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*Sent to Ben Duck
expect approval
after 1st of yr.*

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P.C.P.B.

December 22

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(Draft)

EXECUTIVE ORDER 0000

DESCRIBING REGULATIONS GOVERNING THE USE,
CONTROL, AND CLOSING OF RADIO STATIONS;
THE USE, CONTROL, AND CLOSING OF STATIONS
AND FACILITIES FOR WIRE COMMUNICATIONS;
AND
IN THE EVENT OF WAR, THE PREFERENCE OR
PRIORITY OF COMMUNICATIONS.

WHEREAS by virtue of the authority vested in me by the Constitution as President of the United States, a state of national emergency was proclaimed by me on December 16, 1950;

AND WHEREAS Section 606(c) of the Communications Act of 1934 (48 Stat. 1104; U.S.C., title 47, sec. 606), as amended, authorizes the President under such circumstances to suspend or amend rules and regulations applicable to any or all stations within the jurisdiction of the United States as prescribed by the Federal Communications Commission, to cause the closing of any radio station and the removal therefrom of its apparatus and equipment, and to authorize the use or control of any such station and/or its apparatus and equipment by any agency of the Government, under such regulations as the President may prescribe upon just compensation to the owners;

AND WHEREAS it is necessary to insure the national security and defense (including civil defense) and the successful conduct of any war in which the United States may be engaged that the Government of the United States take over, operate, and have use or possession of certain radio stations or parts thereof within the jurisdiction of the United States,

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and inspect, supervise, control or close other radio stations or parts thereof within the jurisdiction of the United States;

AND WHEREAS Section 606(d) of the Communications Act of 1934, as amended, authorizes the President, upon proclamation that there exists a state or threat of war involving the United States, to suspend or amend rules and regulations applicable to any or all facilities or stations for wire communications within the jurisdiction of the United States as prescribed by the Federal Communications Commission, to cause the closing of any facility or station for wire communication and the removal therefrom of its apparatus and equipment, or to authorize the use or control of any such facility or station and its apparatus and equipment, by any department of the Government under such regulations as the President may prescribe upon just compensation to the owners;

AND WHEREAS it is necessary in the interests of the national security and defense and for the successful conduct of any war in which the United States may be engaged, that the Government of the United States take over, use, and operate certain facilities for wire communication, or parts thereof, within the jurisdiction of the United States, and inspect, supervise, control, or close certain facilities for wire communication, or parts thereof, within the jurisdiction of the United States;

AND WHEREAS Section 606(a) of the Communications Act of 1934, as amended, authorizes the President, during the continuance of any war in which the United States is engaged, if he finds it necessary for the national defense and security, to direct that such communications as in his judgment may be essential to the national defense and security shall

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have preference or priority with any carrier subject to the Communications Act of 1934, as amended;

AND WHEREAS it is necessary to insure the national security and defense and the successful conduct of any war in which the United States may be engaged, that there should be priority with respect to the transmission of certain communications by wire, cable, and radio;

NOW, THEREFORE, by virtue of the authority vested in me under the Constitution of the United States, under the aforementioned proclamation of national emergency dated December 16, 1950, and under the provisions of the aforementioned Section 606 of the Communications Act of 1934, as amended, I hereby prescribe that from and after this date the National Telecommunications Board created by Statute --- on ----, (hereinafter referred to as the Board), shall exercise the power and authority vested in me by Section 606 of the Communications Act of 1934, as amended, pursuant to and under the following regulations.

The general functions of the Board shall be, with the requirements of national defense a primary consideration, to determine, coordinate, and prepare plans for the national defense and to implement them during any national emergency or any war in which the United States may be engaged:

(a) The needs of the armed forces of the United States, of civil defense, of other governmental agencies, of industry, and of other civilian activities, for radio, wire, and cable communication facilities of all kinds;

(b) The allocation of such portions of governmental and non-governmental radio, wire, and cable facilities as may be required to meet the

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needs of the armed forces, due consideration being given to the needs of civil defense, other governmental agencies, of industry, and of other civilian activities; and

(c) The measures of control, the agencies to exercise this control, and the principles under which such control will be exercised over non-military communications to meet defense requirements.

The specific functions of the Board shall be as follows:

I. WIRE, CABLE, AND RADIO

1. The Board shall determine, prepare, and implement plans for the allocation of such portions of governmental and non-governmental wire, cable, and radio facilities as may be required to meet the needs of the armed forces, due consideration being given to the needs of civil defense, of other governmental agencies, of industry, and of other civilian activities.

2. The Board shall, if the national security and defense and the successful conduct of any war in which the United States may be engaged so demand, designate specific facilities for wire communications or portions thereof and specific radio stations and facilities or portions thereof for the use, control, supervision, inspection or closure by the Department of the Army, the Department of the Navy, the Department of the Air Force, or other agency of the United States Government.

