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FOREIGN RADIO STATIONS

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HEARING BEFORE THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH CONGRESS

SECOND SESSION

ON

H.R. 11732

A BILL TO AMEND SECTION 305 OF THE COMMUNICATIONS
ACT OF 1934, AS AMENDED

AUGUST 2, 1962

Printed for the use of the
Committee on Interstate and Foreign Commerce



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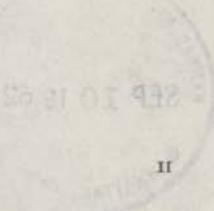
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CONTENTS

	Page
Text of H. R. 11732.....	1
Report of—	
Budget Bureau.....	2
Defense Department.....	2
Federal Communications Commission.....	2
Comments.....	2
Justice Department:	
Dated June 14, 1962.....	4
Dated August 14, 1962.....	4
State Department.....	5
Statement of—	
Ball, Hon. George W., Under Secretary of State.....	5
Craven, T. A. M., Commissioner, Federal Communications Commission.....	32
Curtis, Adm. M. E., U.S. Navy, retired, Director of Telecommunications Policy, Office of the Secretary of Defense.....	31
Creer, Robert G., Director, U.S. Diplomatic Communications, Department of State.....	5
Paglin, Max D., General Counsel, Federal Communications Commission.....	32
Trone, W. O., Deputy Director, Office of Operations, Department of State.....	5

APPENDIX

Craven, Commissioner T. A. M.:	
Statement on S. 1288.....	35
Comments on S. 1288 and H.R. 4743.....	35

CONTENTS

viii	List of Abbreviations
1	Introduction
2	1. The Problem
3	2. The Method
4	3. The Results
5	4. The Discussion
6	5. The Conclusions
7	6. The Acknowledgments
8	7. The References
9	8. The Appendix
10	9. The Index
11	10. The Bibliography
12	11. The Glossary
13	12. The List of Figures
14	13. The List of Tables
15	14. The List of Plates
16	15. The List of Maps
17	16. The List of Photographs
18	17. The List of Diagrams
19	18. The List of Equations
20	19. The List of Symbols
21	20. The List of Units
22	21. The List of Constants
23	22. The List of Variables
24	23. The List of Parameters
25	24. The List of Functions
26	25. The List of Operators
27	26. The List of Relations
28	27. The List of Equivalences
29	28. The List of Inequalities
30	29. The List of Identities
31	30. The List of Theorems
32	31. The List of Lemmas
33	32. The List of Propositions
34	33. The List of Corollaries
35	34. The List of Examples
36	35. The List of Exercises
37	36. The List of Problems
38	37. The List of Projects
39	38. The List of Reports
40	39. The List of Papers
41	40. The List of Books
42	41. The List of Journals
43	42. The List of Conferences
44	43. The List of Seminars
45	44. The List of Workshops
46	45. The List of Symposia
47	46. The List of Colloquia
48	47. The List of Lectures
49	48. The List of Courses
50	49. The List of Degrees
51	50. The List of Awards
52	51. The List of Honors
53	52. The List of Medals
54	53. The List of Prizes
55	54. The List of Scholarships
56	55. The List of Fellowships
57	56. The List of Grants
58	57. The List of Stipends
59	58. The List of Salaries
60	59. The List of Wages
61	60. The List of Fees
62	61. The List of Taxes
63	62. The List of Duties
64	63. The List of Responsibilities
65	64. The List of Obligations
66	65. The List of Commitments
67	66. The List of Promises
68	67. The List of Agreements
69	68. The List of Contracts
70	69. The List of Deals
71	70. The List of Transactions
72	71. The List of Exchanges
73	72. The List of Trades
74	73. The List of Bargains
75	74. The List of Negotiations
76	75. The List of Discussions
77	76. The List of Debates
78	77. The List of Arguments
79	78. The List of Opinions
80	79. The List of Views
81	80. The List of Beliefs
82	81. The List of Attitudes
83	82. The List of Moods
84	83. The List of Feelings
85	84. The List of Emotions
86	85. The List of Passions
87	86. The List of Desires
88	87. The List of Wants
89	88. The List of Needs
90	89. The List of Requirements
91	90. The List of Demands
92	91. The List of Claims
93	92. The List of Requests
94	93. The List of Appeals
95	94. The List of Pleas
96	95. The List of Entreaties
97	96. The List of Supplications
98	97. The List of Prayers
99	98. The List of Devotions
100	99. The List of Worships
101	100. The List of Services
102	101. The List of Ceremonies
103	102. The List of Rituals
104	103. The List of Customs
105	104. The List of Traditions
106	105. The List of Habits
107	106. The List of Practices
108	107. The List of Routines
109	108. The List of Regimens
110	109. The List of Disciplines
111	110. The List of Exercises
112	111. The List of Activities
113	112. The List of Occupations
114	113. The List of Professions
115	114. The List of Careers
116	115. The List of Vocations
117	116. The List of Occupations
118	117. The List of Professions
119	118. The List of Careers
120	119. The List of Vocations
121	120. The List of Occupations
122	121. The List of Professions
123	122. The List of Careers
124	123. The List of Vocations
125	124. The List of Occupations
126	125. The List of Professions
127	126. The List of Careers
128	127. The List of Vocations
129	128. The List of Occupations
130	129. The List of Professions
131	130. The List of Careers
132	131. The List of Vocations
133	132. The List of Occupations
134	133. The List of Professions
135	134. The List of Careers
136	135. The List of Vocations
137	136. The List of Occupations
138	137. The List of Professions
139	138. The List of Careers
140	139. The List of Vocations
141	140. The List of Occupations
142	141. The List of Professions
143	142. The List of Careers
144	143. The List of Vocations
145	144. The List of Occupations
146	145. The List of Professions
147	146. The List of Careers
148	147. The List of Vocations
149	148. The List of Occupations
150	149. The List of Professions
151	150. The List of Careers
152	151. The List of Vocations
153	152. The List of Occupations
154	153. The List of Professions
155	154. The List of Careers
156	155. The List of Vocations
157	156. The List of Occupations
158	157. The List of Professions
159	158. The List of Careers
160	159. The List of Vocations
161	160. The List of Occupations
162	161. The List of Professions
163	162. The List of Careers
164	163. The List of Vocations
165	164. The List of Occupations
166	165. The List of Professions
167	166. The List of Careers
168	167. The List of Vocations
169	168. The List of Occupations
170	169. The List of Professions
171	170. The List of Careers
172	171. The List of Vocations
173	172. The List of Occupations
174	173. The List of Professions
175	174. The List of Careers
176	175. The List of Vocations
177	176. The List of Occupations
178	177. The List of Professions
179	178. The List of Careers
180	179. The List of Vocations
181	180. The List of Occupations
182	181. The List of Professions
183	182. The List of Careers
184	183. The List of Vocations
185	184. The List of Occupations
186	185. The List of Professions
187	186. The List of Careers
188	187. The List of Vocations
189	188. The List of Occupations
190	189. The List of Professions
191	190. The List of Careers
192	191. The List of Vocations
193	192. The List of Occupations
194	193. The List of Professions
195	194. The List of Careers
196	195. The List of Vocations
197	196. The List of Occupations
198	197. The List of Professions
199	198. The List of Careers
200	199. The List of Vocations

FOREIGN RADIO STATIONS

THURSDAY, AUGUST 2, 1962

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D.C.

The committee met at 10:10 a.m., in room 1334, New House Office Building, Hon. Oren Harris (chairman of the committee) presiding.

The CHAIRMAN. The committee will come to order.

Today the Committee on Interstate and Foreign Commerce is holding hearings on a bill, H.R. 11732, which was introduced by me at the request of the Department of State. An identical bill, S. 3252, has been reported by the Senate Foreign Relations Committee.

The immediate purpose of the legislation is to amend the Communications Act so that foreign governments may be licensed to operate radio transmitting stations in the United States. Under the present provisions of the act only U.S. citizens may be licensed to operate radio stations.

It is my understanding that this legislation is needed in order to enable the U.S. Government to secure permission from foreign governments for the establishment of radio stations in several foreign countries. Such permission cannot be obtained from foreign governments unless the U.S. Government is in a position to offer reciprocity. Therefore, the legislation seeks to give authority to the President to grant permission to foreign governments for the establishment of radio stations in the United States.

Let a copy of H.R. 11732 along with the agency reports appear at this point in the record.

(H.R. 11732 and agency reports follow:)

[H.R. 11732, 87th Cong., 2d sess.]

A BILL To amend section 305 of the Communications Act of 1934, as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 305 of the Communications Act of 1934, as amended, is further amended by addition of a new section as follows:

"(d) The provisions of sections 301 and 303 of this Act notwithstanding, the President may authorize a foreign government, under such terms and conditions as he may prescribe, to construct and operate at the seat of government of the United States a low-power radio station in the fixed service at or near the site of the embassy or legation of such foreign government for transmission of its messages to points outside the United States, where he determines that the authorization would be consistent with the national interest of the United States and where such foreign government has provided substantial reciprocal privileges to the United States to construct and operate radio stations within territories subject to its jurisdiction. Foreign government stations authorized pursuant to the provisions of this subsection shall conform to such rules and regulations as the President may prescribe. The authorization of such stations, and the renewal, modification, suspension, revocation, or other termination of such authority shall be in accordance with such procedures as may be established by the President and shall not be subject to the other provisions of this Act or of the Administrative Procedure Act."

FOREIGN RADIO STATIONS

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D. C., May 25, 1962.

HON. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce,
House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your letter of May 16, 1962, requesting the comments of this Office with respect to H.R. 11732, a bill to amend section 305 of the Communications Act of 1934, as amended.

This bill represents the introduced version of a proposal submitted to the Congress by the Department of State. For the reasons set out in the explanatory material accompanying the proposal, the Bureau of the Budget would have no objection to the enactment of H.R. 11732.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE,
Washington, D.C., May 28, 1962.

HON. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives.

DEAR MR. CHAIRMAN: Reference is made to your request for the views of the Department of Defense with respect to H.R. 11732, 87th Congress, a bill to amend section 305 of the Communications Act of 1934, as amended.

The bill would authorize the President, when he determines it to be in the national interest, to permit foreign governments, on a reciprocal basis, to operate radio transmitters in their missions in the United States.

The Department of Defense is in accord with the purposes of the bill and recommends its approval by the committee.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee.

Sincerely,

CYRUS R. VANCE.

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., June 20, 1962.

HON. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.

DEAR CHAIRMAN HARRIS: This is in reply to your request seeking this Commission's comments on H.R. 11732, a bill to amend section 305 of the Communications Act to permit the granting of reciprocal privileges to foreign governments for operation of radio transmitters located at or near their embassies or legations in Washington, D.C.

Enclosed please find six copies of our comments on H.R. 11732 and companion bill in the Senate, S. 3252.

We are advised by the Bureau of the Budget that from the standpoint of the administration's program there is no objection to the presentation of this report to your committee.

Sincerely yours,

NEWTON N. MINOW, Chairman.

