

Federal Radio Commission

Amateur Radio Licensing in the United States



Federal Radio Commission (FRC) Seal

Formation and early history

The first regulatory legislation over radio communication in the United States of America, was the [Radio Act of 1912](#), which gave regulatory powers to the **Secretary of the Department of Commerce and Labor**. **The Radio Act of 1912 did not mention broadcasting and limited all private radio communications to what is now the AM band.** Established in the early 1900s, regulation of amateur radio was a result of the U.S. Navy's concern about interference to its stations and its desire to be able to order amateur radio stations off the air in the event of war. U.S. Amateur Radio was first governed by the U.S. Department of Commerce, then by the Federal Radio Commission (FRC), and finally in 1934 by the Federal Communications Commission (FCC). The federal government's licensing of amateur radio experimenters and operators has evolved considerably over the century since the inception of licensing.

1912 through 1950

Under authority of the Radio Act of 1912, the Department of Commerce issued [Amateur First Grade](#) and [Amateur Second Grade](#) operator licenses. [Amateur First Grade](#) required an

essay-type examination and five (later ten) words per minute code examination before a Radio Inspector at one of the Department's field offices. This class of license was renamed Amateur Class in 1927 and then Amateur First Class in 1932. Amateur Radio licensing in the United States began in mid-December 1912.

At first, the Amateur Second Grade license required the applicant to certify that he or she was unable to appear at a field office but was nevertheless qualified to operate a station. Later, the applicant took brief written and code exams before a nearby existing licensee. This class of license was renamed Temporary Amateur in 1927.

The Department of Commerce created a new top-level license in 1923, the Amateur Extra First Grade, that conveyed extra operating privileges. It required a more difficult written examination and a code test at twenty words per minute. In 1929, a special license endorsement for "unlimited radiotelephone privileges" became available in return for passing an examination on radiotelephone subjects. This allowed amateurs to upgrade and use reserved radiotelephone bands without having to pass a difficult code examination.

From 1912 through 1932, amateur radio operator licenses consisted of large and ornate diploma-form certificates. Amateur station licenses were separately issued on plainer forms.

In 1933, the Federal Radio Commission (FRC) reorganized amateur operator licenses into Classes A, B and C.

Class A conveyed all amateur operating privileges, including certain reserved radiotelephone bands. Amateur Extra First Grade licensees and Amateur First Class licensees with "unlimited radiotelephone" endorsements were grandfathered into this class.

Class B licensees did not have the right to operate on the reserved radiotelephone bands. Amateur First Class licensees were grandfathered into this class.

Class C licensees had the same privileges as Class B licensees, but took their examinations from other licensees rather than from Commission field offices. Because examination requirements were somewhat stiffened, Temporary Amateur licensees were not grandfathered into this class but had to be licensed anew.

In addition, that year the FRC began issuing combined operator and station licenses in wallet-sized card form.

The Radio Act of 1927

The [Radio Act of 1927](#) superseded the Radio Act of 1912 and created **The Federal Radio Commission (FRC)** which was a government body that regulated radio use in the United States. The [Communications Act of 1934](#), superseded the Radio Act of 1927 and created the **Federal Communications Commission (FCC)** which replaced the FRC. The FCC was created to regulate radio use "as the public convenience, interest, or necessity requires."

Prior to 1927, radio was regulated by the United States Department of Commerce from authority of the Radio Act of 1912, and Commerce Secretary Herbert Hoover played a strong role in shaping radio. His powers were limited, however; in particular, he was not allowed to deny broadcasting licenses to anyone who wanted one. The result was that many people perceived the airwaves to suffer from "chaos," with too many stations trying to be heard on too few frequencies. (Initially only two frequencies were available for broadcasting with one of these being reserved for "Crop reports and weather forecasts") After several failed attempts to rectify this situation, **Congress finally passed the Radio Act of 1927 (signed into law February 23, 1927), which transferred most of the responsibility for radio to a newly created Federal Radio Commission (FRC)**. (Some technical duties remained the responsibility of the Radio Division of the Department of Commerce.)

The five-person FRC was given the power to grant and deny licenses, and to assign frequencies and power levels for each licensee. The Commission was not given any official power of censorship, although programming could not include "obscene, indecent, or profane language." In theory, anything else could be aired. In practice, the Commission could take into consideration programming when renewing licenses, and their ability to take away a broadcaster's license obviously enabled them to control content to some degree. Some key examples are listed below.

