given to the problem areas in telecommunications," stating that he is "impressed by the fact that this is the second time since 1951 that a group of knowledgeable individuals has pointed to the need for reappraising

the organization to deal on a continuing basis with telecommunications policies, management and problems within the executive branch."

The President's Communications Policy Board in 1951, under Dr. Stewart, had made the similar recommendations to which Mr. Hoegh referred.

The only section of the actual advisory committee report quoted in the OCDM announcement stated that "Since the initial meeting of the committee which you (Governor Hoegh) convened on Nov. 18, we have reviewed the administrative organization and procedures currently in force dealing with day-to-day matters relating to telecommunications management within the executive branch and the growing demands for frequency assignments by both government and non-government applicants.

"We have also considered the broad over-all methods of allocation of the radio spectrum and the assignment of radio frequencies as well as the availability of desired frequencies."

Any release of the full recommendations, it is understood, will have to be made by the White House. A White House spokesman late last week said he knew of no plans for immediate release of the document, particularly over the past weekend, during the White House party's visit to Thomasville, Ga.

EXTRACT FROM "BROADCASTING" MAGAZINE, February 9, 1959

SPECTRUM UP FOR GRABS AGAIN?

Pentagon and Politics Blended in Defense Agency's Report

Capitol Hill Shows Determination to Protect Public Rights

FCC Chairman Doerfer Revives Hope for Wider, All-VHF Band

The future of the radio spectrum and its TV allocations faces new disturbances from the Pentagon, White House and Capitol Hill.

Bedlam on the Potomac appeared imminent at the weekend as the spectrum became involved in a series of political and military maneuverings.

Three principal developments occurred last week:

Leo A. Hoegh, Civil & Defense Mobilization director, proposed a spectrum study to be conducted by a Presidential commission. This ran counter to a report by the President's special advisory committee, which wanted Congress to name a spectrum study group.

The Hoegh proposal brought bipartisan Capitol Hill protests as some legislators detected a strong scent of military trickery while other members of Congress gave their guarded approval.

FCC Chairman John C. Doerfer, addressing broadcasters in New York, revived proposal of expansion of the VHF television band into a continuous-tuning spectrum segment, eliminating the UHF mixup.

THE OCDM PROPOSAL. Two steps to remove confusion from government, military and non-government communications allocations were taken last week by the Office of Civil & Defense Mobilization.

Mr. Hoegh announced the OCDM's telecommunications unit would be expanded to handle a heavier work load, following a recommendation by the Special Advisory Committee on Telecommunications.

Mr. Hoegh's report set Capitol Hill buzzing Thursday when he went against the advisory group's recommendations by proposing that a long-range spectrum study be conducted by a five-man commission to be appointed by the President.

The advisory group had proposed a three-man board to be appointed by Congress. Key legislators of both parties, informed by BROADCASTING of the Hoegh recommendations, pointed to the threat of military and White House control over the spectrum study. They said the public must be protected through Congressional control of any review of the radio spectrum, recalling historic military and governmental demands for spectrum space beyond any actual requirements.

The commission proposed by Mr. Hoegh would review frequency allocations to determine if division of frequency space among government and non-government users serves the national interest. Mr. Hoegh is expected to submit proposed legislation to Congress in about a month.

The advisory committee was headed by Victor E. Cooley, retired board chairman of Southwestern Bell Telephone Co. and former Deputy Director of the Office of Defense Mobilization. This committee took cognizance of complaints that the whole government telecommunications setup has been kicked around for years. It noted that FCC is a continuing body feeling a minimum impact from political upheavals and elections whereas no major executive agency exercises management or policy control over the way federal departments and the military use their assigned frequencies.

Committee members are understood to have found a critical lack of organized information in the executive branch on international, inter-departmental and inter-Pentagon telecommunications. About a score of persons comprise OCEM's telecommunications unit. This is to be doubled, at Mr. Hoegh's direction, and a top-flight advisor is to be appointed.

HISTORY OF CONFUSION. Efforts to bring some degree of order out of military and government confusion were started in 1951 after an advisory committee submitted a report. This committee, the President's Communications Policy Board, was headed by Irvin Stewart, past president of West Virginia U. and an ex-FCC member. President Truman named Haraden Pratt, Mackay Radio & Telegraph Co., to head a new telecommunications office. When Messrs. Truman and Pratt left their posts, telecommunications became practically an executive orphan, a problem the Cooley committee wants solved.

Routine military and government allocations problems are now handled by the Interdepartment Radio Advisory Committee but this is a low-level office lacking policy powers.

Other members of the Cooley committee, besides the chairman and Mr. Stewart, were Frank Kear, of the Kear & Kennedy engineering consulting firm; William G. Thompson, retired assistant vice president of American Telephone & Telegraph Co., and Maj. Gen. W. Preston Corderman (retired), vice president of Litton Industries.

SPECTRUM STUDY BACKGROUND. The first measure calling for an investigation of military-assigned spectrum space was introduced in the Senate June 18, 1957, by Sen. Charles Potter (R-Mich.). Two days later, Rep. William Bray (R-Ind.) introduced an identical resolution in the House.

As originally drafted, the two resolutions called for a three-man commission to be appointed by the President. In the summer of 1958, the Senate Commerce Committee amended the Potter proposal to make it a five-man commission. Two members were to have been appointed by the President and one each by the Vice President (as president of the Senate), the Speaker of the House and the Chairman of the FCC.

In this revised form, the bill unanimously passed the Senate last July. The commission would have been charged with conducting "... a thorough and comprehensive study and investigation of the radio and television frequencies allocated to the various agencies and instrumentalities of the federal government with a view to determining (1) whether such frequencies are being effectively utilized to the maximum degree possible, (2) whether any (and if so, how many) of such frequencies may, without jeopardizing the public interest, be relinquished to the FCC for allocation to non-government purposes and (3) what are the likely future requirements of the various agencies and instrumentalities of the federal government for radio and television frequencies."

With the bill under consideration by the House Commerce Committee, the White House offered an amendment which would have shifted emphasis of the proposed investigation from military space to civilian assigned space and even the FCC itself. The House committee quickly adopted the White House amendment and favorably reported the amended version on Aug. 1, 1958.

It then was placed on the House calendar for consideration the following Monday. However, tremendous opposition to the White House version arose over the ensuing weekend and the bill never reached the House floor. Proponents admitted it was withdrawn because chances for passage had vanished.

CRITICISM ON THE HILL. Rep. Bray was the most outspoken last week in his criticism of the OGDMM proposal. "I don't think all the members of the commission should be appointed by the President at all. I want a study of

the matter, not an executive decree," he said. The Indiana Republican pointed out that Congress, as author of the Communications Act, should oversee any study of the spectrum.

As proposed by Mr. Hoegh, Rep. Bray felt that the study would be "stacked" in favor of the military. He said an executive study is not what he had in mind when he proposed a spectrum study in 1957. Rep. Bray said that he would re-introduce his spectrum-study measure, with minor changes from the 1957 version, soon after his return to Washington from participating in Lincoln birthday (Feb. 12) celebrations.

Rep. Oren Harris (D-Ark.), chairman of the House Commerce Committee, said: "I don't think Congress would approve this procedure." The Hoegh recommendation, he felt, would be looked upon "with a great deal of reluctance." Rep. Harris said that he is giving consideration to "an entirely different approach" for a spectrum study under the supervision of a congressional body. He refused to elaborate on just what type investigation this would entail.

In its final report released Jan. 3, the Oversight Subcommittee of the House Commerce Committee recommended that Congress authorize an investigation of frequency allocations. And, two weeks ago, the House approved a resolution giving its Commerce Committee authority to investigate radio-TV matters, including "allocation of radio spectrum."

SENATORS NOT SO CRITICAL. The two ranking majority members of the Senate Commerce Committee were not as critical of the Hoegh recommendations as were the representatives. Sen. Warren Magnuson (D-Wash.), chairman, said he thought the President's advisory committee on telecommunications had done a good job. "We've just got to get after the thing (spectrum study)" in some form, he said, and it does not matter who conducts the investigation. He said the committee probably would approve a measure similar to the Senate-passed Potter resolution of last year.

Sen. John Pastore (D-R.I.), chairman of the Commerce Committee Communications Subcommittee, said appointment of the special commission members by President Eisenhower would give it added stature.

Following the Hoegh recommendations, the commission "can do an objective job and would be under the dominance of no one," he said.

At the same time, Sen. Pastore warned of the danger involved in overloading the commission with military men. Such a "stacked" body would result in a "futile effort," he warned.

HOPE FOR MORE VHF. FCC Chairman Doerfer said last week that the "logical solution" to the television allocations problem was "expansion in a continuous VHF band."

Mr. Doerfer made the remark in a speech to the Radio & Television Executives Society in New York. He said there was "little promise of immediate solution--at least not until every effort to get more VHF spectrum space is exhausted."

"The hope for this possibility is not dead," he said. "A clearer picture of the prospects of securing more VHF space should develop within the year."

"It would be most unwise, in my opinion, to attempt any VHF deintermixture at this late date, at least until there is a final determination that no additional contiguous VHF space can be made available. I have never given up hope for this."

"Moving all television to the UHF portion of the spectrum will be the last resort. After the Congress and the people begin to realize what a total shift to UHF would mean--in dollars and loss of service, especially in fringe areas--it is my opinion that strong Congressional pressures will develop to secure sufficient space within the VHF band."

Mr. Doerfer refused to amplify his remarks about widening VHF space when asked to after his speech.

* * * * *

ALLOCATIONS STUDY -- The President's Special Advisory Committee on Telecommunications which had the objective of improvement of the spectrum's allocations to the government and industry from a broad-range viewpoint has made its report to President Eisenhower but the latter has not yet been made public. Its recommendations were understood to have proposed establishment of a permanent expert committee to continue the survey. It is known that the President took a definite interest in the work of the five-member advisory body as evidenced by several meetings of the group with him in which there was a discussion of the broad situation as to the spectrum. It was anticipated that the President is going to incorporate the major findings by the special advisory committee in one of his messages to Congress.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF CIVIL AND DEFENSE MOBILIZATION
WASHINGTON 25, D. C.

OFFICE OF THE DIRECTOR

FEB 5 1959

Honorable Maurice H. Stans
Director, Bureau of the Budget
Washington 25, D. C.

Dear Mr. Stans:

I have carefully reviewed the report of the Special Advisory Committee on Telecommunications. Set forth below are my plans to augment the capability of my Telecommunications staff in line with the conclusion of this Committee that immediate steps can and should be taken to strengthen the Executive Branch side of telecommunications management.

As an immediate measure, it is essential that ten additional personnel be assigned to Telecommunications in 1959, and an additional eleven personnel in 1960. This action should materially enhance the ability of the Telecommunications staff to assist me in meeting the responsibilities listed under Executive Orders 10460 and 10703.

It is estimated that the cost increase resulting from the above actions will approximate \$50,000 in 1959 and \$250,000 in 1960. It is my intention that these increases be financed from funds currently apportioned for 1959 and from the total of \$26,500,000 included in the 1960 President's budget for the salaries and expenses account. Therefore, I am not requesting additional apportionments or appropriations. However, the personnel ceilings that have been established for 1959 and 1960 are too restrictive to permit the absorption of any expansion in the Telecommunications Area. In addition, the administrative limitation of \$185,000 established in the 1960 budget for the operation of the Interdepartment Radio Advisory Committee must be increased to \$210,000 as the IRAC portion of the planned expansion.

In summary, the following changes are necessary to carry out the expansion I am proposing at this time:

	<u>From</u>	<u>To</u>
1959 Personnel Ceiling Authorizations	1630	1640
1960 Personnel Ceiling Authorizations	1730	1771
1960 Administrative Limitation for Operation of the TRAC	\$185,000	\$210,000

If you concur in the above changes, I will request the Appropriation Committee of the Congress to amend the present administrative limitation reflected in the 1960 appropriation language. I do not feel that a formal change to our 1960 budget justification is necessary at this time to incorporate the personnel increase required for 1960. This increase can be handled as a separate item after appropriations are passed.

It is my view that this matter should be carefully reviewed after a year from two points of view: Firstly, to take stock of whether the augmentation has been sufficient to keep pace with the rapidity of technological development in today's world; and secondly, to review the situation in the light of any report that a Congressional Commission may have made concerning the administrative arrangements for telecommunications.

Your early advice on my present proposal will be appreciated, since the hearings before the House Committee are expected at an early date.