COMMENTS OF THE FEDERAL COMMUNICATIONS COMMISSION ON H.R. 11732 AND S. 3252, 87TH CONGRESS, BILLS TO AMEND SECTION 305 OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED

These proposals (which are identical) would authorize the President, under such terms and conditions as he may prescribe, to authorize a foreign government to construct and operate a low-power radio station in the fixed service at or near the site of such government's embassy or legation in Washington, D.C., for the transmission of its messages to points outside the United States. Such an authorization would be made only where the President found that it would be consistent with our national interest and only where the foreign government in

question has granted substantial reciprocal privileges to the United States to construct and operate radio stations within territories subject to its jurisdiction. Such foreign government stations would be required to conform to such rules as the President may prescribe. The procedures for granting, renewing, suspending, revoking, or otherwise terminating the authority for such stations would be established by the President and would not be subject to the other provisions of the Communications Act or of the Administrative Procedure Act.

This legislation has been proposed by the Department of State, and has been the subject of extensive coordination among interested departments and agencies of the Government. At the outset, we wish to make clear that the Commission is not in a position to evaluate the needs of the Department of State for this legislation. Nor are we in a position to assess fully the extent of the security problem which may result from the operation of foreign government stations in Washington, D.C.

Aside from the above points, the Commission has had several areas of concern with respect to this proposal.

1. There is a scarcity of frequencies in the 4 to 27.5 megacycles per second frequency range used for most long-distance communications and in which the proposed stations would be expected to operate.

2. The possible loss of revenue by U.S. communications common carriers, a result of traffic being diverted from such carriers to the stations authorized pursuant to this proposal.

3. The enforcement and surveillance problems resulting from the operation of foreign government stations in this country.

4. The interference potential from the foreign government stations to U.S. radio stations.

The Commission believes that the matters set forth above must be considered in weighing the desirability of the legislation. However, in our opinion, the seriousness of the problems which might result from this legislation has been sharply reduced because of the careful manner in which the proposal is drafted, as well as the practices and procedures which we understand will be followed in its implementation. Some of the more important of these, as we understand them, are as follows:

(a) Foreign government stations will be authorized only where the President determines that such authorization will be consistent with the national interest.

(b) No foreign government will be authorized to operate more than one station.

(c) All of the stations authorized will be in Washington, D.C., and each one will be at or near the embassy or legation of the country in question.

(d) The total number of foreign stations authorized is expected to be relatively small compared to the number of embassies and legations in Washington.

(e) It is not contemplated that stations will be authorized to those foreign governments which generate the greatest volume of communications traffic, since existing commercial facilities to and from such countries generally are adequate.

(f) The stations will be limited in power, hours of operation, and types of authorized transmission. Thus, they will not have facilities comparable to those of U.S. communications common carriers, and the danger of interference to U.S. radio stations also will be reduced.

(g) The stations will not be authorized to transmit messages to points inside the United States.

(h) There will be full coordination with all interested U.S. Government agencies before frequencies are assigned for use by any foreign government station.

(i) Use of any frequency would be conditional on no harmful interference being caused to U.S. radio stations.

(j) The stations would be required to use transmitting equipment which conforms to the technical standards established by the Federal Communications Commission.

(k) The President (or his designee) after consultation with this Federal Communications Commission would impose such other conditions and restrictions as were considered to be necessary.

(l) This Commission would extend its normal technical monitoring coverage to encompass the foreign government stations.

In our opinion, the above-planned criteria and practices will minimize any problems which might result from the legislation. Accordingly, if it is determined that there is a need for the legislation, the Commission would have no objection to its enactment. Moreover, if such legislation is enacted, we are strongly of the opinion that the authority to authorize foreign government radio stations and to prescribe rules and conditions for their operation should be conferred upon the President as is provided in H.R. 11732 and S. 3252.

Adopted June 13, 1962.

FOREIGN RADIO STATIONS

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., June 14, 1962.

HON. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice on the bill (H.R. 11732) to amend section 305 of the Communications Act of 1934, as amended.

The bill would permit the granting of reciprocal privileges to selected foreign governments for the operation of radio transmitters in their missions in the United States. Specifically, it would provide that the President, under such terms and conditions as he may prescribe, could authorize a foreign government, with whom the United States has a reciprocal agreement, to construct and operate a low-powered radio station for transmission of messages to points outside the United States from points at or near that government's embassy or legation. Such authorization could be given only upon a determination by the President that it would be consistent with the national interest of the United States.

The Department of Justice has no objection to the enactment of the bill.

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely yours,

NICHOLAS DEB. KATZENBACH,
Deputy Attorney General.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., August 14, 1962.

HON. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of this Department as to whether the provision on page 2, line 13, of H.R. 11732, to the effect that procedures under the bill "shall not be subject to * * * the Administrative Procedure Act," should be retained in this legislation.

It is our view that although the provision in the bill to which you make reference is not indispensable, it should be retained.

Section 3 of the Administrative Procedure Act (5 U.S.C. 1002), relating to the publication of information, rules, opinions, orders and public records, excepts from the requirements which it establishes any function of the United States "requiring secrecy in the public interest * * *." Sections 4 and 5 of the Administrative Procedure Act (5 U.S.C. 1003, 1004), relating to rulemaking and adjudications, each provide an exception for foreign affairs functions. In light of these provisions in the Administrative Procedure Act itself, it appears that the procedures contemplated by the present bill would not have to be conducted in accordance with the act even if the provision to which you make reference were eliminated. It may be, however, that some confusion would arise as to the extent to which the President would be obliged to make determinations that secrecy is required in particular matters in order to insure that such matters would be deemed to fall within the terms of the exemption provided by 5 U.S.C. 1002. We note further that both the Senate and House reports on the Administrative Procedure Act state:

"The phrase 'foreign affairs functions,' used here and in some other provisions of the bill, is not to be loosely interpreted to mean any function extending beyond the borders of the United States but only those 'affairs' which so affect relations with other governments that, for example, public rulemaking provisions would, clearly provoke definitely undesirable international consequences" (S. Rept. 752 79th Cong., 1st sess., p. 13; H. Rept. 1980, 79th Cong., 2d sess., p. 23; S. Doc. 248, 79th Cong., 2d sess., pp. 199, 257).

In view of the above, it appears desirable that the language expressly providing that procedures under the bill "shall not be subject to * * * the Administrative Procedure Act" be retained. Although not essential, the express exception will avoid any possible misunderstanding as to whether various aspects of the Administrative Procedure Act are intended to be applicable. Particularly is this so in view of the judicial doctrine that exceptions to the Administrative Procedure

Act are not favored, and in view of the fact that generally procedures under the Communications Act of 1934, which is amended by this bill, are subject to the provisions of the Administrative Procedure Act.

Accordingly, the Department of Justice recommends that the bill not be amended to eliminate the language to which you refer.

Sincerely yours,

NICHOLAS DEB. KATZENBACH,
Deputy Attorney General.

DEPARTMENT OF STATE,
Washington, May 23, 1962.

HON. OREN HARRIS,
*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives.*

DEAR MR. CHAIRMAN: I want to thank you for your letter of May 16, 1962, forwarding copies of H.R. 11732 for comment.

The proposed amendment to the Communications Act of 1934 which is embodied in H.R. 11732 was transmitted to the Speaker of the House of Representatives by letter from Secretary Rusk dated April 24, 1962. The reasons for seeking enactment of the amendment are set forth in the Secretary's letter. In view of the importance of the proposal to development of a secure and dependable worldwide communicating system to meet our Government's international civil and military requirements, we sincerely hope that the Congress will act on the bill during the current session.

If I can be of further assistance, please do not hesitate to let me know.

Sincerely yours,

FREDERICK G. DUTTON,
*Assistant Secretary
(For the Secretary of State).*

The CHAIRMAN. Our first witness this morning is Hon. George W. Ball, Under Secretary of State. Mr. Ball is here with representatives from the Department of Defense, the Federal Communications Commission, to advise the committee of the need for this legislation and to give us reasons why it should be approved by the Congress.

Mr. Secretary, we are glad to have you with us this morning and will be glad to hear you on this matter.

STATEMENT OF HON. GEORGE W. BALL, UNDER SECRETARY OF STATE, DEPARTMENT OF STATE; ACCOMPANIED BY W. O. TRONE, DEPUTY DIRECTOR, OFFICE OF OPERATIONS, DEPARTMENT OF STATE; AND ROBERT G. KREER, DIRECTOR, U.S. DIPLOMATIC COMMUNICATIONS, DEPARTMENT OF STATE

Mr. BALL. Thank you, Mr. Chairman.

I have a brief statement I would like to read to the committee, if that is agreeable to you.

The CHAIRMAN. Very well. You may proceed as you desire.

Mr. BALL. I appear today in support of H.R. 11732, a bill to amend section 305 of the Communications Act of 1934 to permit the President to authorize a foreign government to operate a radio transmitter at or near its mission in Washington when that government has provided reciprocal privileges to the United States to operate a radio station within its territory.

An identical bill was introduced in the Senate as S. 3252 and reported favorably by the Foreign Relations Committee.

This legislation is designed to make possible more rapid, secure, and dependable communications between Washington and our representatives in certain areas abroad.

The problem to which this bill is addressed is not communications with the major capitals of Western Europe or other areas possessing sophisticated communications systems. For these posts, existing facilities are adequate to meet the demands made upon them. Rather, our problem is the development of improved communications with many of the newer posts throughout the world, particularly in Africa, Asia, and Latin America.

The ability to communicate promptly with these areas is an essential element in our conduct of international relations. Time and time again we have found our ability to cope effectively with crises in the less-developed areas impeded by lack of modern communication facilities.

For instance, a telegram sent by commercial facilities to the Congo, to Vientiane in Laos, or to Algiers, may take as long as 20 hours. Today in all these areas hourly developments can have an important bearing on our interests.

The only practicable way of providing adequate communications with remote areas where adequate commercial facilities are not available, is by installing radio facilities in our diplomatic missions. To do this, however, we must obtain the permission of the governments to which our missions are accredited.

In most cases those governments have been willing to grant such permission only on the condition that we would offer reciprocal privileges to their diplomatic missions in Washington. This we have been unable to do under existing law.

The bill before you would amend the law to permit us to offer these reciprocal privileges on a selective basis. With such authority we should be able to establish the facilities for rapid communication which the 20th-century world requires.

Diplomacy relies on the written and spoken word. Because of our wide range of interests abroad, we must carry on a constant dialogue with our diplomatic posts around the world. The Department of State transmits and receives by telegraph about 70,000 messages a month. Most of this traffic is of an essential nature. It includes, for example, such material as instructions for our negotiators or reports on the latest developments in tense international situations.

The flow of this and other material to our 300 posts around the world is through four principal channels of communication: public facilities, leased commercial facilities, military trunklines, and the traditional pouch service.

Contact with 46 embassies is maintained through public commercial facilities of the type available to all business firms and other governments. In some places, however, and particularly in the underdeveloped areas, commercial channels do not always provide us with either the facilities or the caliber of service that our interests demand.

In some of these areas, commercial channels are totally inadequate. Recently the transmission of an important priority cable to a post in Africa took almost 24 hours to reach our Embassy.