The FRC also had little power over networks; in fact, the Radio Act of 1927 made almost no mention of the radio networks (notably NBC and, a bit later CBS) that were in the process of dominating radio. The only mention of radio networks was vague: The Commission {the Federal Radio Commission} shall *"Have the authority to make special regulations applicable to stations engaged in chain broadcasting."*

The act did not authorize the FRC to make any rules regulating advertising. Advertising was mentioned in the act with only slightly more authority than networking; merely requiring advertisers to identify themselves:

"All matter broadcast by any radio station for which service, money, or any other valuable consideration is directly paid, or promised to, or charged to, or accepted by, the station so broadcasting, from any person, firm, company, or corporation, shall at the time the same is so broadcast, be announced as paid for or furnished as the case may be, by such person, firm, company, or corporation."

A forerunner of the "equal time rule" was stated in section (18) of the Radio Act of 1927 which ordered stations to give equal opportunities for political candidates. The act did vest in the Federal Radio Commission the power to revoke licenses and give fines for violations of the act.

The Radio Act of 1927 divided the country into five geographical zones. Each zone was represented by one of the five Commissioners. The 1928 reauthorization of the Radio Act included a provision, called the "Davis Amendment" after its sponsor Ewin L. Davis, that required each zone to have equal allocations of licenses, time of operation, station power, and wavelength. This greatly complicated things for the Commissioners; they were required to deny station applications to otherwise qualified candidates simply because the new station would put a particular state or zone over its quota. For example, the northeast had a greater population than the southwest, but was limited to the same number of stations as more sparsely populated areas. Likewise, many small communities in the southwest could have added a local station without increasing interference (because of their remoteness), but were prevented from doing so by the Davis Amendment.

Although the Commission's primary responsibility was radio, on February 25, 1928 Charles Jenkins Laboratories of Washington, DC became the first holder of a television license from the Federal Radio Commission.

Formation of the Federal Radio Commission

President Calvin Coolidge nominated five men to the commission: Admiral W.H.G. Bullard as chairman, Colonel John F. Dillon, Eugene O. Sykes, Henry A. Bellows, and Orestes H. Caldwell.

The first three were confirmed by the Senate and the first two died soon afterward. Bellows and Caldwell didn't receive salaries, but stayed on anyway. These three did conduct a badly needed reallocation of frequencies. In October, President Calvin Coolidge removed

Bellows from the commission; he returned to Minneapolis where he had been a broadcaster. In November 1927 Harold Lafount and Sam Pickard joined the commission. In March 1928 Caldwell was barely re-confirmed and Ira Robinson became chairman, the commission was finally complete.

The composition of the FRC from 1927-1934 was as follows:

Zone 1: Orestes H. Caldwell (NY Editor of Radio Retailing); Caldwell resigned 2/23/29 and was replaced by W. D. L. Starbuck (NY Patent Attorney), appointed May, 1929.

Zone 2: W. H. G. Bullard (PA); Bullard died 11/24/27 and was replaced by Ira E. Robinson (WV State Supreme Court judge); Robinson resigned 1/32 and was replaced by Col. Thad Brown (OH lawyer & politico, holding various appointed offices including OH Secretary of State), appointed 3/28/32. Brown remained on the FRC until he was appointed to the FCC in 1934.

Zone 3: Eugene Octave Sykes (MS) remained until he was appointed to the FCC in 1934.

Zone 4: Henry Adams Bellows (MN); Bellows was forced to resign 10/31/27 and later became chairman of the National Association of Broadcasters; Bellows was replaced by Sam Pickard (KS); Pickard resigned 1/31/29 and was replaced by Charles McKinley Saltzman (IA), appointed May, 1929; Saltzman resigned in irritation 6/32 and was replaced by James H. Hanley

Zone 5: John F. Dillon (CA); Dillon died 10/8/27 and was replaced by Harold A. Lafount (UT); Lafount stayed on the FRC until its replacement by the FCC, but he was not appointed to the FCC. In the late 1930s Lafount became president of the National Independent Broadcasters.

Radio licensing

In the spring of 1928, the commissioners made drastic reallocations and told 164 stations to justify their existence or be forced to stop broadcasting (these hearings came under the title of General Order 32). Many low-powered independent stations were eliminated, although eighty-one stations did survive, most with reduced power. Educational stations fared particularly poorly. They were usually required to share frequencies with commercial stations and operate during the daytime, which was considered worthless for adult education.