Sincerely,

SIGNED

Lee A. Hoegh

ADM-BP-ESJohnson-all-X236-2/2/59

cc: Central Files

Director 1-2

Ex.Ass't.Dir. 1-2

Administration 9-8

WRWilson 8-14

Budget Division 8-11

MEO 9-14

Telecommunications - Room 408 Winder ✓

Blue ink revisions made by
me to Johnson by phone

(Letter)

Red pencil revisions
DRAFT
made in Battle Creek, or
elsewhere

MEMORANDUM FOR HONORABLE MAURICE H. STANS

SUBJECT: ~~OCDM Telecommunication Budget~~

I have carefully reviewed the report of the Special Advisory Committee
on Telecommunications, ~~and am transmitting herewith~~ ^{Set forth below are} my plans to augment
the capability of my Telecommunications staff in line with the ~~recommendations~~ ^{conclusions}
~~these~~ of this Committee that immediate steps can and should be taken to
strengthen the Executive Branch of telecommunications management. ^{side}

^{Start} ~~The revised organizational structure amends the organizational chart~~
~~contained in the 1960 budget estimate by establishing a Directorate of~~
~~Telecommunications on the staff line reporting directly to me.~~ This action
should materially enhance the ability of the Telecommunications staff to
assist me in meeting the responsibilities listed under Executive Orders
10460 and 10705. ^{an immediate} As ~~a further~~ ^{Telecommunications} measure, it is essential that ten additional
personnel be assigned to ~~this Directorate~~ in 1959, and an additional eleven
personnel in 1960, ~~in order to carry out the functions of this Directorate.~~

It is estimated that the cost increase resulting from the above actions will
approximate \$50,000 in 1959 and \$250,000 in 1960. It is my intention that
these increases be financed from funds currently apportioned for 1959
and from the total of \$28,800,000 included in the 1960 President's budget
for the salaries and expenses account. Therefore, I am not requesting
additional apportionments or appropriations. However, the personnel

ceilings that have been established for 1959 and 1960 are too restrictive to permit the absorption of any expansion in the Telecommunications Area. In addition, the administrative limitation of \$185,000 established in the 1960 budget for the operation of the Interdepartment Radio Advisory Committee must be increased to \$210,000 as the IRAC portion of the planned expansion.

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It is my view that this matter should be carefully reviewed after a year from two points of view. Firstly, to take stock of whether the augmentation has been sufficient to keep pace with the rapidity of technological development in today's world; and secondly, to review the situation in the light of any report that a Congressional Commission may have made concerning the administrative arrangements for telecommunications.

Your early advice on my present proposal will be appreciated, since the hearings before the House Committee are expected at an early date.

Leo A. Hoegh

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF DEFENSE MOBILIZATION

SUMMARY SHEET

(Director's Outgoing Correspondence)

copy
To: The Director Via Mr. Hefflefinger

The following is a brief summary of the background and the substance of the attached communication prepared for your signature:

Pursuant to your instructions there ^{are} ~~is~~ attached a table of organization and a budget presentation covering the increase in funds and personnel contemplated in the Telecommunications Area. There is also a memo to Mr. Stans requesting authorization of additional personnel and funding as you indicated. The final figure runs somewhat less than \$300,000 increase I previously indicated.

The following officials have concurred in this communication:

FROM F. C. Alexander

DATE 1/28/59

OFFICE Telecommunications

TELEPHONE 3271

RECOMMENDATION OF THE EXECUTIVE SECRETARY:

MEMORANDUM FOR HONORABLE MAURICE H. STANS
Director, Bureau of the Budget

**SUBJECT: Increased Staffing and Funding for Telecommunications
Area OGDm**

Pursuant to the recommendations of the Special Advisory Committee on Telecommunications which recently submitted its report and to the discussions we have had on the subject, I am attaching a budget estimate to take care of an increase in staffing and funding for my Telecommunications Area.

The estimate, which covers the entire activity including that of the ISAC Secretariat, is based upon a full year of augmented effort. As indicated, the augmentation is an approximate increase of twenty-one (21) people and \$248,000 above that indicated in the FY 1960 budget estimate.

It is my view that the foregoing augmentation, which is based upon changing the Telecommunications Area to a Directorate of Telecommunications which reports directly to me, is about all that can be accomplished in one year of operation because of the difficulty in finding suitably qualified individuals for this work.

I also feel that this matter should be carefully reviewed after a year of augmented operation from two points of view. Firstly, to take stock of whether the augmentation has been sufficient to keep pace with the rapidity of technological developments in today's world; and secondly, to review the situation in the light of any report that a Congressional Commission may have made concerning the administrative arrangements for telecommunications.

Not Used
See Memo of
2/5/59

Hand delivered
to Mr. Pfefferinger
1/28/59.

Honorable Maurice H. Stans

Accordingly, it will be appreciated if you will have your staff review the attached material and if you are in agreement, provide increases as follows in positions and funding:

<u>Fiscal Year 1959</u>		<u>Funding Increase</u>
<u>Personnel Ceiling</u> <u>Present</u>	<u>Increased to</u>	
1630	1640	Not to exceed \$100,000

<u>Fiscal Year 1960</u>		<u>Funding Increase</u>
<u>Personnel Ceiling</u> <u>Present</u>	<u>Increased to</u>	
1750	1771	\$268,100

It is my view that the requested increases are necessary in order to meet the responsibilities of this office as listed under Executive Order 10460.

Please contact Mr. Alexander of my Telecommunications Staff for any details or questions regarding the attached estimates.

Leo A. Hoegh

Attachments

FCAlexander/U/Ext. 3271/1-28-59
cc: Telecom Records - Room 408 Winder
Records - 3
Mr. Price
Mr. Wm. Wilson

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF CIVIL AND DEFENSE MOBILIZATION
Washington 25, D. C.

FOR IMMEDIATE RELEASE
WEDNESDAY, FEBRUARY 4, 1959

NO. 662

Leo A. Hoegh, Director of the Office of Civil and Defense Mobilization, announced today the recommendations and conclusions reached by the Special Advisory Committee on Telecommunications which he established on November 18, 1958, on behalf of the President, to review the role of the Federal Government in the management of U. S. Telecommunications, including the allocation of the radio spectrum. (OCDM Press Release No. 655)

The Committee, under the Chairmanship of Victor E. Cooley, former Chairman of the Board of Southwestern Bell Telephone Company and Deputy Director of the Office of Defense Mobilization from 1953 to 1958 said:

"Since the initial meeting of the Committee which you convened on November 18, we have reviewed the administrative organization and procedures currently in force dealing with day-to-day matters relating to telecommunications management within the Executive Branch and the growing demands for frequency assignments by both government and non-government applicants. We have also considered the broad over-all methods of allocation of the radio spectrum and the assignment of radio frequencies as well as the availability of desired frequencies."

The report, submitted to Mr. Hoegh on December 29, 1958, stated that there is immediate need for strengthening of the telecommunications organization.

It further stated that the Government's entire administrative organization for managing telecommunications be studied in order to ascertain whether

(more)

improvements can be effected. It advocated that the national table of radio frequency allocations be reviewed in order to determine whether the current division of radio frequency space as between government and non-government users properly serves the national interest.

The Committee recommended the establishment of a three-man board, which would report to the President, as the means for effecting these improvements and for performing the suggested studies.

After studying the Committee's report, Mr. Hoegh said that he has taken action for the immediate strengthening of the telecommunications office of OCDM.

Instead of the three-man board as suggested, Mr. Hoegh said he is recommending that the Congress be asked to establish a commission of five members charged with the responsibility for conducting studies proposed in the Committee report regarding management procedures and allocations of radio frequencies -- the members to be appointed by the President.

Mr. Hoegh declared that the foregoing action and recommendation would permit the Executive Branch of the Government to strengthen without delay its telecommunication management capability while long-range solutions are being sought by the five-man Commission. Moreover, these approaches, he said, would provide that the entire Government control mechanism for managing telecommunications will receive careful scrutiny before a workable solution is presented to the Congress.

The OCDM Director commended the Committee for its excellent presentation and for the full recognition given to the problem areas in telecommunications.

(more)

"I am impressed," he said, "by the fact that this is the second time since 1951 that a group of knowledgeable individuals has pointed to the need for reappraising the organization to deal on a continuing basis with telecommunications policies, management and problems within the Executive Branch."

In addition to Mr. Cooley, members of the Special Advisory Committee on Telecommunications were: Irvin Stewart, past President of West Virginia University and Chairman of the President's Communications Policy Board in 1951; Frank Gregg Kear, a consulting radio engineer with the firm of Kear and Kennedy; William Glasgow Thompson, retired Assistant Vice President of the American Telephone and Telegraph Company; and W. Preston Corderman, Major General, U.S.A. (Ret.), Vice President of Litton Industries, Inc.

#

Return to Room 408

Mr. Alexander

JAN

CAC

Rg

JAN 30 1959

The President
The White House
Washington, D. C.

Dear Mr. President:

You will find attached the report of the Special Advisory Committee on Telecommunications. You will recall that I convened the Committee in your behalf on November 18, 1958.

The report states that there is an immediate need for strengthening the telecommunication organization. It suggests that the Government's entire administrative organization for managing telecommunications be studied in order to ascertain whether or not improvement can be effected. It advocates that the national table of radio frequency allocations be reviewed in order to determine whether the current division of radio frequency space as between government and non-government users properly serves the national interest. The Committee recommends the establishment of a three-man Board which would report to you as the means for effecting these improvements for performing the suggested studies.

I consider the report of the Special Advisory Committee on Telecommunications to be an excellent presentation in which full recognition is given to the problem areas in telecommunications. I am impressed by the fact that this is the second time since 1951 that a group of knowledgeable individuals has pointed to the need for reappraising the organization to deal on a continuing basis with telecommunications policies, management and problems within the Executive Branch. The Committee report has been reviewed by Messrs. Jack Anderson, John C. Doerfer, Gordon Gray, James R. Killian, Robert Merriam, C. P. Milne and Maurice Stans, a group that has been working with me on this matter. They unanimously concur in the following recommendations:

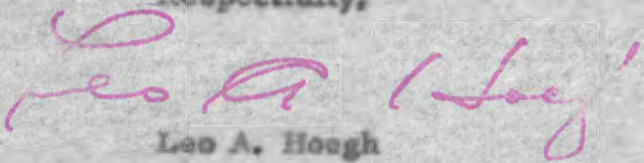
1. That immediate interim action be taken by the Office of Civil and Defense Mobilization to strengthen the telecommunications office;

2. That the specific form of organization recommended by the Committee is peculiarly inappropriate to the Executive Office of the President, and therefore it is rejected; and,

3. That the Congress be asked to establish a commission of five members charged with the responsibility for conducting studies recommended in the Committee report regarding management procedures and allocations of radio frequencies -- the members to be appointed by you. I am enclosing draft letters to the President of the Senate and the Speaker of the House recommending this procedure.

These recommendations permit the Executive Branch of the Government to strengthen without delay its telecommunication management capability while long-range solutions are being sought. Also we are convinced that the entire Government control mechanism for managing telecommunications must receive careful scrutiny before we can place a workable solution before Congress. In addition, Congressional approval should be obtained in order to prosecute a study of the entire telecommunications structure, both government and non-government.

Respectfully,



Leo A. Hoegh

Enclosures

LAHoegh/vhl 1/26/59

cc: Central Files

Director

Mr. Alexander ✓

Mr. Patterson

Mr. Price

The White House

Attachment
DRAFT

Honorable Richard M. Nixon
President of the Senate
Washington, D. C.

Dear Mr. President:

The telecommunication systems of the United States are essential to the national security, to the safety of life and property, to international relations, to a better-informed public, and to the business, social, educational, religious and political life of the country. They are one of the Nation's most valuable assets in peace and provide vital support in the prosecution of a war.

Changing technology along with changing needs in Government and non-government areas present problems in the telecommunication field which require searching examination. The situation is becoming no less complicated by prospective developments in satellites and space vehicles, as well as defense weapons systems.

The concern felt by the 85th Congress was indicated by its consideration of Senate Joint Resolution 106 to establish a Commission to investigate the allocation and use of radio frequencies. The Resolution, as amended by the House Committee on Interstate and Foreign Commerce to incorporate

Honorable Richard M. Nixon

broader terms of reference recommended by the Executive Office, did not come to a vote in the House.

The Director of the Office of Civil and Defense Mobilization, on my behalf, convened the Special Advisory Committee on Telecommunication November 18, 1958, to review the role of the Federal Government in the management of telecommunications. The report of that Committee is now under study within the Executive Office.

The Director of the Office of Civil and Defense Mobilization also arrived at the conclusion that telecommunications activities within his office should be strengthened, and he has advised me that he has taken steps to accomplish this objective.

It was not possible for the Special Advisory Committee during its brief existence to undertake a thorough and comprehensive study of the role of the Federal Government in the management of telecommunications or to make detailed studies of such problems as radio frequency usage.

It is recommended that the Congress establish a Commission on Telecommunications, which would be composed of five members to look into these matters.

Honorable Richard M. Nixon

I have asked the Director of the Office of Civil and Defense Mobilization to convey to you the details involved in the suggested studies, as recommended in the report of the Special Advisory Committee.

I am addressing a similar letter on this subject to the Speaker of the House of Representatives.