In Bangui in the Central African Republic, for example, commercial facilities are open only from 7:30 a.m. to 6 p.m. In Fort Lamy, Chad, the schedule is 7 a.m. to 12 noon and 3:30 p.m. to 5:30 Monday through Friday. The telegraph office is open half a day on Saturday, and closed on Sundays and holidays. In Lome, Togo, the commercial

communications office is open from 7:30 a.m. to 7 p.m. Monday through Saturday, and for half a day on Sunday. When a cable is received after office hours it will not be delivered to our Embassy until the next morning.

Moreover, telegraphic communication with our more remote posts is likely to be a difficult and slow process. Facilities consist of a Morse key on the end of an open copper wire. The commercial operators letter by hand each copy of a transmitted message; the resulting garbles often render it impossible for the Embassy to transcribe what is delivered to it. Even when messages are sent in the clear—as for example the President's African Freedom Day Address—the results are unpredictable. Local operators lack knowledge of English and tend to disregard spelling and punctuation.

Today we do not rely entirely on ordinary commercial services. Twenty-one of our posts abroad utilize leased commercial facilities. In fact, communications to most of our Western European posts, to our relay center in the Near East, and to selected Western Hemisphere points, now flow over such lines. We are currently activating a similar circuit to Australia. With these facilities our messages do not have to compete with traffic from other sources and we thus have the assurance of rapid and continually available means of communication. Leased lines are available, however, to only a limited area of the world.

For some posts we rely not only on commercial facilities but on military trunklines. We transmit our traffic over these lines to relay centers where it is put on tributary lines for onward transmission to its ultimate destination. Such lines are particularly important for reaching broad areas where existing commercial facilities are not adequate for the amount of traffic we generate or where significant costs savings are possible by sending a message initially over a military trunkline and then transferring it to a commercial line.

Finally we are sending an increasing volume of routine traffic through that most ancient of communications instruments, the diplomatic courier. Even in the 20th century our pouch service is indispensable. Today we have 93 couriers making frequent visits to our principal posts throughout the world.

New scientific advances are playing their role in improving our whole communications system.

To reduce the risks of atmospheric disturbances to wireless transmission, we are making greater use of forward scatter systems. These systems, relying upon the latest advances in radio technology, will, by overcoming the threat of sun spots and other natural disturbances, permit a more uninterrupted flow of messages across vast areas of land and sea, particularly to our posts in the Far East. Communications experts inform us that atmospheric disturbances will be much more troublesome in the next decade. Use of the scatter system will allow us to surmount this difficulty and give us a greater dependability and more channels for communicating with key areas of the world.

To assure greater security for our traffic and to expedite its servicing here and abroad we are increasingly employing automatic encrypting and switching devices. Such machines are particularly important for cutting the time between the receipt of a coded message and its delivery, in decoded form, to the action officer. Such machinery will enable us to reduce servicing time from hours to minutes as encoding,

transmission, relaying and decoding will all be part of an essentially simultaneous operation.

We are also improving our pouch service with more frequent trips to remote areas. For instance, most of our posts in Africa now have the benefit of twice weekly courier service. Through the courier our posts send and receive communications and documents important to the conduct of our affairs but not of sufficient urgency to justify electrical transmission.

These new techniques and devices will not be available to a large number of our diplomatic missions, however, unless we are able to install and operate our own radio stations in the more remote areas.

Such radio facilities will permit the State Department in Washington to keep in continuous contact with our representatives in distant parts of the world, often in Communist-dominated countries.

The facilities will permit the rapid transmission and receipt of priority messages relating to many subjects.

They will permit the ready use of automatic encrypting devices, which is not possible with existing facilities available to many of our posts.

They will free our posts from dependence on public facilities with their often limited hours of operation.

They will be operable in spite of the preemption of commercial facilities by the local government in time of trouble.

The condition precedent to the installation of our own radio facilities is the amendment of the Communications Act of 1934 enabling us to grant reciprocal privileges. The character of the problem we face can be seen from the following examples:

1. In one of the Latin American Republics the assassination of a high official touched off a serious crisis affecting the entire country. Due to rioting and opening civil warfare many U.S. citizens as well as our own mission personnel were in danger. Politically this crisis had extremely important implications for U.S. interests. Commercial communications facilities and the movement of commercial aircraft were completely suspended during the critical stages.

2. In the Far East a Communist-inspired attack on one of our missions was of such serious proportion as to ruin most of the interior of the building. Mission personnel were assaulted. In this instance, commercial communications facilities were completely inaccessible for the transmission of information regarding the attack in progress.

3. Our mission in a North African country is required to operate under most adverse conditions during periods of extreme civil strife. Communications have been limited to the overloaded and erratic local commercial facilities. At times we have been out of communication with that post for as long as 48 hours. Our efforts to obtain authority to establish a radio transmitter have been summarily rejected because we have been unable to offer reciprocity.

The proposed amendment to the Communications Act of 1934 would permit us to offer the reciprocal facilities that most nations require as a condition to permitting us to establish our own radio facilities in their countries. The amendment would enable the President to:

* * * authorize a foreign government, under such terms and conditions as he may prescribe, to construct and operate at the seat of Government of the United States a low-power radio station in the fixed service at or near the site of the

Embassy or legation of such foreign government for transmission of its messages to points outside the United States, where he determines that the authorization would be consistent with the national interest of the United States and where such foreign government has provided substantial reciprocal privileges to the United States to construct and operate radio stations within territories subject to its jurisdiction.

This proposed legislation contains many safeguards. A foreign government would be authorized to have a station only when the President determines that such authorization would be consistent with our national interest. Foreign governments would be permitted to operate stations only in Washington, D.C. In order to reduce the danger of interference to U.S. commercial stations, the power, hours of operation, and types of authorized transmission for these embassy stations would be subject to specific restrictions. In addition, each would operate on frequencies approved by the President's Director of Telecommunications Management after consultation with the Federal Communications Commission.

We do not expect that many of the foreign embassies in Washington would wish to avail themselves of this opportunity. Washington is a communications hub and a large number of commercial facilities are available here, including leased lines. In addition, most embassies do not have the volume of traffic associated with U.S. missions abroad. Finally, many embassies would find that commercial facilities are cheaper, in relation to their volume of traffic, than the installation of their own radio stations.

Nor do we contemplate installing radio stations in all of our missions—only when alternative services are inadequate. The program we have developed contemplates the installation, over a period of years, of facilities in as many as 92 posts abroad at a cost of \$5,000 to \$200,000 for each station.

This legislation has been carefully examined by the Bureau of the Budget, the Department of Defense, the Department of Justice, the Federal Communications Commission, and other interested agencies.

There are no objections to the proposed amendment on security grounds. It has been determined that the installation of a radio facility in an embassy in Washington does not materially enhance the opportunity for transmitting intelligence as compared to currently available commercial facilities and pouch services.

This proposal has been discussed with the leading American commercial communication carriers who have informed us that, if the legislation is deemed to be in the national interest, they would interpose no objection to it. We do not believe this proposal would result in any significant reduction in traffic carried by such companies.

Finally, we have been assured that operations can be controlled so as to insure that there will be no serious interference with other licensed operations in this country.

The position of the United States, as a great power in the world today, requires that we can command not only the policies but the resources to meet our responsibilities. Among those resources is the ability to communicate rapidly so as to be able to respond promptly and effectively to the problems confronting us.

Technology has made possible more rapid transit of people, ideas, and messages. We are proposing to harness that technology to the practice of diplomacy by improving our communications facilities.

One step forward is the installation, where appropriate, of radio stations in our missions abroad. To do this, we must be in a position to offer reciprocity to other countries. The proposed amendment to the Communications Act of 1934, now before you, will permit this. The Department of State recommends strongly, therefore, that the Congress enact this amendment so as to enable us to support diplomatic negotiations more effectively, achieve better coordination of policy and action with our allies, and improve our ability to act promptly in crises.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Mr. Ball, for your statement.

Mr. Williams, have you any questions?

Mr. WILLIAMS. Thank you, Mr. Chairman.

Mr. Ball, first I notice that the bill provides authority for the President to authorize a foreign government to construct a low-power radio station. What is a low-power radio station?

Mr. BALL. Mr. Williams, if I may, I would like to consult my colleagues here, who are more expert on the details of this than I—Mr. Kreer and Mr. Trone, from the Department. They tell me a low-power station would be a station not to exceed 400 watts.

Mr. WILLIAMS. 400 watts?

Mr. BALL. Yes.

Mr. WILLIAMS. Is that sufficient power to carry across the ocean?

Mr. KREER. Under certain conditions.

The CHAIRMAN. I think probably, Mr. Secretary, you had better identify the gentlemen who are accompanying you so we will know who is talking.

Mr. BALL. Yes. This is Mr. Kreer of the State Department, Director of Communications of the Department of State.

And this is Mr. Trone, Deputy Director of the Office of Operations of the Department of State.

Mr. WILLIAMS. You stated under certain conditions. Is that under certain weather conditions?

Mr. KREER. Yes.

Mr. WILLIAMS. And certain atmospheric conditions?

Mr. KREER. And at certain hours of the day.

Mr. WILLIAMS. I am wondering what good a low-power station would be if we would have to broadcast, for instance, to Laos.

Mr. KREER. We have relay stations, sir, one in the Far East and one in the Near East, that are operating on high power.

Mr. WILLIAMS. Mr. Ball, in your statement on page 1, in giving the reasons for asking for this legislation, you state that this is a bill that would authorize the President to authorize a foreign government to operate a station at or near its mission in Washington when that government has provided reciprocal privileges to the United States to operate a radio station within its territory. Is that to be a condition? An ironclad condition?

Mr. BALL. Yes. That would be a condition, Mr. Williams.

Mr. WILLIAMS. I am wondering why we do not write it into the bill as a condition.

Mr. BALL. Well, that would presumably be one of the terms and conditions that would be prescribed. As a matter of fact, it is in the bill at the end of the bill, because one of the conditions stated is

"* * * where such foreign government has provided" such "reciprocal privileges to the United States to construct and operate radio stations within territories subject to its jurisdiction."

Mr. WILLIAMS. Would the State Department have any objection to striking the word "substantial"?

Mr. BALL. No, I wouldn't think so.

Mr. WILLIAMS. One more question and then I am through. In the last sentence of the bill, beginning with line 10 on page 2, it states:

The authorization of such stations, and the renewal, modification, suspension, revocation, or other termination of such authority, shall be in accordance with such procedures as may be established by the President * * *.

and the words that go on from there are the words we are concerned with—

* * * and shall not be subject to the other provisions of this act—

speaking of the Federal Communications Act—

* * * or of the Administrative Procedure Act.

Is it the purpose of this legislation to convey special privilege to a foreign government that cannot be enjoyed by an American citizen?

Mr. BALL. No, sir; it is not.

Mr. WILLIAMS. Or by an American broadcasting company?

Mr. BALL. No; it is my understanding that that is not the purpose, Mr. Williams. This is intended for a very special purpose, and these stations would be subject to the regulations which are provided under decisions made by the President's Director of Telecommunications with the advice of the Federal Communications Commission. This is a rather special situation.

Mr. WILLIAMS. What is the purpose of putting the last part of that sentence in there?

