



WASHINGTON REPORT

NATIONAL ASSOCIATION OF EDUCATIONAL BROADCASTERS

1346 Connecticut Avenue, N.W., Washington, D.C., 20036

Volume V Number 12

August 14, 1964

COMMISSION TO HEAR ORAL ARGUMENT ON MPATI PROCEEDING

Because of the numerous comments filed in the rulemaking proceeding concerning allocation of UHF channels for the MPATI operation, and as a result of a request by MPATI, the FCC issued notice on July 24 of a scheduled oral argument. The argument will be held at the Commission's offices in Washington, D.C., on October 9.

The FCC has advised that parties interested in participating in the argument should notify the Secretary of the Commission, Ben F. Waple, in writing on or before September 18, briefly stating whether or not they will support or oppose the Petition, and the approximate amount of time they wish to use in argument. After these various requests have been received, the amount of time allowed to various parties will be specified by further Order, which will also set forth the order of presentation.

The proceeding involves MPATI's petition that its present experimental operation be authorized on a regular basis and that six UHF channels be provided for that purpose. In the June 15 Washington Report (Vol. V, No. 9), the NAEB announced its filings on the MPATI proposal. Copies of the filings are available at the Washington office.

COPYRIGHT REVISION BILLS INTRODUCED IN CONGRESS

On June 20, identical bills proposing a complete revision of the copyright laws were introduced in the Senate and the House. The bills were drawn up under the direction of Abraham L. Kamenstein, Register of Copyrights, and copies are obtainable from the House Judiciary Committee or the Senate Judiciary Subcommittee on Patents, Trademarks, and Copyrights.

The Bill largely ignored the recommendations of the Ad Hoc Committee formed last March to coordinate the interests of education as users of copyrighted materials. The proposed revisions would not even permit limited copying for educational purposes and would only permit the telecasting of "live" performances over closed-circuit systems. There is no exemption whatsoever for educational programing over the air.

On August 5, in New York, representatives of the Ad Hoc Committee held a press conference at which Dr. Fred Siebert, Chairman of the NAEB Rights Committee, indicated the ways in which the proposed revision adversely affects education: elimination of the exemption which permits non-profit organizations to use non-dramatic copyrighted materials; failure to permit recording of educational programs in the form of sound recordings, films, kinescopes or videotapes; and limitation of the use of copyrighted materials to the classroom and to "live" broadcasts for reception solely within educational institutions.

Statements were also made by Harry Rosenfield, attorney for the Ad Hoc Committee; Dr. Robert Shafer, representing the National Council of Teachers of English; and NAEB President Harley, who stated that the Bill makes no distinction between educational and commercial broadcasting and "by refusing to recognize educational broadcasting as an integral part of education itself, effects a return to 19th century educational methods."

Rosenfield, speaking for the group, warned that unless drastic changes are made in the Bill so as to provide necessary and suitable protection for education's rights, education would be compelled to oppose enactment of this Bill.

On August 8 and 9, the Panel of Consultants to the Register of Copyrights met in New York to allow interested parties to react to the proposed Bill. The same representatives of education plus Gene Alleinikoff, counsel for NET, made vigorous statements about the regressive and deleterious effects these strictures would have upon education and, in particular, upon educational radio and television.

The Register has stated that the present Bill was introduced for purposes of study and comment and no hearings will be held on it at this session. A revised bill, taking into account the discussion at the August Panel Meetings, will be introduced early in the 89th Congress.

A thorough report on the copyright situation will be distributed shortly by the NAEB for the membership.

HARLEY TESTIFIES AT EXCISE TAX HEARING

President Harley appeared before the House Ways and Means Committee on July 28, with television set manufacturers, retailers and commercial broadcasters, to urge the removal of the 10 per cent excise tax on television sets.

Mr. Harley reaffirmed NAEB approval of the all-channel legislation enacted in 1962 and put into effect this spring. This law requires that all television sets shipped in interstate commerce be able to receive all the channels, 2 through 83. Harley stated that "if educational television is to develop its potential, it is clear that UHF television must succeed."

He pointed out that the high cost of FM sets when they were developed in the middle 40's had resulted in a delay in demand for FM sets. "This increased price (on television sets) will have a significant deterrent effect upon the rate of set replacements." A relief from this price increase would result in softening "consumer resistance in the new television set market, and by that fact encourage educators and community groups to make the large investments necessary to enter the educational television field," Harley stated.

In closing, the NAEB president urged that "such legislation as the Congress enacts embrace the following: (1) Excise tax relief that does not exceed the cost of installing UHF tuners, and (2) Excise tax relief that is temporary but of not less than two years' duration."

Copies of Mr. Harley's complete testimony can be obtained from the Washington office.

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"Unlocking the Airwaves: Revitalizing an Early Public and Educational Radio Collection."



A collaboration among the Maryland Institute for Technology in the Humanities,
University of Wisconsin-Madison Department of Communication Arts,
and Wisconsin Historical Society.

Supported by a Humanities Collections and Reference Resources grant from
the National Endowment for the Humanities



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