Sincerely,

Dwight D. Eisenhower

The White House

Attachment
DRAFT

Honorable Sam Rayburn
Speaker of the House
Washington, D. C.

Dear Mr. Speaker:

You will recall that I expressed to you, in my letter of July 28, 1958, my concern about problems in the telecommunication field, my view that a fresh examination of the role of the Federal Government in this field would be desirable, and that a commission such as that proposed by Senate Joint Resolution 106 could make a more vital contribution if its terms of reference were somewhat broader than those cited in the Resolution. Certain amendments for achieving the desired broadening were transmitted to you in a letter of July 29, 1958 from the Director of the Office of Civil and Defense Mobilization. The Resolution, as amended by the House Committee on Interstate and Foreign Commerce, did not come to a vote in the House.

The Director of the Office of Civil and Defense Mobilization, on my behalf, convened the Special Advisory Committee on Telecommunication, November 18, 1958 to review the role of the Federal Government in the management of telecommunications. The report of the Committee is now under study within the Executive Office.

Honorable Sam Rayburn

The Director of the Office of Civil and Defense Mobilization also arrived at the conclusion that telecommunications activities within his office should be strengthened, and he has advised me that he has taken steps to accomplish this objective.

It was not possible for the Special Advisory Committee during its brief existence to undertake a thorough and comprehensive study of the role of the Federal Government in the management of telecommunications or to make detailed studies of such problems as radio frequency usage.

It is recommended that the Congress establish a Commission on Telecommunication, which would be composed of five members to look into these matters.

I have asked the Director of the Office of Civil and Defense Mobilization to convey to you the details involved in the suggested studies, as recommended in the report of the Special Advisory Committee.

Honorable Sam Rayburn

I am addressing a similar letter on this subject to the President
of the Senate.

Sincerely,

Dwight D. Eisenhower

1/29/59

Briefing paper for Cabinet presentation
on Friday, 1/30/59, handed to the
Director this date by Mr. Alexander.

Copy also sent to Mr. Reutzel.

Copy to Mr. Patterson
Copy to Mr. Price

HRT

**SUMMARY OF THE REPORT MADE BY THE
SPECIAL COMMITTEE ON TELECOMMUNICATIONS
AND THE
DIRECTOR'S RECOMMENDATION TO THE PRESIDENT**

At the request, and on behalf of the President, I established on November 18, 1958 the Special Advisory Committee on Telecommunications. The purpose of the Committee was to review the role of the Federal government in the management of U.S. telecommunications, including the allocation of the radio spectrum.

The Committee submitted its report to me on December 29, 1958.

In emphasizing the need for immediate steps to strengthen the Executive Branch side of telecommunications management, it recommended that a three-man Board be established in the Executive Office of the President, reporting directly to the President. This Board would provide the President with the means of discharging his responsibilities in connection with national telecommunication resources, including the government's use of the radio frequency spectrum. Generally, these responsibilities embrace such functions as management of the Federal government's use of the radio frequency spectrum, and the formulation and coordination of telecommunication policies, plans, programs and standards.

In addition the Committee recommended that the Board assume two special duties both to be completed not later than two years hence. First, to review the National Table of Radio Frequency Allocations being employed

by the Federal government and non-Federal government users. The second, to study the role of the Federal government in the management of U. S. telecommunications and to study the administrative organizations for discharging the government's responsibilities. Particular reference was made to the division of responsibility under the Communications Act of 1934, as amended.

I have reviewed the Committee's report in consultation with Messrs. Gordon Gray, James R. Killian, Robert Merriam, Jack Anderson, Maurice Stans, Cecil Milne, and John C. Doerfler. As a result of this consultation, I have prepared a letter of transmittal to the President in which the report is forwarded together with the following recommendation:

That the Congress be asked to establish a Commission of five members charged with the responsibility for conducting studies recommended in the Committee report regarding management procedures and allocations of radio frequencies -- the members to be appointed by the President.

The letter to the President will have as attachments draft letters to the President of the Senate and the Speaker of the House recommending the procedure described therein and furnishing a draft Joint Resolution "To establish a Commission to investigate the allocation, management, control, and utilization of the radio frequency spectrum resource with respect to both government and non-government entities."

As an immediate interim measure, I am taking steps to strengthen my Telecommunications organisation. I plan to do this by creating, within the Office of Civil and Defense Mobilization, a Directorate of Telecommunications to report directly to me. I also plan to employ as a consultant, an expert with a nationally recognized reputation in this field, to further assist me as necessary.

These steps will involve about twenty additional employees and an expenditure of about \$250,000 a year.

1/29/59

Proposed press release handed to the
Director this date by Mr. Alexander.
Copy also sent to Mr. Reutzel.

Copy to Mr. Patterson
Copy to Mr. Price

HRT

EXECUTIVE OFFICE OF THE PRESIDENT
Office of Civil and Defense Mobilization
Washington 25, D. C.

FOR IMMEDIATE RELEASE
_____, JANUARY _____, 1959

No. _____

Leo A. Hoegh, Director of the Office of Civil and Defense Mobilization, announced today the recommendations reached by the Special Advisory Committee on Telecommunications which he had established on November 18, 1958, on behalf of the President, to review the role of the Federal Government in the management of U. S. Telecommunications, including the allocation of the radio spectrum. (OCDM Press Release No. 655).

The Committee functioned under the Chairmanship of Victor E. Cooley, former Deputy Director of the Office of Defense Mobilization. Members participating in the Committee's report were: Irvin Stewart, past President of West Virginia University and Chairman of the President's Communication Policy Board in 1951; Frank Gregg Kear, a consulting radio engineer with the firm of Kear and Kennedy; William Glasgow Thompson, retired Assistant Vice President of the American Telephone and Telegraph Company; and W. Preston Corderman, Major General, U. S. A. (Ret.), Vice President of Litton Industries, Inc.

In submitting its report to the Director on December 29, 1958, the Committee said:

"Since the initial meeting of the Committee which you convened on November 18, we have reviewed the administrative organization and procedures currently in force dealing with day-to-day matters relating to telecommunications management within the Executive Branch and the growing demands for frequency assignments by both government and non-government applicants. We have also considered the broad over-all methods of allocation of the radio spectrum and the assignment of radio frequencies as well as the availability of desired frequencies."

The Committee recommended that a three-man Board be established in the Executive Office of the President reporting directly to the President to provide the President with the means of discharging his responsibilities in connection with national telecommunication resources, including the Government's use of the radio frequency spectrum. These responsibilities generally embrace such functions as management of the Federal Government's use of the radio frequency spectrum, and the formulation of telecommunication policies, plans, programs and standards.

In stating that an immediate need exists to strengthen the telecommunication organization, the Committee recommended that the Government's entire administrative organization for managing telecommunications be studied in order to ascertain whether or not improvement can be effected, and that the national table of radio frequency allocations be reviewed in order to determine whether the current division of radio frequency space as between government and non-government users serves the national interest.

Governor Hoegh, in transmitting the Report to the President, stated: "I consider the report of the Special Advisory Committee on Telecommunications to be an excellent presentation in which full recognition is given to the problem areas in telecommunications."

Following consultation with Administration members concerning the methods for effecting the suggested measures, Governor Hoegh has indicated that immediate interim action is being taken by the Office of Civil and Defense Mobilization to strengthen its telecommunications office and has recommended to the President that the Congress be asked to establish a commission of five members. The commission would be charged with the responsibility for conducting studies recommended in the Committee report regarding management procedures and allocations of radio frequencies-- the members to be appointed by the President.

These recommendations, Governor Hoegh said, will permit the Executive Branch of the Government to strengthen without delay its telecommunication management capability while long-range solutions are being sought.

ROUTING SLIP

TO	ROOM	INITIALS	DATE
1. Mr Alexander			
2.			
3.			
4.			
5.			

<input type="checkbox"/>	FOR CONCURRENCE OR COMMENT
<input type="checkbox"/>	FOR INFORMATION
<input type="checkbox"/>	FOR APPROPRIATE ACTION
<input type="checkbox"/>	NOTE AND RETURN
<input type="checkbox"/>	NOTE AND FORWARD
<input type="checkbox"/>	PLEASE SEE ME IN REGARD TO THIS
<input type="checkbox"/>	PREPARE REPLY FOR DIRECTOR'S SIGNATURE
<input type="checkbox"/>	PREPARE REPLY FOR MY SIGNATURE
<input type="checkbox"/>	FOR YOUR SIGNATURE
<input type="checkbox"/>	FOR FILING

REMARKS:

Attached draft contains comments of Messrs Plummer and Obermiller.

Have given copies of it to Ed Knope. Understand from him that Mr. Johnson has been instructed by Battle Creek to finalize same before he leaves tonight.

OK
J

The language is rough in spots but content is OK

FROM	DATE
CHCulpepper	Jan 30, 1959 <i>H</i>
LOCATION	TELEPHONE

DRAFT

MEMORANDUM FOR HONORABLE MAURICE H. STANS

SUBJECT: OCDM Telecommunication Budget

I have carefully reviewed the report of the Special Advisory Committee on Telecommunications and am transmitting herewith my plans to augment the capability of my Telecommunications staff in line with the recommendations of this Committee that immediate steps can and should be taken to strengthen the Executive Branch of telecommunications management.

The revised organizational structure amends the organizational chart contained in the 1960 budget estimate by establishing a Directorate of Telecommunications on the staff line reporting directly to me. This action should materially enhance the ability of the Telecommunications staff to assist me in meeting the responsibilities listed under Executive Orders 10460 and 10705. As a further measure, it is essential that ten additional personnel be assigned to this Directorate in 1959, and an additional eleven personnel in 1960 in order to carry out the functions of this Directorate.

It is estimated that the cost increase resulting from the above actions will approximate \$50,000 in 1959 and \$250,000 in 1960. It is my intention that these increases be financed from funds currently apportioned for 1959 and from the total of \$28,800,000 included in the 1960 President's budget for the salaries and expenses account. Therefore, I am not requesting additional apportionments or appropriations. However, the personnel

ceilings that have been established for 1959 and 1960 are too restrictive to permit the absorption of any expansion in the Telecommunications Area. In addition, the administrative limitation of \$185,000 established in the 1960 budget for the operation of the Interdepartment Radio Advisory Committee must be increased to \$210,000 as the IRAC portion of the planned expansion.

In summary, the following changes are necessary to carry out the expansion I am proposing at this time:

	<u>From</u>	<u>To</u>
1959 Personnel Ceiling Authorizations	1630	1640
1960 Personnel Ceiling Authorizations	1750	1771
1960 Administrative Limitation for Operation of the IRAC	\$185,000	\$210,000

If you concur in the above changes, I will request the Appropriation Committees of the Congress to amend the present administrative limitation reflected in the 1960 appropriation language. I do not feel that a formal change to our 1960 budget justification is necessary at this time to incorporate the personnel increase required for 1960. This increase can be handled as a separate item after appropriations are passed.

I believe
It is my view that this matter should be carefully reviewed after a
for two purposes
year from two points of view. Firstly, to take stock of whether the
augmentation has been sufficient to keep pace with the rapidity of
technological development in today's world; and secondly, to review the
situation in the light of any report that a Congressional Commission may
have made concerning the administrative arrangements for telecommunications.

Your early advice on my present proposal will be appreciated, since
the hearings before the House Committee are expected at an early date.

Leo A. Hoegh

EXECUTIVE OFFICE OF THE PRESIDENT
BUREAU OF THE BUDGET
WASHINGTON 25, D. C.

JAN 23 1959

My dear Mr. Hoegh:

I regret that the Bureau of the Budget will not be able to attend your meeting scheduled for January 23 concerning follow-up actions relating to the Report of the Special Advisory Committee on Telecommunications. We have reviewed the draft documents which you referred to the Bureau on January 19, 1959. Our review leads us to urge that the documents be revised to accommodate to the following points:

1. Proposed draft letter to the President from the Director of the Office of Civil and Defense Mobilization

a. The letter should reflect the Bureau of the Budget's strong objection (plus those of any others at the meeting who agree) to the proposal for a three-man board in the Executive Office to carry out Presidential functions. The reasons for our position were set forth in our letter to you of January 9, 1959. Therefore, it is suggested that at least the following sentence be added to the second paragraph:

that
~~"The Bureau of the Budget (and others if they so indicate) oppose the specific form of organization recommended by the Committee, believing that it is peculiarly inappropriate to the Executive Office of the President, and therefore it is rejected."~~

Insert A.

b. The Bureau of the Budget would not endorse the suggestion (page 2, item 2) that the telecommunications function in the Office of Civil and Defense Mobilization be headed by a Special Assistant appointed by the President for this purpose. This arrangement certainly will lead to confusion as to what official, short of the President, is responsible for carrying out these functions. For this reason we would recommend deletion of item 2 on page 2.