Mr. BALL. I think the purpose of putting it in is this is an endeavor to avoid having the foreign government go through all of the procedures which would normally be required of a domestic station, since there is such a limited objective for the extent of these stations.

Mr. WILLIAMS. Then to that extent you are giving them a special privilege that is not available to an American broadcaster or an American citizen?

Mr. BALL. What we are doing in this case is treating them as a special problem for which there should be special administrative provisions.

Mr. WILLIAMS. I understand that, but you still haven't answered the question, and I think the question can be answered with either a yes or a no. I don't mean to pin you down to a yes or no answer, but the question was, Does this legislation confer upon foreigners or a foreign government a privilege that is not enjoyed by or available to an American citizen?

Mr. BALL. May I ask one of my colleagues if he will answer this? Mr. Trone.

Mr. TRONE. Mr. Williams, the purpose of this is to remove from a foreign government the same procedural rights for hearings and licensing that an American broadcasting company now enjoys.

Mr. WILLIAMS. Then your answer is "Yes"? It would have to be yes.

Mr. TRONE. It denies to a foreign government the rights that an American broadcaster would have.

Mr. WILLIAMS. By relieving them of the necessity of going through the procedures that an American citizen is required to go through, to that extent they are being granted a special privilege, aren't they, that is not available to an American citizen?

Mr. TRONE. Sir, the amendment here would deny them the right of appeal. In other words, their license could be terminated virtually without notice and without hearing, or without any procedural rights that an American company would enjoy.

Mr. WILLIAMS. In the establishment of the station they are relieved of this duty or this responsibility?

Mr. TRONE. They would not have the licensing hearings; no, sir.

Mr. WILLIAMS. That is all.

Mr. BALL. I would think the way to answer the question, Mr. Williams, is that they do not have some of the privileges accorded Americans, nor do they have to suffer some of the same procedural problems and requirements that the Americans suffer. It is a different treatment. It is a treatment which is tailored to the particular requirements of dealing with a foreign government for a very limited purpose.

Mr. WILLIAMS. As I understand it, the President does not now have the authority to make an executive agreement with another country for reciprocal broadcasting rights?

Mr. BALL. That is right. He does not have.

Mr. WILLIAMS. By what authority do we broadcast the so-called Voice of America?

Mr. TRONE. The Voice of America is broadcast from the United States on the Government frequencies allocated to the Director of Telecommunications Management.

Mr. WILLIAMS. And we don't have broadcasting stations in any other country than the United States?

Mr. TRONE. Yes, sir.

Mr. WILLIAMS. How is that set up?

Mr. TRONE. It is handled under bilateral agreements with the host government, but not based on reciprocity.

Mr. WILLIAMS. Why could not this be handled in the same manner?

Mr. BALL. The difference, Mr. Williams, is this. Those are special agreements made with countries who are friendly with us and who do not have the same interest in establishing reciprocal stations in the United States. In the case of a communication by a diplomatic post, the other country wants the right, or at least the feeling, that it could, if it wished, establish communications facilities for its own diplomatic post in the United States.

The necessity for reciprocity does not exist with respect to the Voice of America, because the small and less developed countries—and that is what we are talking about in most instances—would not be interested in trying to set up radio stations in the United States for information purposes similar to the Voice of America.

Mr. WILLIAMS. Does the State Department have any objection to language that would tie this down to reciprocity as a condition of our granting them that privilege?

Mr. BALL. It is in the language now, Mr. Williams.

Mr. WILLIAMS. Now you do not make that a condition. You say, "Where such foreign government has provided substantial reciprocal privileges."

What does the word "substantial" mean?

Mr. BALL. As we said a while ago, we have no objection to eliminating "substantial."

Mr. WILLIAMS. Do you have any objection to adding "as a condition of such privilege, where reciprocal privileges exist to the United States"?

Mr. BALL. As we read it now, Mr. Williams, it is clearly stated as a condition, because this authorization can be given only where such foreign government has provided reciprocal privileges which, as I understand it, would represent a condition precedent to our granting it.

Mr. WILLIAMS. That is all. Thank you.

The CHAIRMAN. Mr. Schenck.

Mr. SCHENCK. Mr. Chairman, thank you.

I was interested in your answer here on the power of the station. It would seem that if 400 watts is to be the power, that that will not do the job satisfactorily. Is this true?

Mr. BALL. May I ask Mr. Kreer if he would take this question?

Mr. KREER. Where we have adequate relay facilities, the 400 watts will be adequate for the short haul to the relay base, and then we will use military channels, or high-powered radio commercial channels to get back here.

Mr. SCHENCK. I understood also that this 400-watt power would operate only during certain favorable conditions, atmospheric and otherwise, and at certain times of the day. Isn't this true?

Mr. KREER. That is correct, sir.

Mr. SCHENCK. If this is true, then how would that assist to establish the rapid communications that you are here seeking?

Mr. KREER. Well, I was referring particularly to the problem of people who would be operating 400 watts direct from here to let's say Laos. They would be able to get communication only during very limited periods of the day. We, however, would go from Laos to a relay base in the Far East and come back on a high-powered circuit.

Mr. SCHENCK. The reasons you give for authorizing such stations then, is the need for removing delay, and if it is going to be delayed because of improper atmospheric conditions, and otherwise, how does such a low-powered transmitter assist you to speed up communications?

Mr. BALL. If I may try to clear this up: First of all, the reference to a low-powered station, which, as suggested, indicates a 400-watt station, does not relate necessarily to the kind of privileges which we would be granted in a foreign country. This relates only to the privileges which we would grant to any foreign country. What we suggested a moment ago was that in most cases a foreign government would not wish to establish a station here because there are adequate commercial facilities out of Washington, but they do want the privilege of reciprocity established as a principle.

If we establish the principle of reciprocity, even though in the legislation here we put a limitation on the power of their stations, this does not mean at all that when that privilege is accorded us in the foreign country that we will be subject to the same limitation. The additional factor which Mr. Kreer suggested a moment ago is that if there is an attempt to impose a limitation, the conditions are quite different as between our situation and the situation of the foreign government, in that we do maintain the relay stations, so

that we are not faced with the problem of trying to send signals clear across some seven or eight thousand miles, but simply being able to have an adequate signal go to the relay station which then can return our message to Washington through high-powered transmission facilities.

In the judgment of our technical people, who have been working on this problem, and of the people who have been dealing with the foreign governments in order to obtain permission to establish facilities, this would give us the kind of flexibility we would need to establish facilities that would provide the kind of instant communication that we require.

Mr. SCHENCK. Mr. Ball, am I to understand then that you feel the U.S. Government could and would limit the power of a foreign government broadcasting station from an embassy here to 400 watts—that such would be the limitation—but also that a similar limitation would not necessarily be established by the foreign government in granting permission to broadcast from there? Is that correct?

Mr. BALL. That is my understanding, sir. Yes.

Mr. SCHENCK. So we would get an advantage which we are not giving them. Is that true?

Mr. BALL. I think this is probably the way the situation would develop in many instances.

Mr. SCHENCK. You also indicated that the establishment of the principle of reciprocity would lend itself to additional negotiations at some later time. What did you have in mind?

Mr. BALL. No. All I was suggesting was that the countries from whom we asked permission to establish facilities are unwilling, or have proved unwilling in the past, to accord those facilities without a recognition of the principle of reciprocity.

Now, reciprocity does not have to mean complete and exact reciprocity in all details. If we need only a 400-watt station, that is all we would ask for. If we needed a larger or high-powered station, presumably we would ask for it. And our own judgment is that if the principle of reciprocity is recognized and we have the ability to provide the kind of permission which is accorded here, then this would be adequate to enable us to establish the facilities we need.

Mr. SCHENCK. So the reciprocity authority you are now seeking is the camel's nose under the tent idea?

Mr. BALL. I am not suggesting it would ever be, in my opinion. I am suggesting that this is what is necessary to meet our requirements as we envisage them. We are not suggesting that at some later time there would be an insistence on any increase in the power of stations established here. In fact, I think that the trend will be the other way, simply because as the world progresses adequate commercial facilities will be established in a lot of these spots which do not now have them.

So, as a foreign country moves toward the point where it has a larger volume of traffic and needs something more and is able to pay for it, by that time commercial facilities will presumably have moved in and its need to establish radio communications will have diminished.

Mr. SCHENCK. Has the Department developed any cost figures as to what additional expense you would have?

Mr. BALL. Yes. We have a program. I might ask Mr. Trone if he would speak to that.

Mr. TRONE. The program that is presently under consideration, which would be phased in over a period of many years, would approximate \$23 million.

Mr. SCHENCK. How many?

Mr. TRONE. \$23 million.

Mr. SCHENCK. For the program itself?

Mr. TRONE. Yes.

Mr. SCHENCK. What about additional personnel?

Mr. TRONE. This includes the additional personnel that might be required.

Mr. SCHENCK. And salaries of personnel?

Mr. TRONE. Yes, sir. Over a period of years.

Mr. SCHENCK. Mr. Ball, would the State Department envision the use of the Telstar system of satellite communications for this?

Mr. BALL. I will have to ask my experts.

Mr. KREER. It is not related to this program. We avail ourselves of any commercial capability they have, of course, and I do think the Telstar and its successor might well fall in that category, but would not relate to this program of diplomatic radio operation.

Mr. SCHENCK. If the permission is granted a foreign nation to use a broadcasting and receiving station as a result of the satellite communication, then this legislation would be unnecessary. Is that true?

Mr. BALL. I think that is something that would have to be examined at the time. We are looking quite a ways ahead, I suppose, as far as the use of Telstar for this kind of transmission.

Mr. SCHENCK. That is the basis for wanting the Telstar thing controlled by the State Department?

Mr. BALL. No, I do not know that anyone suggested it should be controlled by the State Department. The problem of programing is one which is currently under study, and so far as I know there is no administration position yet as to the exact way in which this would be handled. If what you are referring to is the current debate over the present bill, the question there is how the negotiations with foreign governments for the development of the system are to be handled. This is a matter which is going to be the subject of a series of hearings, as I understand it, before the Senate Foreign Relations Committee, beginning tomorrow, I think.

Mr. SCHENCK. Mr. Ball, perhaps I do not know what all the debate was in the other body, but it seemed to me that it was centered around the idea that the Government wants control of satellite communications in order to protect the State Department's right, privilege, or prerogative to control such broadcasting.

Mr. BALL. Well, I think that as I understand it—and I am not by any means expert on this because other people in the Department have been concerned with the problem of Telstar—the question as it has been posed relates primarily to the problem of how the negotiations are handled when we move into the phase where serious international problems arise. The bill—I think the Kerr bill, for example—provides that the business negotiations would be handled by the company, but with some supervision, so far as foreign policy issues are concerned, by the State Department; but I am not sufficiently expert in that to be able to speak with any authority on it.

Mr. SCHENCK. That is all, Mr. Chairman.

The CHAIRMAN. Thank you. Mr. Friedel.

Mr. FRIEDEL. Thank you, Mr. Chairman. One question.

Mr. Ball, in your statement on page 3 in the next to the last paragraph you say:

The bill before you would amend the law to permit us to offer these reciprocal privileges on a selective basis.