3. The Board shall, if the national security and defense and the successful conduct of any war in which the United States may be engaged so demand, prescribe classes and types of facilities for wire communications or portions thereof and classes and types of radio stations and facilities or portions thereof which shall be subject to use, control, supervision

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inspection or closure, in accordance with such prescription, by the Department of the Army, the Department of the Navy, the Department of the Air Force, or other agency of the United States Government designated by the Board.

4. Every department and independent agency of the Government shall submit to the National Telecommunications Board, at such time and in such manner as the Board may prescribe, full information with respect to all use made or proposed to be made of any facility for wire communication or of any radio station or facility and of any supervision, control, inspection or closure which has been or is proposed to be effected pursuant to paragraph 3 hereof.

5. No facility for wire communication and no radio station or facility shall be taken over and operated in whole or in part or subjected to governmental supervision, control or closure unless such action is essential to national defense and security and the successful conduct of any war in which the United States may be engaged. So far as possible, action taken pursuant to this Order shall not interfere with the procurement needs of civilian governmental agencies, the normal functioning of industry or the maintenance of civilian morale.

6. Until and except so far as said Board shall otherwise provide, the owners, managers, boards of directors, receivers, officers and employees engaged in wire communication or of the radio stations shall continue the operation thereof in the usual and ordinary course of business, in the names of their respective companies, associations, organizations, owners or managers, as the case may be.

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7. The head of any department or agency which uses or controls any facility for wire communication or any radio station, pursuant to the terms of this Order shall ascertain the just compensation for the use or control of such facility for wire communication or of such radio station and recommend such just compensation in each such case to the President for approval and action by him in accordance with the provisions of subsection (e) of Section 606, as amended, of the Communications Act of 1934, as amended.

8. By subsequent order of the Board, the use, control, or supervision of any facility for wire communication or class or type thereof or of any radio station or facility or class or type thereof assumed under the provisions of this Order may be relinquished in whole or in part to the owners thereof and any restrictions placed on any station or facility for wire communication or on any radio station or facility pursuant hereto may be removed in whole or in part.

II. PREFERENCE OR PRIORITY OF COMMUNICATIONS

1. During the continuance of any war in which the United States is engaged, the Board is hereby designated, in accordance with the provisions of Section 606(a) of the Communications Act of 1934, as amended, to make such arrangements as may be necessary in order to insure that communications essential to the national defense and security shall have preference and priority with any carrier subject to the Communications Act of 1934, as amended.

2. During the continuance of any war in which the United States is engaged, the Board may issue any regulations which may be necessary to

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accomplish the purposes of paragraph (1) hereof.

3. During the continuance of any national emergency so proclaimed by the President, however, the Board shall make such plans as may be necessary for the execution of the wartime authority given to the Board in paragraphs (1) and (2) hereof.

The Board shall take no cognizance of matters pertaining to censorship.

The Board shall study the physical aspects of all broadcasting including telecasting and shall recommend such precautions, supplementary facilities, and reallocations as it shall deem desirable under foreseeable military conditions. It shall also make plans for the speedy and efficacious use of all necessary facilities and to implement them during any national emergency or war.

The Board shall appoint such committees as may be necessary to carry out these functions and to provide for continuous studies and for contact with other government agencies and with the civil communication industry.

Except as otherwise instructed by the Board, committees appointed thereby shall have no power to make final disposition of any matter presented to them by the Board for study, but they shall express to the Board by written report their findings and recommendations. Minority reports may be submitted if deemed of sufficient importance to warrant further consideration by the Board.

The Board and the committees shall call for consultation such representatives of other Government agencies and of the civilian communication industry as may be deemed advisable in obtaining full knowledge of the situation being studied, to the end that the needs of all may be considered

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and provided for insofar as the situation permits. Other Government agencies are directed to cooperate in providing assistance required by the Board in its studies.

During the continuance of any war in which the United States is engaged, or in any national emergency, the existing Interdepartmental Radio Advisory Committee shall act as a Committee of the Board, but only in an advisory capacity. While the Interdepartmental Radio Advisory Committee is so acting as an advisory committee, all of its reports, recommendations, or communications prepared for submission to the President shall be submitted to the Board, for consideration from the standpoint of national defense and for disposition.

All terms herein used shall have the meanings ascribed to such terms in Section 3, as amended, in the Communications Act of 1934.

All regulations of general applicability issued by the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force, or any other Government agency under these Presidential regulations shall be published in the FEDERAL REGISTER.

All property and records of the former Board of War Communications, which were transferred to the Federal Communications Commission under Executive Order 9831 of February 24, 1947, disestablishing that Board, shall be transferred to the National Telecommunications Board.

Harry S. Truman
President of the
United States

THE WHITE HOUSE