See Budget

c. The recommendation that the President make appointments to a congressionally approved Commission is concurred in (page 2, item 3). The limitation on the President's appointing authority, i.e. the requirement that these appointments be made after consultation with the President of the Senate, the Speaker of the House, and the Chairman of the Federal Communications Commission, is highly undesirable. This limitation should therefore be deleted.

White House

- 4
2. Draft letters from the President to the Speaker of the House and the President of the Senate.

It would seem that the next to the last paragraph on page 2 of these letters -- relating to interim measures to strengthen the telecommunications function within the Office of Civil and Defense Mobilization -- is not of sufficient magnitude to warrant mention in a letter to be signed by the President. Also, Presidential endorsement of details of the Office of Civil and Defense Mobilization structure and staffing would tend to reduce the Director's flexibility in dealing with his own organization without unnecessarily burdening the President when a change is desired.

If there are compelling reasons for retaining such a paragraph in these letters, the executive branch would be in a better posture if it could be announced as an accomplishment by the Director of the Office of Civil and Defense Mobilization. Substitute language for the paragraph which we would prefer to see deleted might be as follows:

Point 5

"The Director of the Office of Civil and Defense Mobilization also arrived at the conclusion that telecommunications activities within his office should be strengthened, and he has advised me that he has taken steps to accomplish this objective."

3. Proposed draft joint resolution (attachment C)

6

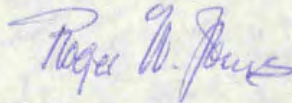
- a. For reasons enumerated earlier, item 1(b)(1) should be modified by deleting all after "President of the United States". This would eliminate the undesirable restriction on the President's appointing authority.

7

- b. Item 1(c) should be modified by deletion of the clause requiring that the President be limited in appointing members of the Commission to individuals who "... (2) by reason of training or experience, or both, are experts in the field of telecommunications." The purpose of the Commission involves highly complex questions of the organization of the executive branch. For this reason, covered in our letters to you dated September 11, 1958, September 16, 1958, September 24, 1958, and October 10, 1958, we feel that in addition to telecommunications experts, experts in the management of the executive branch and possibly others might also be included on the Commission.

While it is understandable that we should adhere as closely as practicable to the language of S. J. Res. 106, we believe that these modifications, along with others already proposed by your Office in the draft submitted to us, are highly desirable.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Roger W. Jones".

Acting Director

Honorable Leo A. Hoegh
Director, Office of Civil
and Defense Mobilization
Washington 25, D. C.

Index
file

EXECUTIVE OFFICE OF THE PRESIDENT
BUREAU OF THE BUDGET
WASHINGTON 25, D. C.

JAN 23 1959

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1. Proposed draft letter to the President from the Director of the Office of Civil and Defense Mobilization

- a. The letter should reflect the Bureau of the Budget's strong objection (plus those of any others at the meeting who agree) to the proposal for a three-man board in the Executive Office to carry out Presidential functions. The reasons for our position were set forth in our letter to you of January 9, 1959. Therefore, it is suggested that at least the following sentence be added to the second paragraph:

"The Bureau of the Budget (and others if they so indicate) opposes the specific form of organization recommended by the Committee, believing that it is peculiarly inappropriate to the Executive Office of the President."

- b. The Bureau of the Budget would not endorse the suggestion (page 2, item 2) that the telecommunications function in the Office of Civil and Defense Mobilization be headed by a Special Assistant appointed by the President for this purpose. This arrangement certainly will lead to confusion as to what official, short of the President, is responsible for carrying out these functions. For this reason we would recommend deletion of item 2 on page 2.

- c. The recommendation that the President make appointments to a congressionally approved Commission is concurred in (page 2, item 3). The limitation on the President's appointing authority, i.e. the requirement that these appointments be made after consultation with the President of the Senate, the Speaker of the House, and the Chairman of the Federal Communications Commission, is highly undesirable. This limitation should therefore be deleted.

2. Draft letters from the President to the Speaker of the House and the President of the Senate.

It would seem that the next to the last paragraph on page 2 of these letters -- relating to interim measures to strengthen the telecommunications function within the Office of Civil and Defense Mobilization -- is not of sufficient magnitude to warrant mention in a letter to be signed by the President. Also, Presidential endorsement of details of the Office of Civil and Defense Mobilization structure and staffing would tend to reduce the Director's flexibility in dealing with his own organization without unnecessarily burdening the President when a change is desired.

If there are compelling reasons for retaining such a paragraph in these letters, the executive branch would be in a better posture if it could be announced as an accomplishment by the Director of the Office of Civil and Defense Mobilization. Substitute language for the paragraph which we would prefer to see deleted might be as follows:

"The Director of the Office of Civil and Defense Mobilization also arrived at the conclusion that telecommunications activities within his office should be strengthened, and he has advised me that he has taken steps to accomplish this objective."

3. Proposed draft joint resolution (attachment C)

- a. For reasons enumerated earlier, item 1(b)(1) should be modified by deleting all after "President of the United States". This would eliminate the undesirable restriction on the President's appointing authority.

- b. Item 1(c) should be modified by deletion of the clause requiring that the President be limited in appointing members of the Commission to individuals who "... (2) by reason of training or experience, or both, are experts in the field of telecommunications." The purpose of the Commission involves highly complex questions of the organization of the executive branch. For this reason, covered in our letters to you dated September 11, 1958, September 16, 1958, September 24, 1958, and October 10, 1958, we feel that in addition to telecommunications experts, experts in the management of the executive branch and possibly others might also be included on the Commission.

While it is understandable that we should adhere as closely as practicable to the language of S. J. Res. 106, we believe that these modifications, along with others already proposed by your Office in the draft submitted to us, are highly desirable.

Sincerely yours,

(Signed) ROGER W. JONES

Acting Director

Honorable Leo A. Hoegh
Director, Office of Civil
and Defense Mobilization
Washington 25, D. C.

January 22, 1959

MEMORANDUM FOR HONORABLE JOHN C. DOERFER
Chairman
Federal Communications Commission

SUBJECT: Report of the Special Advisory Committee
on Telecommunication

Attached are draft letters as follows:

Letter from OCDM to the President transmitting the report of the Special Advisory Committee on Telecommunication and recommending certain actions. (Marked Attachment A)

Draft letters from the President to the President of the Senate and the Speaker of the House suggesting the creation of a Presidential Committee to study and make recommendations on the following: (Marked Attachment B)

1. The current method of dividing the radio spectrum between government and non-government users;
2. The current division of the radio spectrum between government and non-government users;
3. The current administrative arrangement within the Government for controlling telecommunications, including a review of the pertinent laws.

Draft letters to the President of the Senate and the Speaker of the House from the Director of the Office of Civil and Defense Mobilization, outlining the details, including a draft bill for the accomplishment of the President's suggestion. (Marked Attachment C)

I realize that your interest will be primarily in the suggested formation of a Congressional study commission as the other recommendations

-2-

Memorandum for Honorable John C. Doerfer

relate to the internal operation of this office. However, I feel that the benefit of your views will be helpful when the group meets with me to consider the matter.

The contemplated approach to Congress as suggested in Attachments B and C differs from S. J. Res. 106 as follows:

1. The wording "radio and television frequencies" used in the Resolution has not been used and the duties suggested in the report of the Special Committee have been substituted therefor in Attachment C, thereby broadening the study to review public as well as Government allocations.
2. Attachments B and C suggest a five-man commission to report to the President. The President is to appoint the members and the chairman after conferring with the President of the Senate, the Speaker of the House, and the Chairman of the Federal Communications Commission. S. J. Res. 106 had a more ponderous approach under which committee members were to be independently appointed by the four individuals concerned.
3. Attachments B and C propose a year-long study whereas S. J. Res. 106 proposed a six months' study.

I will appreciate it if you can review these drafts and meet in my office at 3:00 P. M. on Friday, January 23, 1959, to arrange for final disposition of the drafts.



Leo A. Hoegh

Attachments

FCAlexander/hrt
cc: Records - 2
Director
Mr. Patterson
Mr. Price
Telecom. 408 Winder

NOTE: Attachments not included since they are the same as attachments to letters of January 19, 1959, to Gordon Gray, James R. Killian, Jr., Maurice H. Stans, Robert E. Merriam, Perkins McGuire, and Jack Z. Anderson.

JAN 19 1959

MEMORANDUM FOR HONORABLE GORDON GRAY
Special Assistant to the President

SUBJECT: Report of the Special Advisory Committee
on Telecommunication

Attached are draft letters as follows:

Letter from OCDM to the President transmitting the report of the Special Advisory Committee on Telecommunication and recommending those actions agreed upon in our meeting of January 12, 1959. (Marked Attachment A)

Draft letters from the President to the President of the Senate and the Speaker of the House suggesting the creation of a Presidential Committee to study and make recommendations on the following: (Marked Attachment B)

1. The current method of dividing the radio spectrum between government and non-government users;
2. The current division of the radio spectrum between government and non-government users;
3. The current administrative arrangement within the Government for controlling telecommunications, including a review of the pertinent laws.

Draft letters to the President of the Senate and the Speaker of the House from the Director of the Office of Civil and Defense Mobilization, outlining the details, including a draft bill for the accomplishment of the President's suggestion. (Marked Attachment C)

-2-

Memorandum for Honorable Gordon Gray

The contemplated approach to Congress as suggested in Attachments B and C differs from S. J. Res. 106 as follows:

1. The wording "radio and television frequencies" used in the Resolution has not been used and the duties suggested in the report of the Special Committee have been substituted therefor in Attachment C, thereby broadening the study to review public as well as Government allocations.
2. Attachments B and C suggest a five-man commission to report to the President. The President is to appoint the members and the chairman after conferring with the President of the Senate, the Speaker of the House, and the Chairman of the Federal Communications Commission. S. J. Res. 106 had a more ponderous approach under which committee members were to be independently appointed by the four individuals concerned.
3. Attachments B and C propose a year-long study whereas S. J. Res. 106 proposed a six months' study.

I will appreciate it if you can review these drafts and meet in my office at 2:00 P. M. on Friday, January 23, 1959, to arrange for final disposition of the drafts.

John D. Patterson
Deputy Director

Leo A. Hoegh

For

Attachments

FCAlexander/hrt/1/19/59

cc: Records - 2

Director

Mr. Patterson

Mr. Price

Telecom. 408 Winder

IDENTICAL LETTERS TO:

James R. Killian, Jr.

Maurice H. Stans

Robert E. Merriam

Perkins McGuire

Jack Z. Anderson

ATTACHMENT A

The President
The White House
Washington 25, D. C.

Dear Mr. President:

You will find attached the report of the Special Advisory Committee on Telecommunication. You will recall that I convened the Committee in your behalf on November 18, 1958.

The report states that there is an immediate need for strengthening the telecommunication organization. It suggests that the Government's entire administrative organization for managing telecommunications be studied in order to ascertain whether or not improvement can be effected. It advocates that the national table of radio frequency allocations be reviewed in order to determine whether the current division of radio frequency space as between government and non-government users properly serves the national interest. The Committee recommends the establishment of a three-man Board which would report to you as the means for effecting these improvements for performing the suggested studies.

I consider the report of the Special Advisory Committee on Telecommunication to be an excellent presentation in which full recognition is given to the problem areas in telecommunications.

-2-

I am impressed by the fact that this is the second time since 1951 that a group of knowledgeable individuals has pointed to the need for strengthening the organization to deal on a continuing basis with telecommunications policies, management, and problems within the Executive Branch. The Committee report has been reviewed by Messrs. Gordon Gray, James R. Killian, Robert Merriam, Jack Anderson, Maurice Stans, ^{and Perkins McGuire} ^{and a group that} has been working with me on this matter. They unanimously concur in the following recommendations:

1. That immediate interim action be taken by the Office of Civil and Defense Mobilization to strengthen the telecommunications office;
2. That the prestige of the telecommunications office be enhanced by your own selection of an eminently qualified man in the telecommunications field as a Special Assistant to you to work with me in this activity;
3. That the Congress be asked to establish a commission of five members charged with the responsibility for conducting studies recommended in the Committee report regarding management

-3-

procedures and allocations of radio frequencies--the members to be appointed by you after consultation with the President of the Senate, the Speaker of the House, and the Chairman of the Federal Communications Commission. I am enclosing draft letters to the President of the Senate and the Speaker of the House recommending this procedure.

These recommendations permit the Executive Branch of the Government to strengthen without delay its telecommunication management capability while long-range solutions are being sought. Also we are convinced that the entire Government control mechanism for managing telecommunications must receive careful scrutiny before we can place a workable solution before Congress. In addition, Congressional approval should be obtained in order to prosecute a study of the entire telecommunications structure, both government and non-government.

In view of the previous publicity attending the establishment of the Special Advisory Committee on Telecommunication, I believe that it is appropriate to make the report publicly available. I will discuss this with Mr. Hagerty.