Would you care to elaborate on what you mean by "selective," giving the committee some examples?

Mr. BALL. In a public hearing I would be hesitant to say with precision what kind of foreign policy considerations might enter into this, but I would suggest first of all that the conditions under which we would be prepared to do this would only be if the United States needed facilities and the foreign government in fact was prepared to grant reciprocal facilities. We would only be interested in granting these if there was a determination that it was in the national interest.

This matter arises only in a case where we need facilities in a foreign country. If we do not need those facilities, the question never arises. If the foreign government approaches us and asks for facilities that have not been granted us, and if we do not need reciprocal facilities, then presumably there is no interest in granting their request. So the procedure is selective; first of all it applies only in those cases where we need facilities in that foreign country ourselves, secondly, there are considerations of national interest which may be even broader than that, and where we would still not wish to see facilities established here. Those are of a political character which we would have to look at in the individual case.

Mr. FRIEDEL. That is all. Thank you.

The CHAIRMAN. Mr. Younger.

Mr. YOUNGER. Mr. Ball, where are these relay stations you are talking about?

Mr. BALL. One is in Manila and one is in Nicosia.

Mr. YOUNGER. We have negotiated for those, haven't we?

Mr. BALL. Those are all established and in operation and have been for some time.

Mr. YOUNGER. We had no difficulty in negotiating those?

Mr. BALL. No. So far as I know. How long are those for?

Mr. KREER. About 10 years each.

Mr. BALL. They have been in operation for about 10 years.

Mr. YOUNGER. Why would we have difficulty in negotiating with other countries?

Mr. BALL. Well, Manila is a country—

Mr. YOUNGER. That is not the only one.

Mr. BALL. No. I say Manila and Nicosia.

Mr. YOUNGER. Yes.

Mr. BALL. The situation in Cyprus is that the negotiation there is part of complex of a whole series of other relationships, and this is a facility or permission which they have been willing to grant us in the course of a negotiation in which a great many considerations are involved. They don't relate specifically to communications. The problem to which this bill is addressed is of a much more limited character, where all we are seeking in a particular country is the right to establish some radio facilities for the use of our embassy, and that is the only manner in which it arises.

Our experience has shown that in the majority of cases that country will say, "Well, are you prepared to give us reciprocal facilities?" And if we are able to say, "Yes, we are willing to," then whether or not that country avails itself of it, we are able to establish our own facilities, which we are interested in doing.

Mr. YOUNGER. Are you willing to limit this to friendly nations?

Mr. BALL. I would say we are willing to limit this to the situation where our own need for facilities is the overriding consideration, and where there would be a judgment by the President that it was in the national interest for us to have these facilities in spite of any disadvantages there might be for that country to have facilities here. Those disadvantages, as appears from an examination of the problem—a very careful one—are very slight indeed.

Mr. YOUNGER. The examples you gave are only in Africa and Latin America. Do you have any difficulty in communicating with Paris?

Mr. BALL. Paris is a matter of—

Mr. YOUNGER. Do you have any difficulty in communicating with London?

Mr. BALL. No. There are leased wires.

Mr. YOUNGER. Do you have any difficulty with Bonn?

Mr. BALL. No. These are places where there are already satisfactory communications.

Mr. YOUNGER. Do you have any difficulty with Moscow?

Mr. BALL. I don't know the problem with Moscow.

Mr. KREER. We have excellent communication with Moscow but have absolutely no control over it. It could be stopped at any time.

Mr. YOUNGER. The examples you gave here are limited solely to Africa and Latin America—a very limited area.

Mr. BALL. That is right, and they are largely areas where existing commercial facilities do not meet our needs.

Mr. YOUNGER. Now you want to have worldwide authority and say you are only having difficulty in a very limited area.

Mr. BALL. All we are suggesting is we would like the authority to install facilities where conditions are such as to make it imperative to do so.

Mr. YOUNGER. Sure, but it might be far more advantageous for the Communist countries to have a broadcasting station here than it would be for us to have one in their country.

Mr. BALL. This is a matter of national interest which would be considered. Actually, when you look at the advantages and disadvantages that are involved, I think that that will not be the case.

First of all, as far as Washington is concerned, it is a communications center. Communications out of Washington are very easy to various parts of the world. So far as communications on the receiving end are concerned, from the point of view of a foreign country those communications are in its control and it can do a great deal. It can establish them as it likes.

Our situation is far different. When we are out at the end of a telegraph wire in a remote area where the communications through that country are subject to the control of that country, then we cannot get a message out at all unless that country is willing to have us do so.

Mr. YOUNGER. Do you anticipate you are going to give Red China a license to broadcast?

Mr. BALL. We have no relations with Red China. It would not be considered at all.

Mr. YOUNGER. You have the authority here to negotiate with them, wouldn't you?

Mr. BALL. No, because we have no diplomatic mission in Red China.

Mr. YOUNGER. That does not make any difference. The law says you can do it. It does not limit you in any way to friendly nations or unfriendly nations. You have carte blanche to negotiate with anybody.

Mr. BALL. The law is very clear this would apply only in situations where we have diplomatic missions, because the condition is that this applies only where we need the facilities and have diplomatic missions, which should be served by these facilities. If we don't recognize a country and we have no diplomatic relations with them, then obviously this is inapplicable.

Mr. YOUNGER. A figure was given of \$23 million in 10 years or over a period of 10 years.

Mr. BALL. That is right.

Mr. YOUNGER. Yet you say here you want 92 stations—92 stations costing around \$5,000 to \$200,000 a station.

Mr. BALL. That is right.

Mr. YOUNGER. How do you make \$23 million out of that?

Mr. BALL. Well, some of the stations are very small, because they are only needed to send a signal to a nearby relay. We have a program which has been developed looking toward the possible extension of this to 92 stations over a 10-year period, and the cost has been estimated at \$23 million.

Mr. YOUNGER. The statement you make is if the legislation is deemed to be in the national interest, the private companies would interpose no objection to it. "We do not believe this proposal would result in any significant reduction in traffic carried by such companies."

If you are not going to be able to reduce the traffic carried by the present companies, what is the use of spending all of this money?

Mr. BALL. Because the American companies are not serving these posts for the most part, and as far as the use by foreign governments here is concerned, we expect this to be relatively small.

What we are trying to do is to establish a plan of reciprocity which enables us to establish stations at posts abroad, most of which will simply send to a nearby relay station, or one of our two relay stations for return transmission to the United States. For example, when a message is sent from Fort Lamy in Chad, to Nicosia by our own radio, rather than being sent by the local telegraph service, the American company does not lose any revenue. The American company suffers in its revenues only to the extent that the foreign governments avail themselves of a reciprocal privilege.

In those instances where we need facilities abroad and they establish stations here, our own estimate is this will occur in a relatively small number of cases, because they don't need them. We have letters from the three major companies—American Cable & Radio Corp., RCA, and Western Union—stating to us that they interpose no objection if this is deemed in the national interest. It is a recognition of the fact that the impairment of revenue would not be substantial in any way.

Mr. YOUNGER. That is all, Mr. Chairman.

The CHAIRMAN. Mr. Hemphill.

Mr. HEMPHILL. Thank you, Mr. Chairman.

Incidentally, Mr. Secretary, I have been very much interested in your testimony on this legislation. Do I understand the legislation to mean or to provide that the President shall determine all of the things that the Federal Communications Commission would determine if this were a station owned and operated by a person, firm, or corporation of the United States?

Mr. KREER. I am not sure I completely understand the question. The determination of the power and hours of operation, and location of station, and type of equipment, and things of that sort, which are normally prescribed by the Federal Communications Commission in connection with American stations, would be negotiated in the basic bilateral agreement before the license is granted. These features will be controlled in making the determination.

Mr. HEMPHILL. The President would make all of the determinations?

Mr. KREER. Yes.

Mr. HEMPHILL. Does that mean, then, the State Department would set the policies?

Mr. KREER. Yes, sir.

Mr. HEMPHILL. Then what you are trying to do is supersede the State Department over the Federal Communications Commission in this very vital area which affects every other radio and television station in the United States; doesn't it?

Mr. BALL. Well, the effect on them is not substantial at all, as we are advised. Mr. Craven, who is a member of the Federal Communications Commission, is here this morning and I understand he is going to testify to that.

Mr. HEMPHILL. I am looking forward to his testimony because I see here you have, with typical State Department practice, provided that whatever is done shall not be subject to the other provisions of the Communications Act or the Administrative Procedure Act; haven't you?

Mr. BALL. The technical conditions under which a station would operate here would be fixed by the Director of Telecommunications Management of the President. This is a matter where the authority is put in the President for that purpose.

Mr. HEMPHILL. That is correct. And not only would you get around the provisions of section 305, which you say you want to amend, but you would abolish the application insofar as the Federal Communications Commission is concerned of the provisions of the entire act, including section 303, which is very important to the American radio station operators as well as the listening public.

I have in mind there the fact that presently the Federal Communications Commission has the right to inspect all transmitting apparatus to ascertain whether its construction, operation, and performance are within the requirements of this act, and it has the right to designate where the station shall be, and it has the right to limit the station to such operation as will not interfere with the other stations which have previously been licensed, whether nighttime, or daytime, or as general stations.

As I understand it, if this legislation passes, the Federal Communications Commission is out of the picture, is it not?

Mr. BALL. That is not my understanding.

Mr. HEMPHILL. That is what the language says.

Mr. BALL. No; the language says that the President fixes the condition and it is my understanding that the intention is that the Federal Communications Commission—

Mr. HEMPHILL. Get the story straight. I want to hear it.

Mr. BALL. My attention is called to the fact, first of all, that under the language of the proposed amendment, the radio station is to be in fixed service, which takes it out of the area of broadcasting completely.

It is my understanding also that the Federal Communications Commission would have the responsibility for monitoring and inspecting the facilities.

Mr. HEMPHILL. Then if that is true, why don't we put in the legislation, "The provisions of sections so-and-so notwithstanding, the President on advice and with the assistance, or under such conditions as the Federal Communications Commission may prescribe, may authorize * * *?"

Mr. BALL. Well, this is something which I think might perhaps be better addressed to Mr. Craven. He is going to be here testifying in a moment.

As far as the State Department is concerned, we have no maligning intention to try to have any particular authority over this matter. It is a matter, from our point of view, of trying to put ourselves in a position where we can serve our purposes of foreign policy by having radio communications.

Mr. HEMPHILL. Maybe I misunderstood you. I thought you said the President would have the authority and the State Department would advise him on it.

Mr. BALL. No; the State Department would advise the President only with respect to the political aspects of whether a station should be put here or not, but the conditions under which it would operate is a matter that the State Department would have no concern over.

Mr. HEMPHILL. We have provided not only in section 305 of the Communications Act, but certain other provisions, that even a Government radio station shall conform to certain rules and regulations assigned to prevent interference with other radio stations and with the rights of others as the Commission may prescribe. As I understand the legislation, if the State Department thought it necessary to get in the way of somebody else, or to drown out an American station, then that would be the policy?