KFKB Milford, Kansas had been renewed several times by the Federal Radio Commission. It was one of the most popular stations in the nation. KFKB was owned by a surgeon, John R. Brinkley, who, among other things, espoused, over the airwaves, implanting

slivers of goat testes in men's testicles for "sexual rejuvenation." The American Medical Association was very upset over a program in which he read listener mail describing symptoms, and then prescribed over the air, describing the medication by number. Listeners had to visit a Brinkley "kick back" pharmacy to fill these prescriptions. In 1930 the Federal Radio Commission denied his request for renewal. Brinkley appealed on the grounds of censorship. The U.S. Court of Appeals denied his appeal. The court ruled that the Federal Radio Commission could consider past programming content without it being censorship. This, however, didn't stop the ever-popular Dr. Brinkley, who almost won the governorship of Kansas in 1930 by write-in votes. He simply beamed his programs to the United States over 100,000 watt XER from Villa Acuna, Coah, Mexico. This was twice the power of any broadcast radio station save one experimental 500,000 watt station WLW Cincinnati. Not to be outdone, Brinkley increased his power to 500,000 watts as well, as XERA, and used a curtain-array antenna to focus his signal northward.

KGEF Los Angeles, California was the second station to lose its license over what it broadcast. Owned by "Battling Bob" Robert P. Shuler (not to be confused with the Robert Schuller of the Crystal Cathedral a generation later), he built his station at Trinity Methodist Church, South, in downtown Los Angeles from a donation from Methodist philanthropist Lizzie Glide, who also funded San Francisco's famous Glide Memorial Church. The station quickly ran afoul of the political interests of a corrupt Los Angeles, who didn't appreciate either Shuler's reactionary politics or his often accurate knowledge of who was being paid off by whom. *KGEF v. FRC* followed in the footsteps of *KFKB v. FRC* as the second of the one-two punch that made past programming relevant in license renewals, though the primary reason for the rejection of the license renewal was that Shuler owned the station (because Glide wrote the check to him) but the church held the license.

WNYC, the municipal station of New York City, was assigned a part-time, low-power channel. It appealed and lost. Even though the station was government owned, the Federal Radio Commission said that city ownership did not give the station any special standing concerning the "public interest, convenience, and necessity." This was representative of the decline of public broadcasting. These three cases asserted the rights of the Federal Radio Commission.

Different types of radio services

The Federal Radio Commission issued many licenses for radio services other than radio broadcasting. **In 1932, the FRC had licensed about thirty thousand amateur radio stations**, about two thousand ship radios, and about one thousand fixed-point land radio stations. The number of licensed radio broadcasting stations (all of which were AM stations) was 625. Public attention in the mass media, however, mainly concerned radio broadcasting. Radio came to be closely associated in common language with radio broadcasting. Many other radio stations, however, were operating at the same time as early radio broadcasting stations.

The FRC's regulatory enforcement efforts focused on radio broadcasting content. In 1932, out of a total of 424 FRC license investigations, 242 concerned radio broadcasting. Among those 242 radio broadcasting investigations, 156 concerned radio broadcasting content. Analyzing radio broadcasting content is a very different type of technical expertise than evaluating non-content-related radio operations.

Enforcing non-content-related radio regulations occupied relatively more regulatory attention during the time of the FRC than in the early twenty-first century. The FRC, along with the Radio Division of the United States Department of Commerce, had in 1932 about as many staff members working on enforcement of non-content-related radio rules as the Federal Communications Commission had in 2002. The total number of radio licenses held, however, was about fifty times greater in 2002 than in 1932. The FRC, along with the Department of Commerce, emphasized education and cooperation in getting radio operators to adhere to radio operating rules. Subsequent proliferation of radio uses other than radio broadcasting did not lead to more regulatory resources devoted to enforcing non-content-related radio regulations.

Other accomplishments

The FRC carried out provisions of the Radio Act of 1927 to license persons operating amateur and commercial transmitters. It also complied with new treaty obligations to assign U.S. stations ITU prefixes.

Controversy

When broadcasting began to be regulated, and stations had to have a broadcast licence, some saw this as an infringement of the First Amendment to the United States Constitution stating that the government shall not stop freedom of speech in the media. This was because prior to broadcast licensing, anyone could start transmitting their views cheaply and efficiently.

Almost from the start, the FRC was accused of being captured by the industry it regulated -- radio broadcasters. Historians and contemporary critics who held this position generally pointed to the results of FRC regulation which, in many cases, advantaged large commercial radio broadcasters at the expense of smaller noncommercial broadcasters. Early radio regulation has since become a commonly-used example of rent-seeking.

Abolishment of the Federal Radio Commission

In 1934 Congress passed the Communications Act, which abolished the FRC and transferred jurisdiction over radio licensing to a new Federal Communications Commission (FCC). Title III of the Communications Act contained provisions very similar to the Radio Act of 1927, and the new FCC largely took over the operations and precedents of the FRC.