Respectfully,

Leo A. Hough

Enclosure

OFFICIAL USE ONLY

ATTACHMENT B(1)
DRAFT

THE WHITE HOUSE
Washington

Honorable Richard M. Nixon
President of the Senate
Washington 25, D. C.

Dear Mr. President:

The telecommunication systems of the United States are essential to the national security, to the safety of life and property, to international relations, and to the business, social, educational, and political life of the country. They are one of the Nation's most valuable assets in peace and provide vital support in the prosecution of a war.

Changing technology along with changing needs in Government and non-government areas present problems in the telecommunication field which require searching examination. The situation is becoming no less complicated by prospective developments in satellites and space vehicles, as well as defense weapons systems.

The concern felt by the 85th Congress was indicated by its consideration of Senate Joint Resolution 106 to establish a Commission to investigate the allocation and use of radio frequencies. The Resolution, as amended by the House Committee on Interstate and Foreign Commerce

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-2-

Honorable Richard M. Nixon

to incorporate broader terms of reference recommended by the Executive Office, did not come to a vote in the House.

The Director of the Office of Civil and Defense Mobilization, on my behalf, convened the Special Advisory Committee on Telecommunication November 13, 1958, to review the role of the Federal Government in the management of telecommunications. The report of that Committee is now under study within the Executive Office.

It has been concluded that immediate interim measures to strengthen the Telecommunications Office within the OCDM should be instituted with no delay. I have approved the immediate institution of these measures within the Executive Office.

It was not possible for the Special Advisory Committee during its brief existence to undertake a thorough and comprehensive study of the role of the Federal Government in the management of telecommunications or to make detailed studies of such problems as radio frequency usage.

-3-

It is recommended that the Congress establish a Commission on Telecommunication, which would be composed of five members to be appointed by me after consultation with the President of the Senate, the Speaker of the House of Representatives, and the Chairman of the Federal Communications Commission, to look into these matters.

I have asked the Director of the Office of Civil and Defense Mobilization to convey to you the details involved in the suggested studies, as recommended in the report of the Special Advisory Committee.

I am addressing a similar letter on this subject to the Speaker of the House of Representatives.

Sincerely,

DWIGHT D. EISENHOWER

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ATTACHMENT B(2)
DRAFT

THE WHITE HOUSE
Washington

Honorable Sam Rayburn
Speaker of the House of Representatives
Washington 25, D. C.

Dear Mr. Speaker:

You will recall that I expressed to you, in my letter of July 28, 1958, my concern about problems in the telecommunication field, my view that a fresh examination of the role of the Federal Government in this field would be desirable, and that a commission such as that proposed by Senate Joint Resolution 106 could make a more vital contribution if its terms of reference were somewhat broader than those cited in the Resolution. Certain amendments for achieving the desired broadening were transmitted to you in a letter of July 29, 1958 from the Director of the Office of Civil and Defense Mobilization. The Resolution, as amended by the House Committee on Interstate and Foreign Commerce, did not come to a vote in the House.

The Director of the Office of Civil and Defense Mobilization, on my behalf, convened the Special Advisory Committee on Telecommunication, November 13, 1958 to review the role of the Federal Government in the management of telecommunications. The report of that Committee is now under study within the Executive Office.

OFFICIAL USE ONLY

-2-

Honorable Sam Rayburn

It has been concluded that immediate interim measures to strengthen the Telecommunications Office within the OCDM should be instituted with no delay. I have approved the immediate institution of these measures within the Executive Office.

It was not possible for the Special Advisory Committee during its brief existence to undertake a thorough and comprehensive study of the role of the Federal Government in the management of telecommunications or to make detailed studies of such problems as radio frequency usage.

It is recommended that the Congress establish a Commission on Telecommunication, which would be composed of five members to be appointed by me after consultation with the President of the Senate, the Speaker of the House of Representatives, and the Chairman of the Federal Communications Commission, to look into these matters.

I have asked the Director of the Office of Civil and Defense Mobilization to convey to you the details involved in the suggested studies, as recommended in the report of the Special Advisory Committee.

-3-

I am addressing a similar letter on this subject to the President
of the Senate.

Sincerely,

DWIGHT D. EISENHOWER

ATTACHMENT C

DRAFT

The Honorable Richard M. Nixon
The President of the Senate
United States Senate
Washington 25, D. C.

The Honorable Sam Rayburn
Speaker of the House of Representatives
Washington 25, D. C.

Dear Mr. :

The President, in his letter of January , 1959, recommended that the Congress establish a five-member commission on telecommunication to conduct a thorough and comprehensive study of certain problem areas of telecommunication management and allocation of radio frequencies which could not be examined by the Special Advisory Committee in the time available.

I believe that the President's purpose could be accomplished by the establishment of the recommended commission with the duty to conduct a thorough and comprehensive study of:

1. The role of the Federal Government in the management of the U. S. telecommunication resource;
2. The administrative organization for discharging the Government's responsibilities, with particular reference to the

division of responsibility under the Communications Act of 1934, as amended, with a view to determining what changes, if any, should be made in the existing administrative organizations or statutes to improve the management of that resource;

3. The existing methods and procedures for allocating (apportioning) radio frequencies and bands of radio frequencies as between Federal Government and non-Federal Government users, with a view to determining what changes, if any, should be made to ensure, insofar as practicable, that allocated frequencies may be utilized to the maximum degree possible, and to facilitate planning to take advantage of technological change in achieving maximum return from the use of the radio spectrum;
4. The existing national table of radio frequency allocations with respect to the apportionment of the various parts of the radio frequency spectrum as between Government and non-Government users, with a view to determining whether the current division of the spectrum serves the national interest to an appropriate degree and whether any frequency space (and if so, how much of such space) may, in the public interest, be reallocated to other uses.

- 3 -

The commission should be required to submit to the President within twelve months after the appointment and qualification of its members: (a) a full and complete report of the results of the study, together with such recommendations as the commission may deem desirable and applicable; and (b) an unclassified report for transmission to the Congress.

I am addressing a similar letter to the (Speaker of the House of Representatives) (the President of the Senate).

Sincerely,

Leo A. Hoegh

DRAFT JOINT RESOLUTION

To establish a commission to investigate the allocation, management, control, and utilization of the radio frequency spectrum resource with respect to both Government and non-Government entities.

1 Resolved by the Senate and House of Representatives of the United
2 States of America in Congress assembled.

3 That (a) there is hereby established a Commission on Telecommunication
4 Management (hereinafter referred to as the "Commission").

5 (b) The Commission shall be composed of five members as follows:

6 (1) The members shall be appointed by the President of the United
7 States, after consultation with the President of the Senate, the
8 Speaker of the House of Representatives, and the Chairman of the
9 Federal Communications Commission.

10 (2) One member shall be designated by the President at the time
11 of appointment as Chairman of the Commission.

12 (c) The members of the Commission shall be citizens of the
13 United States who (1) are not officers or employees of the Federal
14 Government, and ^{also include} (2) by reason of training or experience, or both, are
15 experts in the field of telecommunication.

16 (d) The Commission shall establish rules for its procedures.

17 (e) Any vacancy in the Commission shall not affect its powers,
18 but shall be filled in the same manner in which the original appoint-
19 ment was made.

20 (f) The members of the Commission shall each receive \$75 per
21 diem when engaged in the actual performance of duties vested in the
22 Commission, plus travel and subsistence expenses while away from their
23 homes or regular places of business in accordance with the Travel

-2-

1 Expense Act of 1949, as amended, and the Standardized Government
2 Travel Regulations.

3 Sec. 2. (a) It shall be the duty of the Commission to conduct a
4 thorough and comprehensive study and investigation of (1) the role of
5 the Federal Government in the management of the U. S. telecommunication
6 resource, (2) the administrative organization for discharging the Govern-
7 ment's responsibilities, with particular reference to the division of
8 responsibility under the Communications Act of 1934, as amended, with
9 a view to determining what changes, if any, should be made in the
10 existing administrative organizations or statutes to improve the
11 management of that resource, (3) the existing methods and procedures
12 for allocating radio frequencies and bands of radio frequencies as
13 between Federal Government and non-Federal Government users, with a
14 view to determining what changes, if any, should be made to ensure,
15 insofar as practicable, that allocated frequencies may be utilized
16 to the maximum degree in the national interest, and to facilitate
17 planning to take advantage of technological change in achieving
18 maximum return from the use of the radio spectrum and (4) the existing
19 table of radio frequency allocations with respect to the apportionment
20 of the various parts of the radio frequency spectrum as between Govern-
21 ment and non-Government users, with a view to determining whether the
22 current division of the spectrum serves the national interest to an
23 appropriate degree and whether any frequency space (and if so, how
24 much of such space) may, in the public interest, be reallocated to
25 other uses.

-3-

1 (b) The Commission shall submit to the President within one
2 year after the appointment and qualification of its members a full
3 and complete report of the results of the study and investigation
4 provided for in subsection (a) together with such recommendations as
5 the Commission deems desirable and applicable. The Commission shall
6 also submit, at such time, to the President for transmission to the
7 Congress an identical report except that there shall be omitted from
8 the report submitted for transmission to the Congress any information
9 which has been classified for security purposes. Upon submitting the
10 reports provided for by this subsection, the Commission shall cease
11 to exist.

12 Sec. 3. (a) The Commission shall have power to appoint and fix
13 the compensation of such personnel as it deems advisable, without regard
14 to the provisions of the civil service laws and the Classification Act
15 of 1949, as amended; Provided, however, That no employee (other than
16 technical personnel) whose position would be subject to the Classifi-
17 cation Act of 1949, as amended, if such Act were applicable to such
18 position, shall be paid a salary at a rate in excess of the rate pay-
19 able under such Act for positions of equivalent difficulty or responsi-
20 bility.

21 (b) The Commission may procure, without regard to the civil
22 service laws and the Classification Act of 1949, as amended, temporary
23 and intermittent services to the same extent as is authorized for the
24 departments by section 15 of the Act of August 2, 1946 (60 Stat. 810),
25 but at rates not to exceed \$75 per diem for individuals.

1 Sec. 4. (a) The Commission is authorized to secure from any
2 department, agency, or independent instrumentality of the Federal
3 government any information it deems necessary or desirable to
4 enable it to carry out its functions under this joint resolution; and
5 each such department, agency, and instrumentality is authorized and
6 directed to furnish such information to the Commission, upon request
7 made by the Chairman of the Commission. The Commission shall safeguard
8 classified information which comes into its possession in accordance
9 with the security standards of the Executive Office of the President.

10 (b) The Commission may authorize the Chairman to make the
11 expenditures herein authorized and such other expenditures as may be
12 necessary to carry out the duties of the Commission. When the
13 Commission ceases its activities it shall prepare a statement of its
14 financial transactions and the General Accounting Office shall, in
15 connection with the audit of the Commission's financial transactions
16 required by other law, audit said statement and report thereon to the
17 appropriate committees of the Senate and the House of Representatives.

18 Sec. 5. There are hereby authorized to be appropriated such sums
19 as may be necessary to carry out the provisions of this joint reso-
20 lution. Funds appropriated under the heading "Emergency Fund for the
21 President, National Defense" in the General Government Matters Appre-
22 priation Act, 1959 and 1960, shall be available to carry out the
23 provisions of this joint resolution.

Communications-Electronics
Directorate

DCEN 1700
9 January 1959

MEMORANDUM FOR: Director for Telecommunications Policy, OASD(S&L)

Subject: Comments on Report of the Special Advisory Committee
on Telecommunications

1. I concur in principle in the objectives, organization and proposals set forth in the report of the Special Advisory Committee on Telecommunications and comment as follows:

a. The Military Departments, through representation on the Interdepartment Radio Advisory Committee (IRAC), will participate in advising and assisting the Board in the performance of its functions.

b. A National Telecommunications Board under the aegis of the President is considered sound and provides the means of achieving close liaison with the Federal Communications Commission in the field of frequency management. This is sound since the frequency spectrum is a valuable natural asset that must be administered in such a way as to meet the needs of all users. This can be done only at the highest level of government.

c. In view of the vital interest of the Military Departments in telecommunications and frequency management, it is considered essential that extensive military telecommunications background and experience be incorporated in the membership and supporting staff of the proposed Board.

2. The comments of the Services on the subject report are attached.

FOR THE DIRECTOR, COMMUNICATIONS-ELECTRONICS:

DISTRIBUTION:
Col. Ricciardelli
Case
Day
eb

J. S. DORSEY
Rear Admiral, USN
Deputy Director, Communications-
Electronics, Joint Staff

OP-301Q/mr
Ser 22275P30
9 JAN 1959

FOR OFFICIAL USE ONLY

MEMORANDUM FOR: COMMUNICATIONS-ELECTRONICS DIRECTORATE (J-6),
JOINT STAFF

Subject: Report of Special Advisory Committee on
Telecommunications

Reference: Directorate (J-6), Joint Staff, memo of 7 Jan 59

Enclosure: Position of the Military Services on subject
report

1. The enclosure has been prepared in response to the request
contained in the reference.

2. The substance of the enclosure has been coordinated with the
offices of the Chief Signal Officer, USA; Director of Naval
Communications; and Director, Communications-Electronics, USAF.