Mr. BALL. No. All of this is on a noninterference basis and the State Department has no desire to drown out any other station. It is a matter where the technical arrangements under which this station would be established would be a matter to be determined with the advice of the Federal Communications Commission and with the advice of the Director of Telecommunications Management. It is not a matter for the State Department to determine.

Mr. HEMPHILL. All right, sir. Why does there have to be different and privileged treatment for people from other nations over our people? I don't understand it. It has been the policy of the State Department for a long time which is reflected in this.

Mr. BALL. You know, Mr. Hemphill, with all due respect to you, you are attributing motives to the State Department that don't

exist. We are not concerned with how these arrangements are handled. It is a matter to be worked out by the President and relevant agencies, and departments of Government, but this is a matter where it was deemed inappropriate to try to accord to these foreign governments the privileges of appeal and procedural arrangements which are accorded to private citizens. This is not giving them something of value, but taking away from them some rights which ordinary American citizens have. It is a limitation put upon them.

Mr. HEMPHILL. Why don't we give them the same rights then if they are not privileged?

Mr. BALL. In the first place the Commission would be attempting to deal with foreign governments by an administrative procedure in an American body, which is a very inappropriate kind of arrangement. It is not normal for a foreign government to be a party to a proceeding before an American administrative tribunal. These are matters which are worked out on a basis where the foreign government has to take what is given to it.

In other words, we want to be able in the American Government to interpose any kind of restriction on this that is deemed necessary under the circumstances. We don't want the foreign government having the right to appeal and to take this up and be treated as though it were an ordinary citizen, because it is a very special situation.

Mr. HEMPHILL. Sure, and you are going to have diplomatic immunity.

Mr. BALL. Sure, they will have diplomatic immunity in their diplomatic business.

Mr. HEMPHILL. Instead of taking away the right of appeal you give them diplomatic immunity, which says they can violate any of the provisions of this act, and it will be the biggest spy system that has ever been devised right in the city of Washington to send material to subs and trawlers, and everything, off the coast.

Mr. BALL. No. I couldn't agree with any of that.

Mr. HEMPHILL. I didn't expect you to agree; but that is the thing we are concerned with here.

Mr. BALL. This is a matter of concern to us, and obviously we are not going to come before the Congress and ask for something if we thought that there was even the remotest possibility that this would happen, this is a matter that the Justice Department looked at very carefully, and it is a matter which has been fully examined, and there is not the remotest possibility that it will occur.

Mr. HEMPHILL. Mr. Younger asked you if the Communist countries would be allowed to establish stations here. Would they be?

Mr. BALL. I would say where there are overriding advantages in our having facilities in a Communist-dominated country, that if we had to accord reciprocal privileges in order to get it, this would be a matter which would be carefully considered, and we would have to make a decision on that.

When I say "we" I am not talking about the State Department merely, but talking about the President with the advice of his technical advisers here.

Mr. HEMPHILL. In those Communist countries where we are giving aid and where the taxpayers' money is being spent or given away, or thrown away, why can't we demand as a requisite for our largesse that they give us certain privileges on our communications? Or, in

any other country, for that matter, since we are spending all this money all over the world. Why can't the State Department, with its infinite wisdom, negotiate such an agreement if it has the interests of the United States at heart?

Mr. BALL. I must say I find it very difficult to come before this committee, as one who has served in the Government three times, and who has spent most of his life in private activities, and have questions raised about, "If it has the interests of the U.S. Government at heart." Quite frankly, I would not be in the public service if I did not have the interests of the U.S. Government at heart. I know you have, Mr. Hemphill, and I would expect you would accord me the same presumption.

Mr. HEMPHILL. I do.

Mr. BALL. This particular question is one of practicality. This is a question of trying to get some facilities which we feel are necessary for rapid communication. I think it quite likely that in some countries we could demand as a condition to an aid program that if they are going to get any aid from us they have to accord us some privileges which we refuse them. I think that the propaganda distortion to which this would be subject would cost us quite a lot. I think it would cost us a great deal more than our saying to that government we will accord you privileges under very limited arrangements if you will accord us those privileges. They won't use them in most cases. I expect it will be a very rare case where any one of these governments to which we are according aid will be interested at all in establishing a station, but these are governments which are fighting to establish their self-respect in the world, and if we are going to have the kinds of relationships with them which give them that self-respect and help them to feel independent so that they won't be subject to Communist influences, and won't be vulnerable to Communist propaganda, then this is the way to do it, and it is the way to do it which seems to us in the best interests of the United States.

Mr. HEMPHILL. It seems to me if there is any real gratitude for the largess of our country that we would not have to demand. It looks to me that if they are friendly they would be mighty happy to say, "We will be glad to allow you this communication, if it is incidental to our relations."

Mr. BALL. The situation in many of these countries is this, Mr. Hemphill: They have been under some form or kind of colonial domination for years. They now find themselves independent for the first time. They feel an acute sense of wanting to defend their own independence and their own sense of being first-class citizens and being treated like anybody else. If we go to them and say, "We are being very helpful and friendly to you, and we want the right to establish facilities in your country," they may want to deny those facilities to others, and even to us. They may want to say, "Well, we are an independent country and, of course, one of the rights of sovereignty is that you will give us the same privileges as you ask for." If we can say, "We will give you the same privileges if you ask for them under the conditions of our law," they are not going to ask for them because these countries for the most part are poor. Their missions here do not have any substantial volume of diplomatic traffic, and this would be the last thing they would want. However, they will want the feeling, and it is very important that they have the feel-

ing, that they are being treated as independent countries whose sovereignty is something which we respect and that we are willing to accord them a privilege if they accord us a privilege. It is as simple as that.

Mr. HEMPHILL. Your philosophy concerns me terribly, because it seems to me if they want to feel independent on the one hand, they don't want to feel dependent on the other. It concerns me that they would want to be dependent on our money or our goods and be independent when it came to giving us some small concession. It concerns me that that philosophy exists because apparently if international friendships are constant—and I am not sure they are or have been—then it seems to me the promotion of this sort of international feeling would be one of the great objectives of our country.

Mr. BALL. I think it is a great objective of the act and of the whole aid program, but the way in which we establish international friendship is not by creating a feeling of dependence, but by creating a feeling of friendship. There is a very great difference here.

If a country feels it is being bought it will behave as though it were being bought and will be a very unreliable friend. If a country feels that it is being helped, that its independence is being recognized in these formal ways, that we regard it as self-respecting, that we want to encourage its independence because we want to give it the sense of strength which will enable it to withstand the blandishments and temptations of the Communists, then, to the extent we can, we treat it as though it were an independent country.

This is a very small thing we are proposing to do here.

Mr. FRIEDEL. Will the gentleman yield?

Mr. HEMPHILL. I will be glad to yield.

Mr. FRIEDEL. Is it not true that the main purpose of this bill is to help the United States rather than these other countries?

Mr. BALL. Precisely. I think that the actual use these other countries will make of these reciprocal privileges is very slight indeed. I think the benefits in terms of giving them anything are almost negligible.

Mr. FRIEDEL. It will be more helpful to the United States.

Mr. BALL. But from our point of view it is extremely useful and extremely necessary that we have the right to establish the facilities we need.

Mr. DOMINICK. Will the gentleman yield?

Mr. HEMPHILL. Certainly.

Mr. DOMINICK. Mr. Ball, I was interested in the gentlemen here asking you why the provision was put in that they should have the right to construct and operate these stations "at the seat of government of the United States." What do you mean by that?

Mr. BALL. To limit them to Washington so they don't establish themselves in San Francisco, or St. Louis, or some other place.

Mr. DOMINICK. Why don't we say Washington, D.C.?

Mr. BALL. No objection to it. It is a matter of the artistry of the drafter for which—

Mr. DOMINICK. You would have no objection to an amendment like that?

Mr. BALL. No. It is simply a way of identifying it.

Mr. DOMINICK. I would suggest to you that the seat of government of the United States is not in Washington, D.C. It could be anywhere in the country.

Mr. BALL. It could be in the event of an emergency, because it could be moved anywhere. The theory is that the radio transmitter would be established where the principal diplomatic mission of that country may be. The diplomatic mission would always be where the government is, and this is why this terminology is used, rather than Washington.

Mr. DOMINICK. Do you have any objection to using the word "Washington"?

Mr. BALL. No. I can't imagine a remote contingency of the movement of the Government elsewhere, but if this were to happen, the diplomatic missions would follow and then we would have radio facilities in Washington that were not being used. But it is quite speculative, I must confess.

Mr. HEMPHILL. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Collier.

Mr. COLLIER. Mr. Ball, assuming this program were adopted, would you say it would be more valuable to our interests in time of emergency than in times when conditions were normal?

Mr. BALL. When conditions are normal, of course, the necessity of rapid communications is not as great. We can afford a more leisurely kind of communication in a country where there is no trouble, or no threat of trouble.

Mr. COLLIER. Is it not true, and haven't we found as a matter of record, that where there is an extreme civil strife or upheaval in any nation, one of the first things that occurs is the seizure of communications facilities and transmission systems?

Mr. BALL. This is true of commercial facilities, but not of those located in an embassy, because an embassy is still a kind of sanctuary, and even in a case of civil strife the embassies are not attacked in most instances.

Mr. COLLIER. However, there have been repeated cases where in fact the embassies have been the target of action during civil strife?

Mr. BALL. And in those cases it is all the more important that the embassies be able to get in communication with the outside world, because the embassy staff may very well be blocked up in the chancery and unable to get out.

One of the cases I mentioned in my statement was precisely that, where there was an attack on one of our diplomatic missions in the Far East. That mission was out of communication with Washington simply because it had no facilities in the chancery it could use, and could not get to the commercial facilities.

Mr. COLLIER. I was going to lead right into those examples, in my line of questioning, Mr. Ball.

In citing the three instances proposing to show where the need for this system could have been helpful, in those instances what would have been accomplished had there been direct communications to these embassies?

Mr. BALL. We would have been informed as to the political situation. We would have been informed as to the danger to the staff, and could have gotten some help to the staff, if need be. The fact is that when there is a civil disturbance, the one thing that the U.S. Government needs most of all is information. It needs to know what is going on, and it needs to know whether relations should be broken, and diplomatic representatives should be withdrawn, and whether the

Navy should be sent in, so the gunboats are over the horizon; and it needs to know whether action should be taken to protect American personnel; and it needs to know all of the information which an embassy staff has, and which is totally useless to it unless it can get it back to Washington in a rapid fashion.

Mr. COLLIER. So that actually in case No. 2 that you cite here, where some personnel was assaulted, it would not have foreclosed the assault, but would rather have kept us advised as to what action should be taken if it were continued or if there should be a renewed assault. Is that correct?

Mr. BALL. That is right. And also what might be done to come to the rescue of these people. Information as to whether any of them had been hurt, and whether doctors should be brought in. Dozens of different types of information which are useful and necessary in a situation such as that.

Mr. COLLIER. As a practical matter, can you foresee any instance where the installation of an embassy communications system could serve a detrimental purpose if it were seized by revolutionaries in any of these countries?

Mr. BALL. No.

Mr. COLLIER. Knowing, of course, that there is no insurance policy against the seizure of the facility?

