

OGC HAS REVIEWED.

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SECURITY INFORMATION

Assistant Director, Communications

1 February 1952

General Counsel

Reciprocal communications privileges

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1. Your memorandums of 7 December to me and of 6 December to the Deputy Director present a situation which, with Mr. [redacted] permission, I discussed with Mr. Paul Barringer, Acting Director, Office of Transport and Communications Policy of the Department of State. Mr. Barringer, while not a technician in the communications field, is fully familiar with the administrative, political and policy problems. He was most cordial and frank about the position of the Department in this field, and I believe his suggestions are helpful.

2. As you know only too well, the practical problem revolves around availability of frequencies. I gathered from Mr. Barringer that he would either tacitly or actively support any attempt by this Agency to achieve a position of such priority in the allocation of frequencies that we could requisition present duplicate, stand-by, or surplus frequencies being retained by other agencies, public or private. The question of such priorities would, of course, end up in the White House, and I gathered Mr. Barringer is not optimistic about positive and early action at that level.

3. If we have our frequencies and know in what countries we wish to place our stations, we then come face to face with the technical problem of reciprocal rights. The definitive decision on the Communications Act of 1934 was given by the Legal Advisor for the State Department in 1941, and there seems little likelihood that it can be reversed. In effect, it says that there is no way by which a foreign government can be licensed for transmission from this country and that it may not operate stations without a license.

4. Mr. Barringer agrees with you that many countries will insist on reciprocal rights whether they intend to use them or not. We are, therefore, at an impasse unless alternatives to reciprocity are found, or the Act can be surmounted. For alternatives in foreign countries which may be suitable for your purposes, the U. S. Government has strong leverages which may be used to get communication rights without reciprocating in the same manner. Perhaps skillful negotiations by ourselves, State and other agencies, using economical and political leverages, can achieve our end. If not, and reciprocity is the only answer, it is theoretically possible for State to negotiate a bilateral treaty

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which if approved by the Senate becomes the law of the land surmounting the prohibitions of the Statute. Such a move in the Senate would be far easier than the almost impossible job of amending the Act.

5. The State Department legal opinion pointed out that there is no criminal proceeding that could be brought for violation of the Act, but Mr. Barringer points out that nevertheless action would have to be taken to prevent use of an illegal situation. The two exceptions that are known are the

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basis for war-time purposes, and [redacted] which apparently is allowed to exist on paper as it never has been in use.

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6. Please let us know if there is anything further you would like us to examine in this respect.

LAWRENCE R. HOUSTON

OGC/LRH:aia

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