/S/ E. J. HOLLIMAN
Lt. Colonel, USA
Army Member, J/FA

/S/ L. R. RAISH
Commander, USN
Navy Member, J/FA

/S/ J. D. FLASHMAN
Colonel, USAF
Air Force Member, J/FA

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POSITION OF THE MILITARY SERVICES ON REPORT OF
SPECIAL ADVISORY COMMITTEE ON TELECOMMUNICATIONS

1. The Military Services consider the usable radio frequency spectrum to be a most valuable national resource and are vitally concerned on matters pertaining to its use and management. The Services are increasingly dependent upon the application of electronics to maintain the state of readiness necessary to ensure that the security of the country is not placed in serious jeopardy. The degree of this dependence is evidenced by the fact that the military establishment is currently spending nearly \$4,000,000,000 per year on communications and electronics.

2. Owing to the very brief time available for study of the report, the following comments are confined to overall objectives and administrative aspects of the proposed legislation and executive order.

3. It is clear from the report that the proposed National Telecommunications Board would be authorized to make decisions and take actions which could have serious impact upon vital aspects of national defense, such as the programming of essential electronic equipment, the selection of weapon systems, and the allocation of frequencies required for the establishment and maintenance of military communications. The language of the proposed statute should, therefore, be strengthened throughout to give recognition to the importance attached to national security and defense.

4. The proposed statute makes no provision for military representation on either the Board or its staff. In light of the aforementioned responsibility of the Military Services and their extensive annual expenditures for communications and electronics, it is essential that the requirements for national defense receive adequate and sympathetic consideration by both the staff and the members of the proposed National Telecommunications Board. This should be accomplished by providing in the proposed legislation that one member of the Board be a military flag or general officer and that all major divisions of the staff contain at least one military representative to be designated by the Military Services. Precedents for such designations already exist, notably in the case of the recently established Federal Aviation Administration. In this instance Congress recognized the military interest in aviation by providing for the designation of a substantial number of military representatives in the FAA organization. The military interest in electronics and communications involving the use of radio frequency spectrum space, is at least equally as great as is its interest in air space.

5. It is also essential that a provision be incorporated in the proposed bill, providing that the Board will not make findings or take actions which may affect vital aspects of national defense until after consultation with the Secretary of Defense.

6. As presently proposed, the recommended legislation and executive order would create an area of uncertainty and vagueness so far as mobilization and demobilization planning are concerned. It is recommended that the present concepts of mobilization planning, wherein such activities are centered within a single office (Office of Civil and Defense Mobilization), be retained. The proposed legislation and executive order should be amended to be consistent with this view.

7. Legislative action on the proposed bill at this session of the Congress cannot, of course, be assured. Therefore, a desirable alternative would be the issuance of an executive order by which the President would establish the Board with a minimum of delay. This would assure that the desired studies of radio spectrum utilization and the role of the Federal Government in the management of U.S. telecommunications would be initiated at the earliest possible date.

8. The foregoing comments are in general agreement with the positions taken heretofore by the Military Services on this matter, noting that the subject of military representation has not been dealt with previously.

THE WHITE HOUSE
WASHINGTON

January 9, 1959

Dear Leo:

I have your memorandum of January 6 and expect to attend the meeting in your office on January 12 at 3:00 p.m.

Because of some physical disability this week, which has for a part of the time confined me to my home, I have given perhaps insufficient detailed study to the report. However, on the basis of the consideration I have given it, I would make these brief comments:

1. If there is to be a new entity in the Executive Office of the President I would prefer to see the President appoint one man rather than a three-man board.
2. As you know, I have previously made the point that I feel that any study should be broad enough to include any recommendations found desirable with respect not only to the administrative structure for the management of telecommunications, but also to the legislative base for such management. It seems to me that the report and proposed legislation contemplate no examination of the Federal Communications Act of 1934 (see paragraph 7, page 7 of the Report).
3. My last comment addresses itself to the fourth paragraph on page 3 of the Report. It perhaps is true that there is no established source of high-level direction from executives knowledgeable in telecommunications. If so, of course I must share historically a portion of this responsibility. However, there is no reason why under existing law knowledgeable and competent direction could not be achieved by successful recruitment.

Sincerely,

Gordon Gray

Gordon Gray
Special Assistant to the President

Honorable Leo A. Hoegh
Director
Office of Civil and Defense Mobilization

(Dictated but not read)

Right
EWK

Gov Hoegh

EXECUTIVE OFFICE OF THE PRESIDENT
BUREAU OF THE BUDGET
WASHINGTON 25, D. C.

JAN 8 1959

My dear Mr. Hoegh:

We appreciate the opportunity of reviewing the report of the Special Advisory Committee on Telecommunication. While the Bureau concurs with many of their observations that the Executive Branch needs to pay careful attention to impending telecommunications problems, we do not agree with their organizational recommendations.

Before enumerating some specific observations on the report, it is important to disassociate the idea of a frequency study, covering both Government and non-Government users, from the organizational proposals that are advanced in the report. In view of the known congressional attitudes, and the historical division of responsibility between the President and the Federal Communications Commission, it would seem wise to secure congressional approval of such a broad scale frequency study. Any studies of frequency allocations or usage should, at the present time, be limited to Government users.

On the organizational proposals we have the following specific comments:

1. One of the principal reasons advanced by the report for proposing new organizational arrangements to carry out Presidential telecommunication functions is the fact that this activity has been downgraded (presumably by the transfer of the functions of the Telecommunications Adviser to the President to the Office of Defense Mobilization in 1953, and the further layering resulting from the consolidation of the Office of Defense Mobilization and the Federal Civil Defense Administration by Reorganization Plan No. 1 of 1958). It is difficult to understand just exactly what is meant by "downgrading" because at no time has the President delegated his power to control Government use of the spectrum; he has merely made changes in the arrangements for staff assistance in the exercise of that power. If it can be fairly said that "downgrading" - presumably meaning the giving of inadequate attention and emphasis - has occurred, it would seem to be the result of the approach taken by those charged with assisting the President. While we are not prepared to admit that "downgrading" has occurred up to this time, we would contend that the Committee's recommendation that a unit be created below the President and the Presidential powers be assigned

JB

to that unit by statute is a proposal for a statutory downgrading of this function. While the report frequently refers to the need for providing staff assistance to the President to carry out his responsibilities, the proposed statute appended to the report provides that the Board would have these Presidential powers with full authority to act.

2. We concur in the report's conclusion that the telecommunications function is appropriate for the Executive Office of the President. It does not appear, however, that the report advances sufficient reasons either as to why the functions are inappropriate for the Office of Civil and Defense Mobilization or why there should be a new unit established to assist the President in this area. You realize that the creation of additional units in the Executive Office creates additional complexities for the President. While this is not a bar to establishing new units, compelling reasons should be advanced before such a step is advocated.

3. The particular organizational device recommended by the report, a National Telecommunications Board of three members appointed by the President, subject to Senate confirmation, and with fixed six year overlapping terms of office is particularly inappropriate for the Executive Office. As a Presidential staff unit it should support and assist the President in carrying out his responsibilities as Chief Executive. The provision of a six year term of office would make it likely that a President would have an unresponsive Board during his first term in office. If continuity is the objective, that is best obtained through the existence of a highly qualified technical staff.

The desirability of using a board in the Executive Office has been thoroughly explored several times. The first Hoover Commission in its report on General Management of the Executive Branch (pages 16-17) summed up the arguments against this arrangement as follows:

"To put a full-time board at the head of a staff agency is to run the risk of inviting public disagreement among its members and of transplanting within the President's Office the disagreements on policy issues that grow up in the executive departments or in the Congress. It also makes cooperation with related staff agencies more difficult."

The same report (p. 16) explored the issue of Senate confirmation and came up with the following recommendation:

"The Congress, when it enacted the Budget and Accounting Act of 1921, wisely made the Director of the Bureau of the Budget a staff agent to the President, to be appointed by him without the Senate confirmation that properly goes with appointment of heads of the operating agencies. Similarly, it recently authorized the President to appoint the executive secretary of the National Security Council without Senate confirmation."

In conclusion, if there is impending drastic need to strengthen the President's staff facilities in the telecommunications area, this can only be reflected by increasing the resources and attention given to this subject by responsible agency heads. It is believed that you, as Director of the Office of Civil and Defense Mobilization, are in the best position to assess this situation. Should you, after the accumulation of greater experience with this subject area, conclude that the application of additional resources within the Office of Civil and Defense Mobilization will afford no adequate solution to the problem, and that the function should be carried out through other arrangements, I am sure that you will then be able to advance compelling reasons for such a change.

Sincerely yours,

Maurice H. Stans

Director

Honorable Leo A. Hoegh
Director, Office of Civil
and Defense Mobilization
Washington 25, D. C.

January 6, 1959

MEMORANDUM FOR DR. JAMES R. KILLIAN, JR.

SUBJECT: Report of the Special Advisory Committee on
Telecommunication

You will find enclosed the Report of the Special Advisory
Committee on Telecommunication.

I would like to have you come to a meeting in my office
on January 12, at 3:00 p.m. At that time, I trust you will
be prepared to express your views on the report.

Leo A. Hoegh

Enclosure

Same memorandum sent to:

Mr. Merriam - White House
Mr. Jack Anderson - White House
Mr. Gordon Gray - White House
Mr. Stans - Budget
Mr. Perkins McGuire - Defense

L/AH/mlz

cc: Director

Files

Mr. ~~Anderson~~ Patterson

Mr. Price

Mr. Alexander ✓

REPORT
OF
SPECIAL ADVISORY COMMITTEE ON TELECOMMUNICATION

December 29, 1958

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LETTER OF TRANSMITTAL

December 29, 1958

Honorable Leo A. Hoegh
Director
Office of Civil and Defense Mobilization
Washington 25, D. C.

Dear Mr. Hoegh:

We have the honor of sending to you for transmittal to the President the report and recommendations of the Special Advisory Committee on Telecommunication as called for by your letter of November 4, 1958, creating the Committee and setting forth its mission.

Since the initial meeting of the Committee which you convened on November 18, we have reviewed the administrative organization and procedures currently in force dealing with day-to-day matters relating to telecommunications management within the Executive Branch and the growing demands for frequency assignments by both government and non-government applicants. We have also considered the broad over-all methods of allocation of the radio spectrum and the assignment of radio frequencies as well as the availability of desired frequencies. The results of our considerations are embodied in our report which you requested be completed and in your hands prior to January 1, 1959.

The Committee is unanimous in recommending to you the conclusions reached in its report.

Respectfully submitted,

W. Preston Corderman, Maj. Gen., USA (Ret.)

Frank G. Kear

Irvin Stewart

William G. Thompson

Victor E. Cooley, Chairman

INTRODUCTION

The telecommunication systems of the United States are essential to the national security, to the safety of life and property, to international relations, and to the business, social, educational, and political life of the country. As such they are one of the nation's most valuable assets in peace and provide vital and essential support in the prosecution of war.

The President in recognizing the importance of telecommunications declared in his letter to Speaker Rayburn dated July 28, 1958, that "changing technology along with changing needs in government and non-government areas present problems in the telecommunication field which require searching examination. The situation is becoming no less complicated by prospective developments in satellites and space vehicles as well as defense weapons systems. Thus it has seemed to me that a fresh examination of the role of the Federal Government in this field would be desirable."

The concern felt by the 85th Congress was indicated by the Senate's adoption of S.J. Res. 106 establishing a Commission to investigate the utilization of the radio and television frequencies. This resolution was approved with amendments by the House Committee on Interstate and Foreign Commerce but did not come to a vote in the House.

Industry's concern was evidenced more than a year ago and reaffirmed this year through the adoption of a resolution by the Electronic Industries Association calling for a study of the spectrum. Non-government users of the spectrum, for example the broadcasters, have indicated a need for additional channels in certain frequency ranges not now available.

While landline and submarine cable facilities are capable of expansion almost without limit, such is not the case with the radio spectrum. There is only one such spectrum, the usable band of which extends in the present state of the art to about 30,000 megacycles -- a frequency of about 30 billion cycles per second. This figure may give the impression of an inexhaustible supply, but unfortunately all parts of the spectrum are not equally usable. Different parts have different characteristics, many being very useful while others have little or no current application. In consequence, requests for frequencies having the most favorable characteristics are of sufficient volume often to cause an excess of demand over supply.