Mr. BALL. No. We can't imagine it could ever serve any useful purpose in those circumstances. If they seized the code books, of course, that would be another matter, but this is true anyway.

Mr. COLLIER. Apparently—perhaps I should say “obviously”—this program has been studied and even tentatively planned to the point where you have established that there are 92 posts that would probably be set up in the broad program. I presume, since you present a figure of \$23 million, that there would be or has been some talk about a long-range program of this sort?

Mr. BALL. Yes. This is spread over a period of 10 years, as I understand it.

Mr. COLLIER. Would it be possible for this committee to have, as long as this figure has been so definitely established, a list of those posts and the nations in which they would be located, together with some information as to the priority with which they would be established in those nations on the long-haul program?

Mr. BALL. Mr. Collier, we would be glad to give this information to the committee for its confidential use, but not for publication in the official record.

Mr. COLLIER. I believe, Mr. Chairman, that is all I have at the moment.

The CHAIRMAN. Mr. Moss, have you any questions?

Mr. MOSS. No; I have no questions, Mr. Chairman. I think it is quite clear that the whole request is predicated on the assumption, and I feel a very valid one, that it is attempting to gain something of advantage to the United States, which is a worldwide power with matters of urgent concern all over the globe, in many of the nations, and might gain the reciprocal rights here from nations with the most limited of interests. Certainly at this point in their history they are not global powers.

I think the statement answers the questions I had, Mr. Secretary.

Mr. BALL. Thank you, Mr. Moss.

The CHAIRMAN. Mr. Devine.

Mr. DEVINE. Mr. Ball, is this program initiated in your Department?

Mr. BALL. Yes. It was initiated in our Department because we are constantly trying to improve our communications. It is a matter of great importance to us.

Mr. DEVINE. I know what your answer will be to this, but I am trying to clarify the record.

As to the initial suggestion of this so-called reciprocal communications system, was the initial request made by a foreign power or was the initial request made by us and reciprocity was a byproduct?

Mr. BALL. No. We have been trying to get facilities established in many places around the world but have not been able to do so because we were not in a position to accord reciprocity, and our requests have been denied. It is based on a very long experience.

Mr. DEVINE. But it was initiated by the United States?

Mr. BALL. That is right.

Mr. DEVINE. Of course, some of us have mixed feelings on the meaning of reciprocity. Sometimes it is a one-way street.

Mr. BALL. I would say that what we are proposing is a very limited privilege indeed, and it is far more useful to the United States than to others.

Mr. DEVINE. I have no doubt that was your initial intention, but once it starts, of course, no one knows where it may go.

I would like to invite your attention to page 7 of your statement, or at least the statement we have here, where it says:

Communications experts inform us that atmospheric disturbances will be much more troublesome in the next decade.

To what does that relate? Weather or atomic testing?

Mr. BALL. Sunspots, as I understand it.

Mr. DEVINE. Sunspots?

Mr. BALL. Yes.

Mr. DEVINE. Do you expect great disturbances by perhaps having further Telstar satellites, and things like that?

Mr. BALL. No. The statement related merely to meteorological disturbances.

Mr. DEVINE. It makes no reference to possible nuclear explosions?

Mr. BALL. No; that was not intended by that language.

Mr. YOUNGER. Will the gentleman yield for one question?

Mr. DEVINE. Yes.

Mr. YOUNGER. You mentioned something of the Nation's denying us the right to put in a test station. Do you mind telling us which stations they were?

Mr. BALL. I can't tell you on the record. I can give it to you for the information of the committee, but in a public hearing I prefer not to do so.

Mr. YOUNGER. I think it would be well to have that in connection with our foreign aid program.

Mr. BALL. We will be glad to give you that information for the confidential use of the committee, if that is agreeable, Mr. Chairman.

The CHAIRMAN. You might submit that information to me or the clerk, Mr. Secretary.

Mr. Devine.

Mr. COLLIER. Will the gentleman yield?

Mr. DEVINE. Yes.

Mr. COLLIER. In your statement—and I meant to direct it to your attention in my questions—you indicated—and I cannot find the place now—that this system would be no threat to our security. Consequently, I assume, Mr. Ball, that these facilities would be used mainly for diplomatic rather than intelligence transmission. Would that be a fair statement?

Mr. BALL. That is right. Let me answer you in this way if I may, Mr. Collier. When a country maintains a diplomatic mission, let us say in Washington, it has available to it all of the facilities available to anyone else in this area. It can use commercial facilities of various forms. The ability to conceal that information depends upon its cryptographic skill. Whether that information goes out over the air through a radio station, or goes through a commercial facility, or by other means, makes no difference from the security point of view. These radio emissions would be monitored, and whether they would be of use to the U.S. Government would depend on whether they could be read or not. It is as simple as that.

Mr. COLLIER. Off the record.

(Discussion off the record.)

Mr. COLLIER. That is all.

Mr. DEVINE. I have two more questions. You mentioned somewhere in your statement—and I cannot pick it out now—that this matter had been discussed with various departments of the Government, including the Department of Justice. I assume no objection has been made by our duly accredited intelligence agencies such as CIA and the FBI?

Mr. BALL. That is right.

Mr. DEVINE. They have expressed no objection?

Mr. BALL. That is my understanding. Yes. They have expressed no objection.

Mr. DEVINE. The other question relates to the possibility of interception or jamming. These facilities would be subject to jamming just as the Voice of America is in other areas, would they not?

Mr. BALL. That is right. Technically there is no problem.

Mr. DEVINE. I yield back, Mr. Chairman.

The CHAIRMAN. Mr. Kornegay.

Mr. KORNEGAY. Mr. Ball, I am sorry I was not here for the presentation of your statement, but it was necessary that I attend another committee meeting this morning. Mr. Younger asked one of the questions I had in mind with reference to what nations had refused us permission to set up a radio station in their countries, and I understand you will submit a list of those countries to the committee on a confidential use basis.

Mr. BALL. Yes, sir. We will submit it later for the use of the committee.

Mr. KORNEGAY. Mr. Ball, what other major nations of the world have reciprocal agreements or laws similar to that which you suggest here today?

Mr. BALL. There is quite a variation here as between nations on this question. I think that in some cases the major countries have no limitation on the establishment of radio facilities by foreign nations. In some they do not permit it at all, and I think that the spectrum is between. Many of them permit it only on a reciprocal basis.

Mr. KORNEGAY. What about Great Britain, for example?

Mr. BALL. In Great Britain it is wide open. Any foreign embassy, or any foreign diplomatic post can maintain and have its own radio facility.

Mr. KORNEGAY. Its own radio station?

Mr. BALL. Yes. It is regarded by the British as a diplomatic privilege, the same as courier service.

Mr. KORNEGAY. At the present time, do we have our own station in London?

Mr. BALL. Actually we do not need that kind of facility in London.

Mr. KORNEGAY. Do we use commercial facilities?

Mr. BALL. Yes, we use commercial facilities. There is one point I think I should emphasize. There is no intention whatever of establishing radio stations where other facilities are available and adequate.

Mr. KORNEGAY. In other words, it would be used by us and set up by us only where it was actually needed, and commercial facilities, or other satisfactory facilities, are not available?

Mr. BALL. That is right.

Mr. KORNEGAY. What about the Soviet Union? What is their policy?

Mr. BALL. Reciprocity, I am told.

Mr. KORNEGAY. Similar in nature to that which you seek here?

Mr. BALL. Yes.

Mr. KORNEGAY. I note from just a very hasty perusal of your statement that on page 12 you state that these stations which would be set up by foreign governments under the provisions of this legislation, would be subject to specific restrictions. Does this legislation provide, or is there any other law that would provide us with authority to enforce these specific restrictions?

Mr. BALL. Well, the intention as I understand it is that in the first place, the stations would have to be low-powered stations. We had some discussion earlier in the hearing that would suggest that meant 400-watt stations.

Mr. KORNEGAY. That brings me to the crux of my point. What sanction do we have or what authority do we have to see that those stations are maintained at the prescribed wattage power?

Mr. BALL. They would be subject to inspection by the Federal Communications Commission.

Mr. KORNEGAY. Notwithstanding the fact that they would be located in an embassy or chancery?

Mr. BALL. That is right. That would be one of the conditions in their arrangement.

Mr. KORNEGAY. In other words, you can see no difficulty in enforcing the specific restrictions that would be placed in each instance?

Mr. BALL. I am told there is none at all contemplated in this.

Mr. KORNEGAY. I am told it is illegal for a foreign power to set up its own radio station in the United States. Is that right?

Mr. BALL. Yes, sir.

Mr. KORNEGAY. And in those instances where we occasionally hear of some foreign national having a shortwave radio in an embassy or somewhere else, it would be illegally operated. Is that right?

Mr. BALL. That is right.

Mr. KORNEGAY. Or operated outside of the law?

Mr. BALL. Yes.

Mr. KORNEGAY. Thank you very much for your statement. I will read it with great interest.

Mr. KEITH. Mr. Chairman.

The CHAIRMAN. Mr. Keith.

Mr. KEITH. Mr. Ball, we have on pages 12 and 13 of your statement a comment to the effect that you have been advised by the American commercial communications carriers that they have no objections to this if the legislation is deemed to be in the national interest. Now, I cannot conceive of any commercial company taking a contrary point of view. So it is your responsibility and ours to determine just what is the national interest.

Mr. BALL. That is right, Mr. Keith.

Mr. KEITH. We have, therefore, to weigh the relative merits of the commercial system with the governments facilities that you might construct.

Mr. BALL. Yes. I would say that one of the reasons which underlay the statement by the three companies is that they did not anticipate that this would result in any substantial impairment of revenue.

Mr. KEITH. What I am concerned about is that in the process of development of a nation, communication facilities play a most important role.

Mr. BALL. That is right.

Mr. KEITH. I would imagine in some of these remote areas we might be a major customer, and we would indirectly be contributing to the value of this facility in that area which would be used by the commercial interests in the area. and we would be, in a small way, making it a more profitable commercial enterprise.

Mr. BALL. I am sure we contribute to the revenues of the systems. That is true.

Mr. KEITH. I beg your pardon?

Mr. BALL. We certainly contribute to the revenues of these local systems.

Mr. KEITH. Yes. I suspect from some of the lobbying that has been done that Congressmen are some of the most substantial users of telegraph and telephone instruments in this country, and help considerably in that respect. So I would like to be assured in the implementing of this plan that any plus factor to the economy and the development of the country is considered. That is why I am particularly interested in the list of countries you plan to, or are going to, send over to the committee. In what countries do we now have such installations?

Mr. BALL. We will have to give you this off the record again.

Mr. KEITH. There are some?

Mr. BALL. There are some.

Mr. KEITH. It would seem to me that this law would not be needed in a majority of the 92 countries that you have in mind for the expansion of the program, and you could come to Congress through the Foreign Affairs Committee to get funds for this purpose in a great many countries.

Mr. BALL. In some countries we can, but in a great many countries we can't.

Mr. KEITH. Is there any particular urgency to this legislation?

Why is it brought up in the closing hours of the session, and why is it so drastically needed?

The CHAIRMAN. I think probably the Chair would be involved in that question.

Mr. KEITH. I would just as soon withdraw the question.

The CHAIRMAN. I do not mind saying that for some time the Department asked for this legislation. We did not schedule any hearings until now. The Department and the CIA talked to me about it about a month ago and I said I would schedule hearings on it as soon as the business of the committee would permit it. So it is not the Department of State that had anything to do with the delay in bringing it up, but the business of the committee that was already scheduled weeks ago.

Mr. KEITH. Thank you, Mr. Chairman and Mr. Ball.

The CHAIRMAN. Mr. Sibal.

Mr. SIBAL. Mr. Chairman. Mr. Secretary, I want to congratulate you on your statement and the answers to the questions you have given today. I do feel that some of the information you have said you are going to make available to us off the record will better enable us to approve this legislation, with some better degree of understanding of the problems involved, and I am sure this is the reason for some of the questions which have been asked. It does seem to me in the modern age, with the world developing the way we see it developing, that this is a facility which is certainly proper for the State Department to have. I have no further questions.

Mr. BALL. Thank you, sir.

The CHAIRMAN. Mr. Dominick.

Mr. DOMINICK. Could you tell me what is meant by those words, "in the fixed service," Mr. Ball?

Mr. BALL. This is, as I understand it, direct communication, as distinguished from broadcasting. In other words, it is directed at a particular point—point to point.

Mr. DOMINICK. Does this mean that the particular wave will be directed over a very narrow scope to a particular spot?

Mr. BALL. That is right. It is beamed to the receiving station.

Mr. DOMINICK. Can it be changed from point to point?

Mr. BALL. I will have to ask my colleagues.

Mr. KREER. Yes. Depending on the size of antenna used, primarily.

Mr. BALL. But if it were changed it is a matter we would know, because it would be subject to monitoring by the Federal Communications Commission, and the station would be approved for this particular purpose of communication with a particular point, and if the direction is changed it is a matter which would represent a deviation from the arrangement.

Mr. DOMINICK. I want to join with Mr. Sibal in stating that I think you have given us a very good explanation of this bill, and I appreciate your coming here.

Mr. BALL. Thank you, sir.

Mr. DOMINICK. That is all, Mr. Chairman.

The CHAIRMAN. Mr. Ball, thank you very much.

Mr. BALL. Thank you, Mr. Chairman.

Mr. WILLIAMS. May I ask one more question? First, let me say when I came in here and looked at this bill I regarded it with a great

deal of suspicion, I want to be perfectly honest with you, as I regard anything that is recommended by the State Department.

Mr. BALL. We seem to have a very curious reputation, Mr. Williams.

Mr. WILLIAMS. No personal reflection, you understand. And I think that is the basis for most of the questions that the bill raised in the minds of the members, it having been more or less suspect. I am inclined to feel that this is a desirable and reasonable request on the part of the State Department if proper safeguards are written into the act.

Mr. BALL. Yes.

Mr. WILLIAMS. I would like to ask this question though with respect to these countries who would be setting up radio services in the United States, or broadcasting facilities in the United States. Are we to presume this will be paid for by American money out of foreign aid funds?

Mr. BALL. No, I do not foresee this possibility.

Mr. WILLIAMS. Would you have any objection to our precluding any possibility that these would be paid for by American foreign aid funds?

Mr. BALL. I do not see any objection to this, and it can be done, I suppose, either by making it clear in the committee report—which might be a preferable technique to a change—

Mr. WILLIAMS. Nobody pays too much attention to committee reports, and some people don't pay too much attention to the law itself. I would rather just tighten it up real good and make sure the United States does not finance 100 percent of this whole program.

Mr. BALL. I can't, or I don't believe I would, have any objection to that, Mr. Williams.

Mr. WILLIAMS. That is all.

The CHAIRMAN. Thank you very much, Mr. Ball. I thought it might be difficult for you to answer all the questions, but I think you have very ably represented the interests of the Government in this legislation. It has been a very good session. I would hope we would not find it necessary to have you come back this afternoon. Admiral Curts, may I ask you how much statement you have?

Admiral CURTS. Two paragraphs and 4 minutes, sir.

The CHAIRMAN. Would you stand by a few minutes, Mr. Ball? We will hear you, Admiral Curts, with your two 2-minute paragraphs.

STATEMENT OF ADM. M. E. CURTS, U.S. NAVY, RETIRED, DIRECTOR OF TELECOMMUNICATIONS POLICY, OFFICE OF THE SECRETARY OF DEFENSE

Admiral CURTS. Mr. Chairman, there is very little I can add to the very comprehensive statement made by the Secretary. However, I represent the Department of Defense and I was requested by your committee to come over here. The statement follows:

The Department of Defense has no objection to the proposed bill, H.R. 11732. In fact it supports the State Department's request for this legislation.

The Department of Defense recognizes the need for improvement of the Department of State's communications capabilities to and from many of our embassies abroad, and especially in the areas where adequate commercial communications services are not available.

Recent events have focused attention upon the increasing requirement for closely coordinated efforts between the Department of Defense and the Department of State abroad. More effective coordination can be achieved through rapid, reliable, and secure communications. Enactment of this bill will materially assist in this endeavor.

Thank you.

The CHAIRMAN. Well, Admiral, let me compliment you on one of the shortest and most pointed and positive statements that I have heard anyone representing a department of the Government make in coming before the committee. You state your position very emphatically and you do it in a way that we understand what you mean. As a matter of fact, I do not even have any questions to ask you about it, it is that positive. Mr. Williams, do you have any questions?

Mr. WILLIAMS. I do not think so, Mr. Chairman. My feeling about the Defense Department is not exactly the same as it is about the State Department.

The CHAIRMAN. Are there any questions? If not, I would like to thank you, Admiral Curts. Now, Mr. Craven, we will be glad to hear from you.

STATEMENT OF T. A. M. CRAVEN, COMMISSIONER, FEDERAL COMMUNICATIONS COMMISSION, ACCOMPANIED BY MAX D. PAGLIN, GENERAL COUNSEL

Mr. CRAVEN. My name is T. A. M. Craven, and I am a member of the Federal Communications Commission. I appear to present the views of the Commission on H.R. 11732, a bill to amend section 305 of the Communications Act in order to permit the granting of reciprocal privileges to foreign governments for operation of radio transmitters located at or near their embassies or legations in Washington, D.C.

At the outset, I wish to make clear that the Commission is not in a position to evaluate the need of the Department of State for this legislation. Nor is the Commission in a position to assess the extent of the security problem—an area in which we have no experience or expertness.

However, there are several problems which arise with respect to matters within the Commission's jurisdiction, and I would like to refer to those problems briefly. First, the scarcity of frequencies in the 4 to 27.5 megacycles frequency range used for most long-distance communications and in which the proposed stations would be expected to operate; second, the potential interference to U.S. radio stations which could result; third, the problem of enforcement and surveillance; and fourth, the possible loss of revenue by U.S. communications common carriers as a result of traffic being diverted to the proposed embassy radio stations.

The Commission believes these matters must be considered in weighing the desirability of the legislation. However, in our view, the seriousness of the problems which might result from this legislation has been sharply reduced because of the careful manner in which the proposal is drafted, as well as the practices and procedures which we

understand will be followed in its implementation. These matters are covered in some detail in the Commission's comments on this legislation which have previously been furnished to your committee.

In summary, if legislation on this subject is to be enacted, we think the bill before you is an appropriate bill for the purpose.

We appreciate the opportunity to present our views, and we will be happy to answer any questions the committee may have.

The CHAIRMAN. Thank you, Mr. Craven. If there are no questions, we will adjourn.

(Whereupon, at 11:55 a.m., the committee adjourned.)

APPENDIX

COMMITTEE NOTE.—The following information, with respect to other communications legislation, S. 1288 and H.R. 4743, was submitted for insertion into the record by Commissioner T. A. M. Craven.

STATEMENT OF THE FEDERAL COMMUNICATIONS COMMISSION ON S. 1288, A BILL TO AMEND SECTION 362(b) OF THE COMMUNICATIONS ACT OF 1934

There is a bill pending before this committee on which we would like to comment, although we realize it is not the subject of these hearings.

Equipment and apparatus required to be installed on every ship of the United States subject to the provisions of title III of the Communications Act of 1934 must be inspected at least once each year by the Commission. S. 1288 would authorize the maximum permissible time lapse between inspections to be more than 12 months. This is proposed to be accomplished by adding a new sentence to section 362(b) of the Communications Act of 1934 to read as follows:

"The Commission may, upon a finding that the public interest would be served thereby, waive the annual inspection required under this section from the time of first arrival at a United States port from a foreign port, for the sole purpose of enabling the vessel to proceed coastwise to another port in the United States where an inspection can be held: *Provided*, That such waiver may not exceed a period of thirty days."

The Commission feels that flexibility in the vessel inspection requirements is desirable. We contemplate exercising this authority only in those instances where it is impracticable to make the required inspection because of unavailability of inspection personnel, where the distance from the Commission's office to the vessel would not permit the completion of the inspection, including travel time, during office hours, or where the duration of the vessel's stay in port is too short to permit inspection.

The Commission made a report to your committee on S. 1288 and also an identical proposal, H.R. 4743, and recommended their enactment.

We understand the Bureau of the Budget has also informed this committee that it concurs in the Commission's report on this legislation and likewise recommends its enactment.

We again urge your favorable consideration of this legislation.

COMMENTS OF THE FEDERAL COMMUNICATIONS COMMISSION ON S. 1288 AND H.R. 4743, 87TH CONGRESS, 1ST SESSION, IDENTICAL BILLS TO AMEND SECTION 362(b) OF THE COMMUNICATIONS ACT OF 1934

S. 1288 and H.R. 4743 would amend title III, part II of the Communications Act of 1934, as amended, by adding to section 362(b) the following:

"The Commission may, upon a finding that the public interest would be served thereby, waive the annual inspection required under this section from the time of first arrival at a United States port from a foreign port, for the sole purpose of enabling the vessel to proceed coastwise to another port in the United States where an inspection can be held: *Provided*, That such waiver may not exceed a period of thirty days."

Equipment and apparatus required to be installed by title III, part II, of the act is required by section 362(b) to be inspected at least once every 12 months. S. 1288 and H.R. 4743 would authorize the maximum permissible time lapse between inspections to be more than 12 months.

The Commission supports the introduction of an element of flexibility into the provisions of section 362(b). In the past, there have been instances of difficulty arising because of the inflexibility of section 362(b) and the lack of inspection facilities in certain ports. The parallel requirements of the Convention for the Safety of Life at Sea permit some inspectional leeway to administrations in con-

nection with radio equipment to be installed by the convention. The Commission contemplates that the waiver provision would generally be exercised only in those instances where it is impracticable to make the required inspection because of unavailability of inspection personnel, where the distance from the Commission's office to the vessel would not permit the completion of an inspection, including travel time, during office hours, or where the duration of the vessel's stay in port is too short to permit inspection.

The language of S. 1288 and H.R. 4743 is as was suggested by the Commission in our comments on S. 3496, 86th Congress, 2d session.

The Commission favors enactment of this legislation.

Adopted: March 29, 1961.