The importance of efficient use of the spectrum is emphasized from a national security standpoint by the expanding need of radio channels in the Department of Defense. Not only have all branches of the military become increasingly dependent upon spectrum use for communications, but the engineering design of space vehicles and many of our most modern weapons makes the use of radio channels essential to their operation and direction. Also urgent is the increased need of frequencies for modern airplane operation and other important services are equally demanding.

The demand for radio frequencies has been growing steadily since the early 1900's. At the time of the Berlin Radio Conference in 1906 the usable radio spectrum comprised about 500 kilocycles of space. Currently nearly 40 million kilocycles of space, or about 80 thousand times as much, is allocated in the United States, of which about 15 million kilocycles is used so intensively that it has become difficult to satisfy new requirements. The increase since the beginning of World War II is about 200 fold and since the Korean action began is about 4 fold. Thus it is vital to the welfare and security of the country that the radio spectrum be efficiently and effectively used.

With the foregoing in mind, and being aware of his responsibilities in this field, the Director of the Office of Civil and Defense Mobilization, on behalf of the President, created the Special Advisory Committee on Telecommunication to review the role of the Federal Government in the management of telecommunications. The text of the Director's letter is attached as Appendix A.

In view of the study given the subject in recent years, the results of which are available, the Committee felt it was not necessary to hold hearings to determine the existence, nature, and scope of the problem assigned to it. A review of past studies in light of the current situation was undertaken. The discussion and recommendations which follow are based on this review.

OUR CURRENT MECHANISM

The Government of the United States has from time to time established agencies to deal on a continuing basis with various aspects of telecommunication management which includes radio, landline, and submarine cables. As the use of telecommunications has grown, with the Government itself a major user, existing Government mechanisms have required and will continue to require adjustment and strengthening.

The Communications Act of 1934, as amended, gives to the President the responsibility for assigning radio frequencies to the Federal Government agencies, and to the Federal Communications Commission the responsibility for assigning frequencies to commercial and private users, including state and local governments. Thus the law establishes a dual control over a single national resource. Additionally, the Act vests in the President wartime authority over all telecommunications.

The necessity for a mechanism to supervise and administer the Government's needs and uses of telecommunications was stressed by the report of the President's Communications Policy Board in 1951.*

The mechanism which was subsequently established on a minimal basis consisted of a Telecommunications Advisor to the President and a small professional staff. Later reorganization resulted in a downgrading of the office. This important work is now assigned to a numerically inadequate staff -- about 12 people -- under the direction of the Deputy Assistant Director for Telecommunications who reports to the Director of the Office of Civil and Defense Mobilization through the Assistant Director for Resources and Production. Thus it has no established source of high-level direction from executives knowledgeable in telecommunications.

Assisting the Deputy Assistant Director for Telecommunications is the Interdepartment Radio Advisory Committee (IRAC), a committee of Federal agency experts which affords technical guidance in the assignment of radio frequencies to Government agencies. This committee reports to the Director of OCDM through the Deputy Assistant Director for Telecommunications. The IRAC is primarily a group of coequal users and as such is not an appropriate group to act, nor does it act, as a policy making or authoritative body.

*Telecommunications - A Program for Progress

The Federal Communications Commission which succeeded the Federal Radio Commission in 1934 regulates non-government telecommunications, including the assignment of radio frequencies, with a staff of about 1000 people. Administering the work of the Commission are seven Commissioners which give it a continuing source of high-level direction.

These various segments form our national regulatory and control mechanism of telecommunications.

CONSIDERATIONS LEADING TO A CONCLUSION

As inferred in the introductory paragraph of this report, the basic problem giving rise to the appointment of this Committee is the fact that in certain parts of the radio spectrum the demand for frequencies has become greater than the supply, and the further fact that the trend in volume of applications, both government and non-government, for frequencies in specific bands indicates that the situation will grow progressively worse.

Although it has been possible to date through piecemeal compromise on the allocations and assignments of radio frequencies to satisfy most requests in a workable manner, it is plainly of great importance to our national security and welfare that the mechanism of allotting and assigning frequencies, particularly in the government field, be reviewed and strengthened to the end of assuring the most effective use of a scarce but essential national resource.

A consideration disquieting to many is the fact, as mentioned earlier, that the law establishes a dual control over the radio frequency spectrum, the President having responsibility for government use and the Federal Communications Commission for non-government use. Thus there is no individual, agency, or board invested with the responsibility for the effective use of the radio spectrum as a whole.

In reviewing the structure as it has evolved the Committee was continuously struck by the absence of adequate provision for high-level consideration on the Government side of a variety of matters of vital national importance in the area of telecommunications. The Federal Communications Commission provides a vehicle for adequate consideration in the non-government area. In sharp contrast, as indicated earlier, decisions in the area of government use or of conflict between government and non-government use, are often made by compromises at the operational level by staff members, who though competent in their fields, do not necessarily have the total picture of national interest. There is also an unfortunate absence at present of anyone in the Executive Branch with adequate knowledge, experience, and stature to act for the President in these matters and there is not available therein an organization adequate to accumulate the information and experience upon which to base sound action.

CONCLUSION

In the opinion of the Committee any sweeping change in the regulation and control of telecommunications by the Government, and in the legislation therefor, should be considered only after extensive study and the development of a well-thought-out course of action. The Committee does feel, however, that in advance of such a study, certain immediate steps can and should be taken to strengthen the Executive Branch side of telecommunications management.

It has been suggested that additional powers in this area might be given to the Federal Communications Commission. To give such powers to the FCC would present a number of difficulties. That body is fully occupied with its regulatory and assignment functions in the non-government field. The duties needing attention, including the allocation of frequencies to Government agencies, call for a different type of operation than is required in an agency concerned with the regulatory problems of non-governmental users. It would also seem inappropriate to give the FCC the power to act in matters affecting the executive agencies or responsibilities relating closely to national defense or foreign affairs. These are areas of decision which belong to the President and should be his prerogative to delegate. Because of these considerations the Committee believes that these broad discretionary functions can best be discharged and the strengthening best be accomplished through creation of a board within the Executive Office of the President to act for and be answerable to the President in the carrying out of his responsibilities under the Communications Act.

The type of responsibility which is contemplated should, we feel, be vested in a board of three rather than in a single individual. A wisely constituted board can bring a variety of experience and points of view to the problems with which the United States is confronted in the area of telecommunications, and we believe that the desirable diversity of viewpoints can be achieved with three properly selected individuals.

The new Board would necessarily be privy to the plans of all agencies it serves, for both present and future use, under an assurance of complete security for all information which it receives. Its decisions would have a bearing upon war plans and upon the production of vast quantities of civilian and military equipment. It would introduce

a positive planning factor into decisions which are now being made on the basis of insufficient information as to present plans and probable future developments, scientific and otherwise.

The Board should undertake studies of the kind and intensity of use of currently assigned frequencies; acquaint itself with the present state of both military and civilian operations and research which may have a bearing upon the future demand for frequencies; prepare itself to suggest areas in which additional research might be undertaken in the light of probable future requirements, both civilian and military; review the international telecommunications situation with a view to strengthening our international posture; and keep continually under examination the entire field of telecommunications in order to advise the President of any actions which it thinks he should take to advance the public interest.

The type of organization we have in mind would have the following characteristics:

1. It would be established by Congress at the request of the President.
2. It would be established in the Executive Office of the President at a level to give it direct access to the President and to the heads of Government agencies using telecommunications.
3. It would have its own staff to the extent necessary to assure both the objectivity of the information upon which it acts and the unbiased character of recommendations based upon that information.
4. It would have the authority to require any Government agency to produce any information within its field of interest and to provide any assistance which it believes necessary to a proper decision.
5. It would have continuity to facilitate the development of long-range policies.
6. It would be an agency with no responsibility for the operation of any telecommunications.
7. It would not disturb the present functions of the Federal Communications Commission, including that of determining which applicants shall receive assignments within bands set aside for non-governmental use.

MEASURES RECOMMENDED

RECOMMENDATION IN SUMMARY

IT IS RECOMMENDED THAT a Board be established through legislation requested by the President in order to provide the President with the means of discharging his responsibilities in connection with national telecommunication resources, including the Government's use of the radio frequency spectrum.

A draft Bill designed to accomplish the foregoing recommendation by establishing a National Telecommunications Board is attached as Appendix B.

A draft Executive Order designed to establish mobilization planning responsibilities for the Board is also attached as Appendix C.

ESTABLISHMENT OF A NATIONAL TELECOMMUNICATIONS BOARD

There should be established in the Executive Office of the President a National Telecommunications Board which reports directly to the President. The Board should consist of three members to be appointed by the President, by and with the advice and consent of the Senate. The Chairman should be designated by the President. Board members should receive compensation in accordance with prevailing scales in comparable Government bodies. The Interdepartment Radio Advisory Committee (IRAC) should report to and assist the Board in the performance of the Board's functions as the Board may direct.

FUNCTIONS OF THE BOARD

The Board should assist and advise the President in the discharge of his responsibilities as President of the United States in connection with U. S. telecommunication resources to meet the changing demands of national security and welfare, and should act for him in the discharge of his responsibilities arising from the Communications Act of 1934, as amended, for management of the Federal Government's use of the radio frequency spectrum in such a way as to provide the optimum accommodation of present and foreseen future needs of national security, safety of life and property, international relations, and the economic, social, educational, and political life of the nation and the general welfare of its people.

The Board should formulate telecommunication policies, plans, programs, and standards designed to assure efficient telecommunication management within the Executive Branch of the Government with due regard for the maintenance of sound and healthy commercial telecommunication services both domestic and overseas. The Board should coordinate the formulation of U. S. policies and positions within the Executive Branch of the Government for international negotiation and should assist and advise the Secretary of State in the projection internationally of U. S. telecommunication policies and positions. The Board should provide policy guidance for and direct the implementation of U. S. international telecommunication treaty obligations by the several agencies in the Executive Branch of the Government.

The Board should carry out such policy making, planning, and executive functions as are required for the discharge of the President's responsibilities arising from Section 305 of the Communications Act of 1934, as amended, for the assignment of radio frequencies to Government stations or classes of stations. The Board should formulate policies, criteria, engineering standards, and procedures for the allocation and assignment of radio frequencies to the several agencies of the Executive Branch of the Government and for the use thereof. The Board should maintain or cause to be maintained suitable records of assignment of frequencies to Government users and the publication of lists of Government frequency assignments as appropriate.

The Board should, as a special duty, review the national table of radio frequency allocations being employed by federal government and non-federal government users. This review should be undertaken in consultation with the Federal Communications Commission to the end that a determination be made as to whether the current division of radio spectrum serves the national interest to an appropriate degree. The Board should make a report of findings to the President for transmission to Congress. The report should contain, in addition to the findings resulting from the review and the comments of the FCC thereon, such recommendations as may be considered desirable and applicable. The report should be made at the earliest date consistent with the task to be performed but no later than two years from the appointment and qualification of the Board members.

The Board should maintain continuing review of the national table of radio frequency allocations, coordinating with the Federal Communications Commission, for the purpose of ensuring an appropriate division of spectrum space between the federal government and non-federal government users. The Board should formulate, and coordinate with the FCC, the development of long-range plans for future use of the radio spectrum resource. The Board should encourage the operational application of new techniques, improved equipment and methods to promote a more effective use of the radio spectrum and to conserve radio frequencies.

The Board should, as a further special duty, (1) study the role of the Federal Government in the management of U. S. telecommunications; (2) study the administrative organizations for discharging the Government's responsibilities with particular reference to the division of responsibility under the Communications Act of 1934, as amended, and the terms of the proposed Bill; and (3) not later than two years of the appointment and qualification of the Board members, report to the President for transmission to the Congress the Board's recommendations on what changes, if any, should be made in the existing administrative organization.

The Board should carry out such other duties and responsibilities as may be directed by the President from time to time.

The Board should establish and maintain liaison as required with departments and agencies of the Federal Government and the telecommunication industry, including but not limited to the broadcasting, electronic, and communication services, with

particular reference to research and development and new manufacturing techniques and capabilities, for the purpose of improving telecommunication services, the conservation of the spectrum, and for increasing productivity of the total resource, The Board should encourage research and studies in those areas where the need exists.

The Board should, in the formulation and promulgation of policies, plans, programs, criteria, standards, and procedures of national import, consult as appropriate with the Federal Government agencies.

MOBILIZATION PLANNING RESPONSIBILITY

The Board should also:

1. Formulate national telecommunication policies, plans, and programs designed to assure maximum security to the United States in time of national emergency with a minimum interference to continuing non-governmental requirements;
2. Formulate plans for the adaption of non-defense telecommunication services and facilities to the requirements of defense in a national emergency or war;
3. Direct and coordinate the development by the several agencies of the Executive Branch of agency plans, programs, and actions designed to carry out approved national plans, programs, and actions in an emergency;
4. Formulate plans and directives to provide for the control of telecommunications in a national emergency;
5. Formulate plans for the conversion of defense telecommunication services and facilities no longer required for defense purposes after an emergency to the purposes of reconstruction, rehabilitation and peace.

In order to avoid duplication within legislation concerning the mobilization planning function which is already a legislated responsibility of the Office of Civil and Defense Mobilization, it appears preferable to exclude this function from the draft Bill and provide, in the form of an Executive Order, for Presidential delegation of this planning responsibility.

APPENDICES

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF CIVIL AND DEFENSE MOBILIZATION
Washington, D. C.

Office of the Director

November 4, 1958

Mr. Victor E. Cooley
Maj. Gen. W. Preston Corderman, USA (Ret.)
Dr. Frank G. Kear
Dr. Irvin Stewart
Mr. William G. Thompson

On behalf of President Eisenhower, I write to invite you to serve as member of a temporary Special Advisory Committee on Telecommunication to the President and me. This committee is created to review the role of the Federal Government in the management of telecommunication and, based on such review, to make recommendations to me which I may submit to the President, on actions essential to improve the allocation, management, and control of radio and television frequencies for government and non-government use. It is thought the Administration should be in a position to recommend to the Congress that a Commission be appointed to advance specific recommendations in this vital field. Other persons invited today to be members of the committee are as listed on the attachment to this letter.

Our economy and national defense today are highly dependent upon the smooth functioning of our national telecommunication services. The rapidly changing technology and changing needs in government and non-government areas are presenting increasingly difficult problems in telecommunication management. The situation is becoming no less complicated by developments in satellites and space vehicles as well as defense weapons systems.

It would be genuinely appreciated if you will accept this invitation and attend the initial meeting of the committee on November 18 and 19, 1958, at 10:00 A.M. on November 18, in my office, Room 100, Executive Office Building, 17th and Pennsylvania Avenue, N. W., Washington, D. C. It is my opinion this assignment will not be too arduous or require you to be away from your normal responsibilities an undue amount of time.

Because early action in the field is needed, it is my hope the committee will be able to complete its assignment and have its recommendations in my hands prior to January 1, 1959.

In the execution of your mission, you will receive the full cooperation and assistance of the Office of Civil and Defense Mobilization and other agencies of the Federal Government concerned.

You will be compensated for services rendered as a member of this committee as indicated on the attached transmittal sheet.

Your willingness to give us the benefit of your knowledge and experience by accepting this important assignment will be of great assistance in our effort to solve the many important problems in our communication service which is so vital to our Nation.

Sincerely yours,

(Signed)

Leo A. Hoegh

Attachments
(Not included)

DRAFT BILL

To provide the President with the means to discharge satisfactorily his responsibilities in connection with national telecommunication resources including the Government's use of the radio frequency spectrum.

1 Be it enacted by the Senate and House of Representatives of
2 the United States of America in Congress assembled.

3 NATIONAL TELECOMMUNICATIONS BOARD

4 Sec. 1. There is hereby established in the Executive Office
5 of the President the National Telecommunications Board, hereinafter
6 referred to as the "Board", which shall report directly to the
7 President. The Board shall consist of three members to be
8 appointed by the President, by and with the advice and consent of
9 the Senate. The Chairman shall be designated by the President and
10 shall receive compensation at the rate of \$20,500 per annum. The
11 other two Board members shall receive compensation at the rate of
12 \$20,000 per annum. All actions of the Board except those relating
13 to internal administrative matters shall be by affirmative vote of a
14 majority of its members. The Chairman shall be responsible for
15 the internal administrative direction of the Board and its staff.

16 FUNCTIONS OF THE BOARD

17 Sec. 2. (a) The Board shall assist and advise the President
18 in the discharge of his responsibilities as President of the United
19 States in connection with U. S. telecommunication resources to

1 meet the changing demands of national security and welfare and
2 shall act for him in the discharge of his responsibilities arising
3 from the Communications Act of 1934, as amended, for management
4 of the Federal Government's use of the radio frequency spectrum
5 in such a way as to provide the optimum accommodation of present
6 and foreseen future needs of national security, safety of life and
7 property, international relations, and the economic, social,
8 educational, and political life of the Nation and the general welfare
9 of its people.

10 (b) The Board shall formulate telecommunication policies,
11 plans, programs, and standards designed to assure efficient
12 telecommunication management within the Executive Branch of the
13 Government with due regard for the maintenance of sound and healthy
14 commercial telecommunication services both domestic and foreign.
15 The Board shall coordinate the formulation of U. S. policies and
16 positions within the Executive Branch of the Government for
17 international negotiation and shall assist and advise the Secretary
18 of State in the projection internationally of U. S. telecommunication
19 policies and positions. The Board shall provide policy guidance
20 for and direct the implementation of U. S. international tele-
21 communication treaty obligations by the several agencies in the
22 Executive Branch of the Government.

1 (c) The Board shall carry out such policy making, planning
2 and executive functions as are required for the discharge of the
3 President's responsibilities arising from Section 305 of the
4 Communications Act of 1934, as amended, for the assignment of
5 radio frequencies to Government stations or classes of stations.
6 The Board shall formulate policies, criteria, engineering standards,
7 and procedures for the allocation and assignment of radio frequencies
8 to the several agencies of the Executive Branch of the Government
9 and for the use thereof. The Board shall maintain or cause to be
10 maintained suitable records of assignment of frequencies to
11 Government users and the publication of lists of Government
12 frequency assignments as appropriate.

13 (d) The Board shall, as a special duty, review the national table
14 of radio frequency allocations being employed by Federal Government
15 and non-Federal Government users. This review shall be done in
16 consultation with the Federal Communications Commission to the
17 end that a determination be made as to whether the current division
18 of radio spectrum serves the National interest to an appropriate
19 degree. The Board shall make a report of findings to the President
20 for transmission to Congress. The report shall contain, in addition
21 to the findings resulting from the review and the comments of the
22 Federal Communications Commission thereon, such recommendations

1 as may be considered desirable and applicable. The report is to
2 be made at the earliest date consistent with the task to be performed
3 but no later than two years from the appointment and qualification
4 of the Board members.

5 (e) The Board shall maintain continuing review of the national
6 table of radio frequency allocations, coordinating with the Federal
7 Communications Commission, for the purpose of ensuring an
8 appropriate division of spectrum space between the Federal
9 Government and non-Federal Government users. The Board shall
10 formulate, and coordinate with the Federal Communications Commission,
11 the development of long-range plans for future use of the radio spectrum
12 resource. The Board shall encourage the operational application of
13 new techniques, improved equipment and methods to promote a more
14 effective use of the radio spectrum and to conserve radio frequencies.

15 (f) The Board shall, as a further special duty, (1) study the role
16 of the Federal Government in the management of U. S. telecommuni-
17 cations; (2) study the administrative organizations for discharging
18 the Government's responsibilities with particular reference to the
19 division of responsibility under the Communications Act of 1934,
20 as amended, and the terms of this Act; and (3) not later than two
21 years of the appointment and qualification of the Board members,
22 report to the President for transmission to the Congress the Board's

1 recommendations on what changes, if any, should be made in the
2 existing administrative organization.

3 (g) The Board shall carry out such other duties and responsibilities
4 as may be directed by the President from time to time.

5 (h) The Board shall establish and maintain liaison as required
6 with departments and agencies of the Federal Government and the
7 telecommunications industry, including but not limited to the
8 broadcasting, electronic, and communication services, with
9 particular reference to research and development and new manu-
10 facturing techniques and capabilities, for the purpose of improving
11 telecommunication services, the conservation of the spectrum, and
12 for increasing productivity of the total resource. The Board shall
13 encourage research and studies in those areas where the need exists.

14 (i) The Board shall, in the formulation and promulgation of
15 policies, plans, programs, criteria, standards, and procedures
16 of national import, consult as appropriate with the Federal
17 Government agencies.

18 (j) The Board is also authorized: (1) subject to the Civil Service
19 and classification laws, to select, employ, appoint, and fix the
20 compensation of such officers, employees, attorneys, and agents
21 as shall be necessary to carry out the provisions of this Act, and
22 to define their authority and duties; (2) to appoint such advisory

1 committees as shall be appropriate for the purpose of consultation
2 and advice to the Board in performance of its functions hereunder
3 and to obtain services as authorized by Section 15 of the Act of
4 August 2, 1946 (5 U.S.C. 55 (a), at rates not to exceed \$100 per diem
5 for individuals; and (3) to place in grades 16, 17, and 18 of the General
6 Schedule established by the Classification Act of 1949, as amended,
7 not to exceed ten positions which shall be additional to the number
8 authorized by Section 505 of that Act.

9 ORGANIZATION OF NATIONAL TELECOMMUNICATIONS BOARD

10 Sec. 3. The term of office of each member of the Board shall
11 be six years, except that (1) any member appointed to fill a vacancy
12 occurring prior to the expiration of the term for which his predecessor
13 was appointed shall be appointed for the remainder of such term;
14 and (2) the terms of office of the members first taking office after
15 the date of enactment of this Act shall expire, as designated by the
16 President at the time of appointment, one at the end of two years,
17 one at the end of four years, and one at the end of six years.

18 Two members shall constitute a quorum of the Board. Each member
19 of the Board shall be a citizen of the United States.

20 ANNUAL REPORT

21 Sec. 4. The Board shall make an annual report to the President
22 for transmission on or before the 15th of March of each year to the

1 Congress, summarizing the activities of the Board for the previous
2 calendar year and making such recommendations as it may deem
3 appropriate.

4 TRANSFER OF RECORDS, PROPERTY, PERSONNEL, AND FUNDS

5 Sec. 5. The records, property, personnel and funds used, held,
6 employed, available, or to be made available, in connection with
7 the functions vested in the Director of the Office of Civil and Defense
8 Mobilization by Executive Order 10460 of June 16, 1953, and
9 Executive Order 10705 of April 17, 1957, shall be transferred,
10 consonant with law to the Board.

11 APPROPRIATIONS

12 Sec. 6. There are hereby authorized to be appropriated such
13 sums as may be necessary and appropriate for the carrying out
14 of the provisions and purposes of this Act.

15 Sec. 7. This Act may be cited as the National Telecommunications
16 Act of 1959.

DRAFT

EXECUTIVE ORDER

CONFERRING UPON THE NATIONAL TELECOMMUNICATIONS BOARD
THE RESPONSIBILITY FOR MOBILIZATION PLANNING TO CONTROL
AND REGULATE NATIONAL TELECOMMUNICATIONS IN AN EMERGENCY

By virtue of the authority vested in me by the Constitution and laws of the United States, including the Defense Production Act of 1950, as amended, (50 U.S.C. App. 2061, et. seq.), and as President of the United States and Commander-in-Chief of the Armed Forces of the United States, it is hereby ordered as follows:

Section 1. The National Telecommunications Board which is responsible for assisting and advising me pursuant to my responsibilities for the management of U. S. telecommunications, shall assume the additional responsibilities for mobilization planning to control and regulate national telecommunications in an emergency. These responsibilities shall include but not necessarily be limited to the following tasks:

(a) The Board shall formulate national telecommunication policies, plans, and programs designed to assure maximum security to the United States in time of national emergency with a minimum of interference to continuing non-governmental requirements.

(b) The Board shall formulate plans for the adaption of non-defense telecommunication services and facilities to the requirements of defense in a national emergency or war.

(c) The Board shall direct and coordinate the development by the several agencies of the Executive Branch of agency plans, programs, and actions designed to carry out approved national plans, programs, and actions in an emergency.

(d) The Board shall formulate plans and directives for an emergency telecommunications agency to direct the control and priority of use of U. S. telecommunications in a national emergency.

(e) The Board shall formulate plans for the conversion of defense telecommunication services and facilities no longer required for defense purposes to the purposes of reconstruction, rehabilitation, and peace.

Section 2. The Board, in the process of carrying out the foregoing responsibilities, will consult with the various Government agencies and commercial enterprises as necessary to produce effective planning at the national level in order that individual agency plans may become integral parts of the whole. It will form such committees and boards as are necessary to assist and advise it in discharging these additional responsibilities.

Section 3. The mobilization plans developed by the Board shall be consistent with the policy direction and program guidance established by the Director of the Office of Civil and Defense Mobilization.

DWIGHT D. EISENHOWER

THE WHITE HOUSE

Date

STATE OF THE UNION MESSAGE

Changing technology, along with changing needs in government and non-government areas, presents serious problems that require searching examination in the field of telecommunications, particularly as respects administration and use of the radio spectrum. These problems affect both the national security and the industrial and social welfare of the country. The present government mechanism is not adequate to meet these problems. To correct this situation I will send to the Congress a Bill requesting that a National Telecommunications Board consisting of three members be established in the Executive Office of the President whose primary mission will be to carry out the responsibilities imposed on the President by the Communications Act of 1934 in connection with national telecommunications resources, including management of the Government's use of the radio frequency spectrum, and of all telecommunications in time of emergency.